

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

Tuesday, July 15, 2025

Hearing Room 1545

9:00 AM
2:00-000000

Chapter

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

Meeting ID: 160 727 9550

Password: 826534

Meeting URL: <https://cacb.zoomgov.com/j/1607279550>

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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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CONT...

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
Central District of California
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Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

2:25-11637 Roberto Zepeda and Ana Lilia Victorio

Chapter 13

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

U.S. BANK NATIONAL ASSOC
vs
DEBTOR

Docket 25

***** VACATED *** REASON: Order granting stip to cont'd RFS to
08/19/25 at 10:00 a.m. [dkt. 38]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto Zepeda

Represented By
David H Chung

Joint Debtor(s):

Ana Lilia Victorio

Represented By
David H Chung

Movant(s):

U.S. Bank National Association

Represented By
Craig A Edelman
Renee M Parker

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

2:24-13431 FAME Housing Corporation and Oner Charles Mergerson

Chapter 7

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

PCB BANK/MONTGOMERY
EQUITY TRUST
vs
DEBTOR

Docket 316

Tentative Ruling:

Continue as set forth below. Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) The automatic stay applies to Debtor's interest in the property notwithstanding its abandonment by the estate

This Court notes that the subject property is no longer "property of the estate" because it has been abandoned. See dkt. 259 (order granting Chapter 7 Trustee's motion to abandon the property). The tentative ruling is that this terminates the automatic stay as to "property of the estate" but the automatic stay still protects "property of the debtor" from liens, at least until the case is closed or dismissed or (for chapter 7 or individual debtors) until a discharge is granted or denied (whichever occurs earliest). See 11 U.S.C. 362(a)(5), (c)(2). *In re Gasprom, Inc.*, 500 B.R. 598, 604–05 (9th Cir. BAP 2013).

In this case, it appears that under the foregoing principles the stay has not yet terminated. Accordingly, this Court turns to whether to grant relief from the automatic stay.

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CONT... FAME Housing Corporation and Oner Charles Mergerson

Chapter 7

(2) Reason(s) for continuance:

The tentative ruling is to continue this hearing to 8/19/25 at 10:00 a.m., with a **deadline of 7/22/25** for Movant to do all of the following: (1) file amended motion papers correcting the inconsistencies with respect to the property address described in part “(2)(a),” below; (2) properly serve the amended motion papers upon Debtor as described in part “(2)(b),” below; and (3) file a proof of service of notice of the continued hearing (with a **deadline of 8/5/25** for any opposition to the motion and a **deadline of 8/12/25** for any reply).

(a) Inconsistent property addresses in the motion papers

The motion papers state that relief from the automatic stay is sought as to property located at “2270 S. Harvard Boulevard, Los Angeles, CA 90018” (R/S Motion (dkt. 316) ¶ 2 (p. 3)); however, the exhibits filed in support of the motion all refer to property located at “2237 South Harvard Boulevard, Los Angeles, CA 90018” (see, e.g., Promissory Note (R/S Motion (dkt. 316) PDF pp. 13–15; Deed of Trust (R/S Motion (dkt. 316) PDF pp. 19–29)). As set forth in part “(b),” below, the R/S Motion (dkt. 316) was not properly served upon Debtor. Therefore, the tentative ruling is to require Movant to file and serve amended motion papers by the deadline set forth above.

(b) The motion papers were not served to Debtor both (x) through counsel and (y) directly

The proof of service does not show service on both (i) Debtor's counsel and (ii) Debtor directly (“double service”), as required by Rules 7004(b)(9)&(g) and 9014(a), Fed. R. Bankr. P.). (Here, the motion papers were served upon Debtor’s counsel, but not upon Debtor directly.) The tentative ruling is that this Court has neither the authority nor the inclination to excuse non-compliance with these rules. It is true that this double service requirement is the exact opposite of typical non-bankruptcy practice, in which it is generally impermissible to serve a represented party personally; but there are good reasons for the double service rule in bankruptcy. It helps protect Debtor and the bankruptcy estate (i.e., all parties in interest) from matters “falling through the cracks” given the high volume and speed of matters in typical bankruptcy cases, and the frequent use of service via U.S. mail.

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CONT... FAME Housing Corporation and Oner Charles Mergerson Chapter 7

Because Debtor is not an individual, service upon Debtor directly must be to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment of law (Rule 7004(b)(3), Fed. R. Bankr. P.), at an address that appears to be reasonably calculated to reach that person (e.g., corporate headquarters). Note: Judge Bason does not require that a specific individual be named – "Attn: Officer or Managing/General Agent" is sufficient.

Note: Enforcing the service requirements is particularly important in this case because on 6/27/25, Debtor's counsel filed a motion to withdraw from representation (dkt. 319). Although this Court has not yet authorized counsel to withdraw, the possibility that withdrawal could be authorized in the near future makes it even more important that the motion papers be served upon Debtor directly.

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Gerald Edwin Rush II

Movant(s):

Stephen PNC

Represented By
Stephen L Burton

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

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

Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

2:25-14496 Chris H Moon and Myung S Park

Chapter 7

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

BANK OF AMERICA, N.A.
vs
DEBTOR

Docket 13

Tentative Ruling:

Deny.

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

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): Debtor's response (dkt. 15), no reply on file

Analysis

The tentative ruling is to deny the relief requested under 11 U.S.C. 362(d)(2) on the grounds that, although this is a chapter 7 case and the Property is not necessary for an effective reorganization (11 U.S.C. 362(d)(2)(B)), Movant has not established that Debtors lacks any equity in the Property (11 U.S.C. 362(d)(2)(A) and (g)(1)) because Debtors states (dkt. 15) that they

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CONT... **Chris H Moon and Myung S Park** **Chapter 7**
will be filing motion(s) under 11 U.S.C. 522(f) which, if granted, would free up equity in the Property.

Party Information

Debtor(s):

Chris H Moon

Represented By
Young K Chang

Joint Debtor(s):

Myung S Park

Represented By
Young K Chang

Movant(s):

Bank of America, N.A.

Represented By
Michele S Assayag
Kristin A Schuler-Hintz

Trustee(s):

Wesley H Avery (TR)

Pro Se

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

2:25-10114 Quirino Moreno Romano

Chapter 7

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

D.A.N. JOINT VENTURE III, L.P.
vs
DEBTOR

Docket 38

Tentative Ruling:

Grant in part and continue in part to 8/5/25 at 10:00 a.m., with a **deadline of 7/15/25** for Movant to (x) file and serve a notice of the continued hearing and a copy of the motion papers on Lesli Moreno Ocampo and Rigoberto Prudente Magallon and (y) file a proof of service, to address the following issues. Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

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

Termination

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

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CONT... Quirino Moreno Romano

Chapter 7

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

Relief notwithstanding *future* bankruptcy cases

As to the requested relief that will remain effective notwithstanding any future bankruptcy case, continue the motion to the date and time set forth at the start of this tentative ruling, for service on the persons who executed the documents through which the movant asserts its interest in the property (sometimes referred to in the mortgage context as the "original borrower"). Reasons: See LBR 4001-1(c)(1)(B). In addition, Judge Bason has due process concerns about granting such relief without service on the person(s) whose interests may be most directly affected. See *generally Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally). In this matter, such persons appear to include: Lesli Moreno Ocampo and Rigoberto Prudente Magallon. See *dk. 38, PDF p. 93*.

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):

Quirino Moreno Romano

Represented By
Anthony Obehi Egbase

Movant(s):

D.A.N. Joint Venture III, L.P.

Represented By
Jennifer K Hoffstetter
Holly Walker

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CONT... Quirino Moreno Romano

Chapter 7

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:25-13313 Victoria Elizabeth Work

Chapter 7

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

AMERICAN CREDIT ACCEPTANCE LLC
vs
DEBTOR

Docket 11

Tentative Ruling:

Grant as set forth below.

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

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, 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... **Victoria Elizabeth Work**
(3).

Chapter 7

Co-debtor stay

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

Party Information

Debtor(s):

Victoria Elizabeth Work

Represented By
Jeffrey D Larkin

Movant(s):

American Credit Acceptance LLC

Represented By
Kirsten Martinez

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

2:25-13884 Alondra Stephanie Gomez

Chapter 7

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

WILSHIRE COMMERCIAL CREDIT, LLC
vs
DEBTOR

Docket 8

Tentative Ruling:

Grant.

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

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

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

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

The automatic stay does not apply

Grant the motion under 11 U.S.C. 362(c)(3) and (j): there is no automatic stay because (a) Debtor's prior case (# 2:24-bk-20620-NB) was dismissed (on 5/9/25) within one year before this case was filed (on 5/9/25), (b) that dismissal was not under 11 U.S.C. 707(b), and (c) no finding of good faith was timely sought and obtained. The automatic stay has terminated

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CONT...

Alondra Stephanie Gomez

Chapter 7

both as to Debtor *in personam* and as to property of Debtor. See *In re Reswick*, 446 B.R. 362 (9th Cir. BAP 2011); *In re Hernandez*, case no. 2:11-bk-53730-NB, docket #40 (Memorandum Decision).

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

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

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

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

b. Annulment, *in rem* relief, etc. Some matters always remain relevant, notwithstanding dismissal, closing of a case, or other grounds on which the stay might not currently exist.

See *In re Aheong*, 276 B.R. 233 (9th Cir. BAP 2002).

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

Termination

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

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

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CONT... Alondra Stephanie Gomez Chapter 7

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):

Alondra Stephanie Gomez

Represented By
Kevin Tang

Movant(s):

Wilshire Commercial Credit, LLC

Represented By
Dane W Exnowski

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
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2:25-13884 Alondra Stephanie Gomez

Chapter 7

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

MING HSIEN SHEN
vs
DEBTOR

Docket 10

Tentative Ruling:

Grant as set forth below.

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

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

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

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

The automatic stay does not apply

Grant the request for an order confirming that no stay is in effect, but not for the reason Movant argues, as follows.

Movant has not established an exception to the automatic stay under 11 U.S.C. 362(b) or (c) because, although the motion references 11 U.S.C. 362(b)(22) and (23), the elements of those sections have not been

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CONT... Alondra Stephanie Gomez

Chapter 7

established (e.g., a prepetition judgment for possession).

But, under 11 U.S.C. 362(c)(3) and (j), there is no automatic stay because (a) Debtor's prior case (# 2:24-bk-20620-NB) was dismissed (on 5/9/25) within one year before this case was filed (on 5/9/25), (b) that dismissal was not under 11 U.S.C. 707(b), and (c) no finding of good faith was timely sought and obtained. The automatic stay has terminated both as to Debtor *in personam* and as to property of Debtor. See *In re Reswick*, 446 B.R. 362 (9th Cir. BAP 2011); *In re Hernandez*, case no. 2:11-bk-53730-NB, docket #40 (Memorandum Decision).

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).

Retroactive relief

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

Relief notwithstanding future bankruptcy cases

Grant "*in rem*" relief (*i.e.*, relief applicable notwithstanding *future* bankruptcy cases (under 11 U.S.C. 362(d)(4) and/or *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017), and/or *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31), as applicable) as follows:

If this order is duly recorded in compliance with applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within

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Alondra Stephanie Gomez

Chapter 7

180 days after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case.

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

The tentative ruling is to grant such relief because, in this Court's view, Debtor's prepetition tender of a "move in" check that was void (R/S Motion, dkt. 10, p. 9, para. 9.d.), and then two successive bankruptcy petitions without immediately surrendering the premises, is evidence that the filing of the petition in this current case was part of a "scheme" to delay, hinder, or defraud creditors that is comparable to the type of evidence typically required for such relief, such as multiple bankruptcy filings or unauthorized transfers. See 11 U.S.C. 362(d)(4).

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):

Alondra Stephanie Gomez

Represented By
Kevin Tang

Movant(s):

Ming Hsien Shen

Represented By
Gary A Starre

Trustee(s):

John J Menchaca (TR)

Pro Se

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

10:00 AM

2:23-13445 Terri Anita Payne

Chapter 13

#8.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/17/25

LAKEVIEW LOAN SERVICING, LLC
vs
DEBTOR

Docket 40

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required.

At the hearing on 6/17/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 6/17/25:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current, (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 46–47), and (c) their positions with respect to the motion of the Chapter 13 Trustee ("Trustee") to modify Debtor's confirmed plan to make Trustee the disbursing agent with respect all payments pertaining to the mortgage obligation on Debtor's primary residence (see Trustee's response (dkt. 48) and Trustee's motion to modify plan (dkt. 49)).

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

CONT... Terri Anita Payne

Chapter 13

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

Party Information

Debtor(s):

Terri Anita Payne

Represented By
Gregory M Shanfeld

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Nathan F Smith
Christina J Khil

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

2:24-19410 Gabriel Anthony Bear Bustillos

Chapter 13

#9.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/17/25

CITIBANK, N.A.
vs
DEBTOR

Docket 38

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Anthony Bear Bustillos

Represented By
Michael E Clark
Barry E Borowitz

Movant(s):

CitiBank, N.A.

Represented By
Cassandra J Richey

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

2:22-12550 Therese Kiwi Foisia

Chapter 13

#10.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/17/25

THE BANK OF NEW YORK MELLON
vs
DEBTOR

Docket 84

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required.

At the hearing on 6/17/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, including Trustee's response (dkt. 87), 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 6/17/25:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 86).

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.

**United States Bankruptcy Court
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Tuesday, July 15, 2025

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10:00 AM

CONT... Therese Kiwi Foisia

Chapter 13

Party Information

Debtor(s):

Therese Kiwi Foisia

Represented By
Nima S Vokshori

Movant(s):

The Bank of New York Mellon FKA

Represented By
Mukta Suri
Paul W Cervenka
Craig A Edelman
Kirsten Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

2:25-15582 Cesar Timothy Rosas

Chapter 13

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

Docket 5

Tentative Ruling:

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

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

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

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

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

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

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CONT...

Cesar Timothy Rosas

Chapter 13

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

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

Party Information

Debtor(s):

Cesar Timothy Rosas

Represented By
Jaime A Cuevas Jr.

Movant(s):

Cesar Timothy Rosas

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

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, July 15, 2025

Hearing Room 1545

10:00 AM

2:25-11948 Eddie Leonarde Royal, Sr.

Chapter 13

#12.00 Cont'd hrg re: Motion for relief from stay [PP]
fr. 7/8/25

MERCEDES-BENZ FINANCIAL SERVICES
vs
DEBTOR

Docket 51

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required.

At the hearing on 7/8/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 7/8/25:

Grant.

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

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

**United States Bankruptcy Court
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Tuesday, July 15, 2025

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10:00 AM

CONT... Eddie Leonarde Royal, Sr.

Chapter 13

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

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

Termination

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

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

Effective date of relief

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

Co-debtor stay

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

Party Information

Debtor(s):

Eddie Leonarde Royal Sr.

Represented By
Juanita V Miller

Movant(s):

Mercedes-Benz Financial Services

Represented By
Sheryl K Ith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, July 15, 2025

Hearing Room 1545

11:00 AM

2:23-13187 Vista Studios, LLC

Chapter 7

Adv#: 2:25-01188 Gonzalez v. Gaming 247 et al

- #1.00** Status conference re: Complaint (1) To avoid fraudulent transfer pursuant to 11 U.S.C. sections 544 and 548; (2) To recover avoided transfers pursuant to 11 U.S.C section 550; (3) Automatic preservation of avoided transfer pursuant to 11 U.S.C. section 551; and (4) Unjust enrichment restitution

Docket 1

Tentative Ruling:

Set a deadline for Plaintiff/Trustee to file motions for default judgment, and continue the status conference, all as set forth below. Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Entry of default against Defendants Gaming 247, Inc. and Devlin Design Group, Inc.

On 7/2/25, the Clerk of the Court entered default against Defendants Gaming 247, Inc. and Devlin Design Group, Inc. ("Defendants"). Adv. dkt. 9–10. The tentative ruling is to **set a deadline of 8/15/25** for Plaintiff/Trustee to file and serve motions for default judgment, and to continue the status conference as set forth in part "(2)(c)" below.

(2) Standard requirements

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

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

CONT... Vista Studios, LLC
conference.)

Chapter 7

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

(b) Mediation
[Intentionally omitted.]

(c) Deadlines

This adversary proceeding has been pending since 4/30/25. In view of the entry of default against Defendants (see part "(1)(a)," above), the tentative ruling is to decline to set any litigation deadlines other than a deadline for Plaintiff/Trustee to file motions for default judgment (see part "(1)(a)," above) and a continued status conference (see below).

Joint Status Report: Not required

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

Party Information

Debtor(s):

Vista Studios, LLC

Represented By
David B Golubchik

Defendant(s):

Gaming 247

Pro Se

Devlin Design Group, Inc.

Pro Se

Plaintiff(s):

Rosendo Gonzalez

Represented By
Rosendo Gonzalez

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Rosendo Gonzalez

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, July 15, 2025

Hearing Room 1545

11:00 AM

2:23-13187 Vista Studios, LLC

Chapter 7

Adv#: 2:25-01190 Gonzalez v. Heer et al

#2.00 Status conference re: Complaint (1) To avoid fraudulent transfers pursuant to 11 U.S.C. sections 544 and 548; (2) To avoid preferential transfers pursuant to 11 U.S.C. section 547; (3) To recover avoided transfers pursuant to 11 U.S.C. section 550; (4) Automatic preservation of avoided transfers pursuant to 11 U.S.C. section 551; (5) For breach of fiduciary duty; (6) For breach of duty of loyalty; and, (7) Unjust enrichment restitution

Docket 1

***** VACATED *** REASON: Another summons issued; Reset to 8/5/25 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vista Studios, LLC

Represented By
David B Golubchik

Defendant(s):

Michael Arnold Pro Se

Fisher Living Trust Pro Se

Christopher J, Ball, as Trustee of the Pro Se

McNally Family, LLC Pro Se

Kelly Richardson Pro Se

B. and G. Willison Living Trust Pro Se

CJF, Ltd Pro Se

DHJ Investments, LP Pro Se

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

CONT... Vista Studios, LLC

Chapter 7

Long Grove Capital LLC	Pro Se
Brickman Partners LP	Pro Se
Kipp Nelson	Pro Se
Shafran Disclaimer Trust	Pro Se
Steven Shafran	Pro Se
Deschutes I, LP	Pro Se
Vista Studios Management, LLC	Pro Se
Vista Studios Investors	Pro Se
Frank Gianotti	Pro Se
Robert Levitt	Represented By Kenneth S Ingber
Randall Heer	Pro Se

Plaintiff(s):

Rosendo Gonzalez	Represented By Rosendo Gonzalez
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Trustee(s):

Rosendo Gonzalez (TR)	Represented By Rosendo Gonzalez
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**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, July 15, 2025

Hearing Room 1545

11:00 AM

2:19-18316 Ashley Susan Aarons

Chapter 7

Adv#: 2:25-01205 Aarons v. Alliance Portfolio Private Equity Finance Inc. et

#3.00 Cont'd status conference re: Removal
fr. 6/17/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

The tentative ruling is that this Bankruptcy Court lacks jurisdiction, and alternatively remand is necessary and appropriate, and alternatively abstention is appropriate. After the hearing this Court will prepare an order reflecting that disposition of this matter. 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.")

(1) Lack of jurisdiction

The tentative ruling is that Debtor's notice of removal is a legal nullity because it was not timely filed, and therefore the State Court has continually had jurisdiction and this Bankruptcy Court has never had jurisdiction over this purportedly removed cause of action. Specifically, under Rule 9027(a)(3) (Fed. R. Bankr. P.), if a cause of action "is asserted in another court after the bankruptcy case was commenced" - which is so because the bankruptcy petition was filed on 7/17/19 (dkt. 1) and the purportedly removed cause of action was filed later, on 12/2/19 (adv. dkt. 4, Exhibit, p. 11 of 43, at PDF p. 12) - then "a party filing a notice of removal must do so within the shorter of ... 30 days after receiving [the complaint] or 30 days after receiving the summons" Assuming for the sake of discussion that Debtor could remove her own complaint filed in State Court (despite having chosen not to file her cause of action in this Bankruptcy Court to begin with), she waited too long to file her notice of removal (over 5 years, which is far longer than 30 days).

(2) Remand

Alternatively, the tentative ruling is to remand this proceeding back to State Court because there is nothing left in this (purportedly) removed action

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Central District of California
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Hearing Room 1545

11:00 AM

CONT...

Ashley Susan Aarons

Chapter 7

for this Bankruptcy Court to decide that would not improperly impinge on the State Court's jurisdiction. Plaintiff/Debtor's own papers (adv. dkt. 4, PDF p. 2) reveal that, prior to Plaintiff/Debtor's purported removal of this proceeding, the State Court issued an "Order to Show Cause Re: Dismissal" with a hearing scheduled for 6/2/25, and that matter was fully briefed and ready for the State Court to hear when, the day before the hearing, Plaintiff/Debtor filed her notice of (purported) removal in this Bankruptcy Court (adv. dkt. 1). The docket of the State Court proceedings does not reflect that Debtor filed any notice in the State Court proceedings notifying that Court or any of the parties of Debtor's (purported) removal of those proceedings, and this Court has taken judicial notice that, based on its independent review of the State Court docket, the State Court entered an order dismissing this proceeding on 6/2/25 (see 6/2/25 order, Case No. 19STCV42747). The tentative ruling is that, in these circumstances, it would be inappropriate for this Bankruptcy Court to substitute its judgment in place of the State Court's exercise of its own judgment.

Alternatively, the tentative ruling is that remand is appropriate because Plaintiff/Debtor has engaged in attempted forum shopping and an abuse of the legal system by purporting to remove the State Court proceedings the day before the State Court was to hear and rule upon dismissal.

(3) Abstention

Alternatively, it is appropriate to abstain from presiding over the matter (28 U.S.C. 1334(c)(1)) and remand the proceeding back to the State Court based on (x) principles of comity, (y) forum shopping, and (z) Plaintiff/Debtor's lack of prosecution of this proceeding before this Bankruptcy Court because this Court's Order (adv. dkt. 8, 9) directed Plaintiff/Debtor to serve a copy of that order and the removal notice on all Defendants and file a proof of service by 7/1/25 but Plaintiff/Debtor's latest filings (adv. dkt. 10-12) do not include a proof of service demonstrating compliance with this Court's order.

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

**United States Bankruptcy Court
Central District of California
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Tuesday, July 15, 2025

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11:00 AM

CONT... Ashley Susan Aarons

Chapter 7

**Tentative Ruling for 6/17/25:
Appearances required.**

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

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By

Shulman Bastian Friedman & Bui LLP
Richard L Antognini
David R Haberbusch
Vanessa M Haberbusch
Lane K Bogard

Defendant(s):

c/o Nassie Law Alliance Portfolio	Pro Se
c/o Daniel Nassie County Records	Pro Se
Maria Cecilia S Doratan	Pro Se
Eusebio Tanco	Pro Se
Jacob Kevin Tanco	Pro Se
James R. Perry	Pro Se
Karen Versace	Pro Se
Michelle Lamorie	Pro Se
336 North Sweetzer, LLC, TAP	Pro Se

Plaintiff(s):

Ashley Susan Aarons

Represented By

Susan I Montgomery

**United States Bankruptcy Court
Central District of California
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Neil Bason, Presiding
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11:00 AM

CONT... Ashley Susan Aarons

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 15, 2025

Hearing Room 1545

11:00 AM

2:22-13069 George Gordon Strong, III

Chapter 7

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

#4.00 Cont'd Status Conference re: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. §§ 523(a)(4) and 523(a)(6) fr. 10/8/24, 12/17/24, 2/11/25, 4/8/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Based upon this Court's review of the Status Report (adv. dkt. 13) filed on 7/1/25, maintain the trial date and related litigation deadlines set at the 4/8/25 status conference (the tentative ruling for that status conference is reproduced in full below); and continue this status conference to the date and time of the previously ordered pretrial conference. Appearances are not required on 7/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

Tentative Ruling for 4/8/25:

Set a trial date and related pretrial deadlines pursuant to the parties' status report (adv. dkt. 12), and continue the status conference, all as set forth below. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, 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

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11:00 AM

CONT... George Gordon Strong, III

Chapter 7

ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 12) and the other filed documents and records in this adversary proceeding, and has no issues to raise *sua sponte*.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited. See Answer (adv. dkt. 4) at ¶ 1 (p. 1:1) (admitting all the Complaint's allegations as to venue, jurisdiction, and authority).

(b) Mediation

An order assigning this matter to the mediation panel was entered on 1/28/25, see adv. dkt. 10, and the parties attended mediation before the Hon. Meredith Jury (retired) on 2/19/25, see Status Report (adv. dkt. 12) ¶ E(2) (p. 3). The tentative ruling is to decline to order further formal mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 7/29/24. The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 6) except as modified/supplemented below. The tentative ruling is to continue the trial date and related pretrial deadlines that were established at the 2/11/25 status conference, based upon the request of the parties.

Joint Status Report: 7/1/25

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

Lodge Joint Proposed Pretrial Order: 8/26/25

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

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CONT...

George Gordon Strong, III

Chapter 7

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 9/17/25
Trial commencement: 9/24/25 at 9:00 a.m.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

George Gordon Strong III

Represented By
Alan W Forsley

Defendant(s):

George Gordon Strong III

Represented By
Alan W Forsley

Plaintiff(s):

David Vosicher

Represented By
Stella A Havkin

Trustee(s):

John J Menchaca (TR)

Pro Se

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

Tuesday, July 15, 2025

Hearing Room 1545

11:00 AM

2:23-18208 Meir Siboni

Chapter 11

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

#5.00 Cont'd Status conference re: Complaint to
determine dischargeability of debt and objection
to discharge
fr. 12/3/24, 2/11/25, 4/22/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Continue to 10/21/25 at 2:00 p.m., with a status report due 10/7/25, based on this Court's review of Plaintiff's latest unilateral status report (adv. dkt. 14).

Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

Defendant(s):

Meir Siboni

Pro Se

Plaintiff(s):

Vicino Limited Partnership

Represented By

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

Meir Siboni

David I Brownstein

Chapter 11

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

Tuesday, July 15, 2025

Hearing Room 1545

11:00 AM

2:24-11121 Alan Tri Luu

Chapter 7

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

#6.00 Cont'd hrg re: Discovery Conference
fr. 6/12/25

Docket 0

Tentative Ruling:

Please see the tentative ruling for the status conference (Cal. No. 7, 7/15/25 at 11:00 a.m.).

Party Information

Debtor(s):

Alan Tri Luu

Represented By
Rex Tran

Defendant(s):

Alan Tri Luu

Pro Se

Plaintiff(s):

Runway Fash Inc., a California

Represented By
Daniel H Wu

Trustee(s):

Sam S Leslie (TR)

Pro Se

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

Tuesday, July 15, 2025

Hearing Room 1545

11:00 AM

2:24-11121 Alan Tri Luu

Chapter 7

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

#7.00 Cont'd Status conference re: Complaint excepting
discharge of debt pursuant to 11 U.S.C.
section 523(A)(6)
fr. 4/8/25, 6/12/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:
Appearances required.

(1) Current issues

Background: At the hearing on 6/12/25 this Court addressed examples of the parties' discovery disputes, directed the parties to meet and confer about resolving their remaining disputes consistent with this Court's rulings on those examples, and set a deadline of 7/11/25 for each party to submit to this Court a one page summary of their remaining disputes (if any). Those summaries have now been received.

Current issues: There is no tentative ruling. This Court anticipates orally addressing the discovery disputes at the hearing.

(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

No challenges (see tentative ruling for 4/8/25, reproduced below).

(b) Mediation

A mediation session was conducted before J. Scott Bovitz on 12/2/24, but no settlement was reached. Status Report (adv. dkt. 35) ¶ E (p. 3). The tentative ruling is to decline to order further mediation at this time.

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(c) Deadlines

This adversary proceeding has been pending since 5/13/24. The Hon. Sandra Klein presided over this matter from 5/13/24 until 3/3/25, when the matter was reassigned to Judge Bason pursuant to Administrative Order 25-03 dated 2/4/25. The current deadlines are set forth in this Court's scheduling order (adv. dkt. 37) and (partially) below.

Joint Status Report: 8/5/25

Continued status conference: 8/19/25 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

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

Trial commencement: TBD

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 6/12/25:

(1) Current issues

Pursuant to the "Procedures of Judge Bason" (posted at www.cacb.uscourts.gov) the parties have not at this time filed formal discovery motions but instead have emailed to chambers (a) summaries of their positions and (b) copies of discovery requests and responses. The tentative ruling is as follows.

First, both parties' lack of responses to discovery are at the extreme end of the spectrum. The parties are cautioned that if they are not more forthcoming in their responses then it is possible that the other party could use that fact at trial to exclude proffered evidence, or to establish evidentiary presumptions, or other remedies.

Second, this Court anticipates choosing one or a few examples, reviewing them with the parties, and then setting a deadline for amended discovery responses and a continued discovery conference. Meanwhile this Court might vacate the discovery and related deadlines in the scheduling

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order (adv. dkt. 37).

Chapter 7

(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

No challenges (see tentative ruling for 4/8/25, reproduced below).

(b) Mediation

A mediation session was conducted before J. Scott Bovitz on 12/2/24, but no settlement was reached. Status Report (adv. dkt. 35) ¶ E (p. 3). The tentative ruling is to decline to order further mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 5/13/24. The Hon. Sandra Klein presided over this matter from 5/13/24 until 3/3/25, when the matter was reassigned to Judge Bason pursuant to Administrative Order 25-03 dated 2/4/25. The current deadlines are set forth in this Court's scheduling order (adv. dkt. 37) and (partially) below.

Joint Status Report: 7/1/25

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

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

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

Trial commencement: TBD

Tentative Ruling for 4/8/25:

Set litigation deadlines and continue the status conference, all as set forth below. Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For

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CONT... Alan Tri Luu

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ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

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

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

More broadly, both parties are encouraged to comply voluntarily with their discovery obligations, and they are directed to review the discovery dispute resolution process described in the "Procedures of Judge Bason" (available at www.cacb.uscourts.gov). Because Defendant/Debtor appears to be self-represented, and in an effort to be clear about how this Court expects to apply the rules, Defendant/Debtor is cautioned that, if he is in fact obligated to produce documents and has not done so, it is possible that Plaintiff/Creditor could use that fact at trial to exclude evidence proffered by Defendant/Debtor, or to establish evidentiary presumptions, or other remedies.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

It appears that the parties have already addressed all matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final

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Chapter 7

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

(b) Mediation

A mediation session was conducted before J. Scott Bovitz on 12/2/24, but no settlement was reached. Status Report (adv. dkt. 35) ¶ E (p. 3). The tentative ruling is to decline to order further mediation at this time.

(c) Deadlines

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

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

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

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

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

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

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

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Chapter 7

Joint Status Report: 7/1/25

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

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

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

Trial commencement: TBD

Party Information

Debtor(s):

Alan Tri Luu

Represented By
Rex Tran

Defendant(s):

Alan Tri Luu

Pro Se

Plaintiff(s):

Runway Fash Inc., a California

Represented By
Daniel H Wu

Trustee(s):

Sam S Leslie (TR)

Pro Se

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11:00 AM

2:21-19480 Howard Chorng Jeng Wu

Chapter 7

#8.00 Cont'd hrg re: To determine whether to issue order to show cause regarding alleged violation of the discharge injunction
fr. 2/25/25, 4/8/25, 5/20/25

Docket 127

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required.

An initial hearing on this matter was held on 2/25/25. A continued hearing was originally scheduled for 4/8/25, but that hearing was subsequently continued several times pursuant to stipulations approved by this Court. See dkt. 136, 138, 140, & 142. 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. In particular, the parties should be prepared to address the status of discovery.

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

Tentative Ruling for 2/25/25:

There is no tentative ruling but the parties are directed to address the issues set forth in their papers (dkt. 122-26) and this Court's order (dkt. 127) setting this hearing.

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For

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CONT... Howard Chorng Jeng Wu

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ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Party Information

Debtor(s):

Howard Chorng Jeng Wu

Represented By
Eric Bensamochan

Trustee(s):

Heide Kurtz (TR)

Pro Se

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2:24-13431 FAME Housing Corporation and Oner Charles Mergerson

Chapter 7

#9.00 Cont'd Status Conference re: Chapter 7 Case
fr. 6/25/24, 7/16/24, 8/27/24, 10/8/24, 11/19/24,
12/03/24, 12/10/24, 12/17/24, 1/21/25, 2/11/25,
3/18/25, 4/22/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required. Grant the Bidding Procedures Motion, subject to any opposition not yet filed as of the preparation of this tentative ruling (the Bidding Procedures Motion was set for hearing on 7 days' notice per LBR 6004-1(b)(1)), and continue the status conference, all as 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.

(1) Current issues

(a) Bidding Procedures Motion (dkt. 327)

This Bidding Procedures Motion (dkt. 327) filed by Chapter 7 Trustee ("Trustee") has been set for hearing on 7 days' notice per LBR 6004-1(b)(1). Subject to any opposition not yet filed as of the preparation of this tentative ruling (per LBR 6004-1(b)(4), any opposition is due the day prior to this hearing), the tentative ruling is that the proposed bidding procedures constitute a reasonable exercise of Trustee's business judgment. Addressing the specific provisions, the tentative ruling is:

- (1) To approve the proposed 3.0% break-up fee to stalking horse bidder CIM Group Acquisitions, LLC ("CIM"), based upon a determination that a break-up fee in that amount is necessary to induce CIM to serve as the stalking horse bidder, which in turn may enhance the sale price by

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FAME Housing Corporation and Oner Charles Mergerson

Chapter 7

- incentivizing additional bidders to participate. Bidding Procedures Motion (dkt. 327) p. 14:17–16:7.
- (2) To approve the proposed expense reimbursement of up to \$100,000.00 to CIM, for the same reasons set forth in paragraph “(1).” Bidding Procedures Motion (dkt. 327) p. 14:17–16:7.
- (3) To approve the proposed minimum overbid amount of \$8.2 million (which provides an effective net benefit of \$42,000.00 to the estate) as reasonable in view of the size of the transaction. Bidding Procedures Motion (dkt. 327) p. 14:5–13.
- (4) To authorize Trustee to notice a **Sale Hearing on 9/9/25 at 11:00 a.m.**, with the following associated schedule:
- a) **7/17/25 is the deadline** for Trustee to lodge a proposed order approving the proposed bidding procedures (the “Bidding Procedures Order”).
- b) **8/19/25 is the anticipated deadline** (in the Bidding Procedures Order) for Trustee to file a motion to approve the sale of the assets and for other related relief (the “Sale Motion”).
- c) **8/26/25 is the anticipated deadline** (in the Bidding Procedures Order) for any opposition to the Sale Motion, as well as the deadline for any overbids and the deadline for counterparties to any executory contracts or unexpired leases to object (e.g., to proposed cure amounts).
- d) **9/2/25 is the anticipated deadline** (in the Bidding Procedures Order) for Trustee’s reply in support of the Sale Motion and reply to any objections regarding executory contracts or unexpired leases.

Proposed order: Unless otherwise ordered, Trustee is directed to lodge a proposed Bidding Procedures Order by the deadline set forth in part “(1)(a)(4)(a)” of this tentative ruling, above.

(2) Dates/procedures. This case was filed on 5/1/24. The Chapter 7 Trustee is temporarily operating the businesses of the three related debtors. See

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Order (dkt. 61) *and* 11 U.S.C. 721.

(a) Continued status conference: Concurrent with the Sale Hearing
(see part “(1)(a)(4)” of this tentative ruling, above. No written
status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Gerald Edwin Rush II

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

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2:24-13431 FAME Housing Corporation and Oner Charles Mergerson

Chapter 7

#9.10 Hrg re: Motion For Order (1) Approving Bidding Procedures In Connection With The Sale Of Real Property Located At 2420 South Western Avenue, Los Angeles, California, (2) Scheduling An Auction And Sale Hearing, (3) Approving Procedures For The Assumption And Assignment Of Contracts And Leases, And (4) Granting Related Relief

Docket 327

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 9, 7/15/25 at 11:00 a.m.).

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Gerald Edwin Rush II

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

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11:00 AM

2:24-11795 Karen Kim

Chapter 7

#10.00 Cont'd hrg re: Motion to Cancel Agreement
fr. 4/22/25

Docket 126

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required.

At the hearing on 4/22/25 this Court was persuaded to issue (a) an order (dkt. 137) granting Mr. Tang's motion to withdraw as Debtor's counsel and (b) an order (dkt. 138) directing Mr. Serrano to pay Mr. Tang (not Debtor) the remaining balance under his settlement agreement with Debtor (for violation of the automatic stay), and continuing the hearing on Mr. Tang's motion to cancel his agreement with Debtor regarding payment of Mr. Tang's fees. In addition, this Court continued the hearing on the underlying sanctions proceedings against Mr. Serrano (for violation of the automatic stay). The parties are directed to address whether Mr. Serrano has made payments to Mr. Tang pursuant to his settlement and this Court's order (dkt. 138), and what balances, if any, are still owed (i) to Mr. Tang (on account of his allowed attorney fees) and (ii) by Mr. Serrano (under his settlement agreement with Debtor).

There is no tentative ruling but based on the parties' responses to the foregoing issues this Court anticipates either continuing these hearings for payment of any remaining balance(s) or concluding one or both matters if there is no remaining balance owed.

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

Tentative Ruling for 4/22/25:

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) Motion of Tang & Associates (the "Tang Firm") to withdraw from representing Debtor (dkt. 124, the "Motion to Withdraw"), Notice of Motion to Withdraw (dkt. 125), Order directing Tang Firm to serve Motion to Withdraw upon Debtor at her current address (dkt. 133), Supplemental notice of Motion to Withdraw (dkt. 134), No opposition on file

On March 28, 2025, this Court issued an order (dkt. 133) directing the Tang Firm to serve its Motion to Withdraw (dkt. 124) upon Debtor at her current address. That order stated that a hearing on the Motion to Withdraw would proceed only if Debtor timely filed an opposition.

The Tang Firm served its Motion to Withdraw upon Debtor as directed by this Court (dkt. 134), and Debtor did not timely file an opposition. The tentative ruling is (A) to grant the Motion to Withdraw and (B) to decline to entertain any argument from Debtor on the merits of the Motion to Withdraw at the hearing because she has waived and forfeited any arguments she may have by failing to file a timely opposition.

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

(2) Motion to rescind Assignment Agreement (dkt. 126, the "Rescission Motion"), Application for order setting Rescission Motion on shortened notice (dkt. 127, the "OST Application"), Order (a) denying OST Application, (b) staying obligations under Settlement Agreement pending further order of this Court, and (c) setting hearing on Rescission Motion (dkt. 128, the "Stay Order"), Proof of service of Stay Order (dkt. 131), No opposition on file

(a) Background

On July 18, 2024, this Court entered an order determining that Daniel Serrano had willfully violated the automatic stay and was liable for damages (dkt. 94, the "Liability Order"), and on September 30, 2024, this Court entered an order awarding Debtor \$60,000.00 in damages for Mr. Serrano's stay

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violations but taking under the submission the question of Debtor's damages for attorney fees and emotional distress (dkt. 113, the "Initial Damages Order"). On October 21, 2024, this Court entered an order (x) awarding Debtor \$8,255.00 in attorney fees and (y) determining that Debtor was not entitled to any emotional distress damages. Dkt. 115.

On November 14, 2024, Debtor and Mr. Serrano executed a "Mutual Release and Settlement Agreement" (dkt. 126 PDF pp. 9–11, the "Settlement Agreement") which, among other things, allowed Mr. Serrano to pay the damages he owed Debtor over time. At some point in January 2025, Debtor and Mr. Tang executed an agreement (the "Assignment Agreement") under which Debtor assigned to Mr. Tang her right to collect the remaining balance of \$26,000.00 owed to her under the Settlement Agreement, in exchange for a payment of \$15,000.00. Rescission Motion (dkt. 126) p. 1:9–20. The Rescission Motion is **not** supported by a copy of the Assignment Agreement – notwithstanding the fact that the Rescission Motion incorrectly states that the Assignment Agreement is attached. See Rescission Motion (dkt. 126) p. 3:3–4 ("The Assignment Agreement attached as Exhibit A was a valid contract").

(b) Rescission of the Assignment Agreement

At the outset this Court must emphasize that Mr. Tang's failure to attach a copy of the actual Assignment Agreement to the Rescission Motion has impaired this Court's ability to determine whether Mr. Tang is entitled to the relief he seeks. The following analysis assumes that there are no provisions within the Assignment Agreement that would affect or be relevant to Mr. Tang's request for rescission of that agreement.

Under Cal. Civ. Code 1689(b)(2), a "party to a contract may rescind the contract ... [i]f the consideration for the obligation of the rescinding party fails, in whole or in part, through the fault of the party as to whom he rescinds." Mr. Tang alleges that Debtor has deprived him of the benefit of the Assignment Agreement by "instruct[ing] [Mr.] Serrano to not pay me." Tang Decl. (Rescission Motion (dkt. 126), PDF p. 6–7) ¶ 10 (p. 1:24).

The tentative ruling is that Mr. Tang is entitled to rescission of the Assignment Agreement pursuant to Cal. Civ. Code 1689(b)(2). However, Mr. Tang's request for rescission is complicated by his subsequent request that Debtor be ordered to return to him the \$15,000.00 he paid her in exchange for the Assignment Agreement, plus \$4,255.00 in outstanding attorney fees. Rescission Motion (dkt. 126) p. 5:2. (The basis for the requested attorney

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Karen Kim

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fees is not clear; this Court presumes fees are requested as compensation for the costs of filing the Rescission Motion. If that is not the case, Mr. Tang is directed to inform this Court at the hearing.) Mr. Tang requests that "if the Court is unable to order [Debtor] to pay the \$15,000 received," then he should be allowed to continue to receive payments from Mr. Serrano under the Settlement Agreement. Rescission Motion (dkt. 126) p. 5:4–5. In other words, it appears that Mr. Tang seeks rescission **only if** that remedy is also accompanied by an order directing Debtor to return \$15,000.00 to him.

The tentative ruling is that an adversary proceeding is required if Mr. Tang wishes to obtain an order requiring Debtor to return \$15,000.00 to him. Rule 7001(a) (Fed. R. Bankr. P.) provides that subject to certain exceptions that do not apply here, "a proceeding to recover money or property" is an adversary proceeding. In addition, any order compelling Debtor to return funds to Mr. Tang would also contain a determination that Debtor owed the funds to be returned to Mr. Tang, and therefore would qualify as a declaratory judgment regarding recovery of money or property, which pursuant to Rule 7001(i) must be obtained in an adversary proceeding.

The tentative ruling is that if Mr. Tang wishes to continue to enforce his rights under the Assignment Agreement in lieu of pursuing rescission, this Court has the jurisdiction and authority to direct Mr. Serrano to continue making payments under the agreement to Mr. Tang and to disregard Debtor's directives to the contrary. In addition, the tentative ruling is that an adversary proceeding would not be required for this relief, which would simply be enforcing this Court's own prior judgment against Mr. Serrano and the agreement between Mr. Tang and Debtor.

Of course, Mr. Tang might want both forms of relief: to collect from Mr. Serrano while also pursuing a return of the \$15,000.00 from Debtor. The tentative ruling is that any such request for relief has not been properly presented and that Mr. Tang would have to brief whether he is entitled to both of those things at once.

Mr. Tang is directed to address these issues at the hearing.

Irrespective of which course of action Mr. Tang elects to pursue, the tentative ruling is to **set a continued hearing on the Rescission Motion on 6/3/25 at 11:00 a.m.** to continue to monitor these proceedings.

Proposed order(s): Unless otherwise ordered, *this Court will prepare an appropriate order* after the hearing.

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(3) Continued hearing on Debtor's motion for sanctions against Mr. Serrano (dkt. 59 (the "Sanctions Motion"); see also dkt. 94, 97, 100, 102, 106, 110-113, 115, 119)

The tentative ruling is to continue the hearing on the Sanctions Motion to the same date and time as the continued hearing on the Rescission Motion (see part "(2)(b)" of this tentative ruling, above).

Party Information

Debtor(s):

Karen Kim	Pro Se
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Movant(s):

Karen Kim	Pro Se
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Trustee(s):

John J Menchaca (TR)	Pro Se
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2:24-11795 Karen Kim

Chapter 7

#11.00 Cont'd hrg re: Motion for an Order to Show Cause Why Daniel Serrano Should Not be Held in Contempt of Court for Violations of the Automatic Stay
fr. 7/16/24, 8/27/24, 9/13/24, 9/24/24, 10/8/24, 10/22/24, 11/19/24, 12/17/24, 3/4/25, 4/22/25

Docket 51

Tentative Ruling:

Tentative Ruling for 7/15/25:

Please see the tentative ruling for Calendar No. 10 (7/15/25 at 11:00 a.m.).

Tentative Ruling for 4/22/25:

Please see the tentative ruling for Calendar No. 10 (4/22/25 at 11:00 a.m.).

Tentative Ruling for 3/4/25:

Continue to 4/22/25 at 11:00 a.m. See Order: (1) Staying Obligations Arising Under Settlement Agreement Pending Further Order of this Court and (2) Setting Hearing on Kevin Tang's Motion to Rescind Agreement Assigning to Him Rights to Collect Under Settlement Agreement (dkt. 128, 131).

Appearances are not required on 3/4/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

Tentative Ruling for 12/17/24:

Appearances required.

At the hearing on 11/19/24 this Court was persuaded to continue this

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11:00 AM

CONT... Karen Kim

Chapter 7

matter to today. Creditor/contemnor's status report (dkt. 119, p. 1:20-21) states that the parties have "entered into a settlement agreement." Is any approval of this Court required? Should this OSC matter be taken off calendar? Should this Court expressly retain jurisdiction as to any aspect of this dispute?

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

Tentative Ruling for 11/19/24:

Direct the parties, in view of Debtor's status report (dkt. 119), to address (1) whether their settlement is now finalized, and whether this Court must or should approve any settlement agreement or, conversely, whether this Court should not be involved in any such settlement and (2) whether to close this matter (this Court's order to show cause re sanctions) without prejudice to any appropriate request in future to reopen this matter, or to bring any related matters before this Court or any other court of competent jurisdiction.

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.

[PRIOR TENTATIVE RULING(S) OMITTED (for key issues see order awarding \$60,000.00 (dkt. 113), order awarding \$8,255.00 (dkt. 115))]

Party Information

Debtor(s):

Karen Kim

Pro Se

Movant(s):

Karen Kim

Pro Se

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CONT... Karen Kim

Chapter 7

Trustee(s):

John J Menchaca (TR)

Pro Se

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Tuesday, July 15, 2025

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1:00 PM

2:25-13881 Dedication & Everlasting Love To Animals

Chapter 11

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

ADRIANA DUARTE VALENTINES
vs
DEBTOR

Docket 79

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 3, 7/15/25 at 1:00 p.m.).

Party Information

Debtor(s):

Dedication & Everlasting Love To

Represented By
William R Hess

Movant(s):

Adriana Duarte Valentines

Represented By
Armen Manasserian
Lisa Wong

Trustee(s):

Todd A. Frealy (TR)

Represented By
Krikor J Meshefejian

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1:00 PM

2:25-13881 Dedication & Everlasting Love To Animals

Chapter 11

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

ADRIANA DUARTE VALENTINES
vs
DEBTOR

Docket 80

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 3, 7/15/25 at 1:00 p.m.).

Party Information

Debtor(s):

Dedication & Everlasting Love To

Represented By
William R Hess

Movant(s):

Adriana Duarte Valentines

Represented By
Armen Manasserian
Lisa Wong

Trustee(s):

Todd A. Frealy (TR)

Represented By
Krikor J Meshefejian

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1:00 PM

2:25-13881 Dedication & Everlasting Love To Animals

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 5/16/25, 5/20/25, 5/28/25, 6/17/25, 7/8/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required. Grant relief from the automatic stay for the appellate proceedings in the State Courts, but not for the attorney fee litigation; continue the Status Conference; and set a bar date, all as 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.

(1) Current issues

This Court has reviewed the status report (dkt. 102) filed by the Chapter 11 Trustee on 7/8/25 and the other documents and records on file in this bankruptcy case.

(a) Motions for relief from the automatic stay filed by Adriana Duarte Valentines ("Judgment Creditor") (the "R/S Motions," dkt. 79–81), Opposition filed by Chapter 11 Trustee ("Trustee") (dkt. 100), Reply (dkt. 104) and RJN (dkt. 105)

(i) Background

Judgment Creditor holds a judgment against Debtor in the amount of \$2,996,952.00 (the "State Court Judgment") that Debtor has appealed. Judgment Creditor has filed a motion in the State Court seeking attorney fees (the "Attorney Fee Motion"), which the State Court has not yet ruled upon as a result of the automatic stay arising in this bankruptcy case.

Judgment Creditor seeks relief from the automatic stay both (A) so that she can prosecute her Attorney Fee Motion in the State Court (R/S Motion dkt. 79, Superior Ct. No. 21STCV01322), and (B) to enable Debtor's appeal

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Chapter 11

of the State Court Judgment to proceed to final judgment (R/S Motion dkt. 80, Cal. Ct. of Appeal, 2d Dist., Div. P., No. B345103). Chapter 11 Trustee (the "Trustee") does not oppose modification of the stay to permit Debtor's appeal of the State Court Judgment to proceed, but contends that it would be premature to modify the stay to allow adjudication of the Attorney Fee Motion.

(ii) Analysis

The Bankruptcy Court "shall grant relief from the stay" upon a showing of "cause." 11 U.S.C. 362(d)(1). Such relief need not take the form of a complete termination of the automatic stay, but instead may include "modifying or conditioning such stay." *Id.*

"Cause" is determined on a case-by-case basis." *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir.1990). The parties have thoroughly briefed, and this tentative ruling will not repeat, the legal standards, both in general and under the (non-exclusive) factors set forth in *In re Curtis*, 40 B.R. 795, 799–800 (Bankr. D. Utah 1984).

The tentative ruling is to deny relief as to the attorney fee litigation for the reasons set forth in Trustee's Opposition (dkt. 100). True, as Judgment Creditor points out, there is a danger that the passage of time will make it more difficult and expensive to litigate over attorney fees, when and if that becomes necessary. See Reply (dkt. 104). But the tentative ruling is that this is outweighed by the following considerations:

- (A) Non-bankruptcy litigation over attorney fees will have a negative effect on the administration of the estate because the estate has only limited resources with which to engage additional professionals and/or assess and engage in further litigation while attempting to fulfill Debtor's charitable mission, and any such litigation might be a wasted expenditure of money and time (e.g., if the judgment were to be reversed without a retrial then any litigation over attorney fees would be wasted). In addition, if there were to be any prejudice from delayed assessment of attorney fees, that prejudice could well affect the bankruptcy estate at least as much as Judgment Creditor, so the balance of hardships tips in favor of the estate. See *also Curtis*, 40 B.R. 795, 806 ("[e]ven slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit.").

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(B) At this early stage of the bankruptcy case, it is difficult to know how bankruptcy dynamics might cause outcomes different from nonbankruptcy situations - e.g., a charitable organization, such as Debtor, might obtain confirmation of a chapter 11 plan that provides for payment of creditors over a relatively long period of time so as not to interfere unduly with the ability to provide charitable services (and to raise ongoing charitable donations); and any charitable organization, such as Debtor, might have some assets that are dedicated to charitable work and not legally available to satisfy judgments (as some religious organizations have argued in connection with child abuse claims, with various outcomes, for example). To be clear, this Court is not assuming that these particular situations actually apply in this case: this Court might hold that a chapter 11 plan that proposes a long payout cannot be confirmed, or that all assets are available to creditors. The point is only to illustrate that the bankruptcy context can change the dynamics in ways that typically are difficult to assess at early stages of the case. More generally, it is common for creditors and trustees to settle matters within the bankruptcy system that might not have any chance of settlement outside of a bankruptcy context. For these reasons, the tentative ruling is that it is premature to litigate the attorney fee issues. Those issues could be mooted by settlement, or rendered far less worthwhile to litigate if other issues would have a much larger effect on the dollar amount of the claim, or the time over which it can be paid, or any other issues that might arise in the bankruptcy context.

(iii) Conclusion

For the reasons set forth above, the tentative ruling is (A) to modify the automatic stay to permit Debtor's appeal of the State Court Judgment to proceed to final judgment (without permitting any collection of the judgment out of any assets of the bankruptcy estate) and (B) to leave the automatic stay in place with respect to Judgment Creditor's Attorney Fee Motion. All of that said, once Trustee has had additional time to administer the estate, Judgment Creditor may in future file a renewed motion seeking modification of the automatic stay to permit prosecution of the Attorney Fee Motion. In

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Chapter 11

other words, the tentative ruling is that denial of that R/S Motion (dkt. 79) will be without prejudice.

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

Note: Judgment Creditor filed two nearly identical R/S Motions, supported by two apparently identical memoranda of points and authorities (which were duplicated multiple times in the PDF that was filed). See R/S Motions & MPAs (dkt. 79-80). It requires substantial additional work for creditors (and this Court) to compare the papers and try to determine whether they are identical or different in some minor, hard-to-detect ways. In future, **Judgment Creditor is directed to note prominently at the start of such documents where they are different** (e.g., "The only difference between the two R/S Motions is that one concerns the attorney fee proceedings before the Superior Court and the other concerns Debtor's appeal from the judgment. The memorandum of points and authorities in support of each motion is identical.").

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

- (a) Bar date: 9/19/25 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
- (b) Procedures Order: dkt. 6 (not timely served, but eventually served, per dkt. 36, 37, thereby providing notice to all parties in interest of the matters therein)
- (c) Plan/Disclosure Statement: filing deadline TBD
- (d) Continued status conference: 8/19/25 at 1:00 p.m. *Brief* written status report due by 8/12/25.

Tentative Ruling for 7/8/25:

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CONT... Dedication & Everlasting Love To Animals

Chapter 11

Grant the cash management motion and continue the status conference, all as set forth below. Appearances are not required on 7/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Cash management motion (dkt. 74), Proof of service and Notice (dkt. 75–76), Response seeking additional information filed by judgment creditor Adriana Duarte Valentines (dkt. 87), Chapter 11 Trustee's Reply (dkt. 99)

This Court has reviewed the request (dkt. 87) of judgment creditor Adriana Duarte Valentines ("Judgment Creditor") for additional information regarding the cash management motion (dkt. 74) filed by the Chapter 11 Trustee ("Trustee") as well as Trustee's reply (dkt. 99) responding to Judgment Creditor's request. The tentative ruling is that Trustee's reply (dkt. 99) sufficiently responds to Judgment Creditor's request for additional information.

The tentative ruling is to grant the cash management motion (dkt. 74) on a final basis for all the reasons set forth in the motion papers, including in particular because Debtor receives most of its funds from donations, and there is a risk that donations might be disrupted if there is a change in the bank account to which donors' checks are deposited.

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

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

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Dedication & Everlasting Love To Animals

Chapter 11

(a) Bar date: TBD

(b) Procedures Order: dkt. 6 (not timely served, but eventually served, per dkt. 36, 37, thereby providing notice to all parties in interest of the matters therein)

(c) Plan/Disclosure Statement: filing deadline TBD

(d) Continued status conference: 7/15/25 at 1:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Dedication & Everlasting Love To

Represented By
William R Hess

Trustee(s):

Todd A. Frealy (TR)

Represented By
Krikor J Meshefejian

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Hearing Room 1545

1:00 PM

2:21-10368 Mrudula Kothari

Chapter 11

#4.00 Hrg re: Application for payment of final fees
and/or expenses for Havkin & Shrago, Attorney
for the debtor

Docket 459

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
7/15/25 at 1:00 p.m.).

Party Information

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

Movant(s):

Havkin & Shrago Attorneys at Law

Represented By
Stella A Havkin

Trustee(s):

Susan K Seflin (TR)

Pro Se

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Hearing Room 1545

1:00 PM

2:21-10368 Mrudula Kothari

Chapter 11

#5.00 Hrg re: Amended application for payment of final fees
and/or expenses for Susan K Seflin, SubChapter V Tr.

Docket 464

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
7/15/25 at 1:00 p.m.).

Party Information

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

Movant(s):

Susan K Seflin (TR)

Pro Se

Trustee(s):

Susan K Seflin (TR)

Pro Se

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Hearing Room 1545

1:00 PM

2:21-10368 Mrudula Kothari

Chapter 11

#6.00 Hrg re: First & Final Fee Application for Allowance of
Fees & Costs for Hahn Fife & Company, Accountant

Docket 462

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
7/15/25 at 1:00 p.m.).

Party Information

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

Movant(s):

Hahn Fife & Company

Pro Se

Trustee(s):

Susan K Seflin (TR)

Pro Se

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1:00 PM

2:21-10368 Mrudula Kothari

Chapter 11

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

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Approve the fee applications and conclude this status conference (no further continuances). Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Fee application of Havkin & Shrago (dkt. 459), Notice of hearing (dkt. 471), no opposition on file

Allow \$3,678.00 in fees and \$0.00 in expenses, for a total award of \$3,678.00, and authorize and direct payment of the full amounts allowed.

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CONT...

Mrudula Kothari

Chapter 11

(b) Fee application of Subchapter V Trustee (dkt. 464), Notice of hearing (dkt. 471), no opposition on file

Allow \$4,414.50 in fees and \$26.41 in expenses, for a total award of \$4,440.91, and authorize and direct payment of the full amounts allowed.

(c) Fee application of Hahn Fife & Company (dkt. 462), Declaration of Subchapter V Trustee in support of requested fees/expenses (dkt. 463), Notice of hearing (dkt. 471), no opposition on file

Allow \$19,222.00 in fees and \$67.90 in expenses, for a total award of \$19,989.90, and authorize and direct payment of the full amounts allowed.

Proposed orders: Unless otherwise ordered, Applicants are directed to lodge separate proposed orders on each of the matter(s) addressed here via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(2) Dates/procedures. This case was filed on 1/19/21. On 4/4/24 and 2/13/25 this Court entered orders reducing Debtor's powers as a debtor in possession and increasing the powers and oversight of the Subchapter V Trustee in this case. See dkt. 312, 313 & 399. On 7/8/25 this Court orally granted Debtor's motion to dismiss this case.

(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: moot.

(d) Continued status conference: Conclude the status conference (no further continuances)

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

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CONT... Mrudula Kothari

Chapter 11

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:23-12137 Vistam, Inc.

Chapter 11

#8.00 [CASE DISMISSED ON 6/14/2023]

Cont'd Status Conference re: Chapter 11 Case
fr. 5/2/23, 5/10/23, 5/23/23, 5/30/23, 6/13/23,
7/18/23, 8/8/23, 10/31/23, 11/14/23, 2/6/24,
2/20/24, 4/2/24, 4/9/24, 5/7/24, 6/25/24, 8/27/24,
11/19/24, 1/21/25, 4/22/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Continue the status conference as set forth below. Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Pending appeal

The appeal on sanctions matters apparently remains pending (dkt. 206), so the tentative ruling is to continue this status conference as set forth in part "(2)(a)," below.

(2) Dates/deadlines. This case was dismissed on 6/14/23 with a 180-day bar to being a debtor in bankruptcy. Dkt. 93. A Memorandum Decision holding Appellants in contempt was issued on 5/7/24 (dkt. 160); the Sanctions Order (dkt. 163) implementing that Memorandum Decision was issued on 5/13/24; and an order imposing additional sanctions (compensatory attorney fees) was

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Vistam, Inc.

Chapter 11

entered on 6/27/24 (dkt. 182).

(a) Continued status conference: 10/21/25 at 1:00 p.m. No written status report required.

[PRIOR TENTATIVE RULINGS OMITTED (for principal issues see dkt. 160, 182, 185)]

Party Information

Debtor(s):

Vistam, Inc.

Represented By
Selwyn Whitehead

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:00 PM

2:23-12637 Robert Dwight Winter, Jr.

Chapter 11

#9.00 Cont'd status conference re: Post confirmation
fr. 5/30/23, 6/13/23, 6/27/23, 7/11/23, 8/8/23,
10/3/23, 10/31/23, 11/28/23, 1/23/24, 2/20/24,
4/9/24, 6/25/24, 8/6/24, 9/24/24, 11/5/24, 12/10/24,
2/25/25, 6/24/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Set a deadline for Debtor to file a motion for a final decree, and continue the status conference, all as set forth below. Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the latest post-confirmation status report (dkt. 203) filed on 7/2/25 and the other documents on file in Debtor's bankruptcy case-in-chief.

(a) Motion for final decree

Debtor states that its "plan has been substantially consummated" and that it "will move for a final decree." Status Report (dkt. 203) ¶ D (p. 6:16–17). The tentative ruling is to **set a deadline 8/5/25** for Debtor to file a motion for a final decree.

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Robert Dwight Winter, Jr.

Chapter 11

(b) Continued status conference

The tentative ruling is to continue the status conference as set forth in part "(2)(d)," below, with the expectation that the continued status conference will go off calendar if a final decree is entered.

(2) Dates/procedures

This subchapter V case was filed on 4/4/24.

(a) Bar date: 6/13/24 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one will be sent by the Clerk's Office and bankruptcy noticing center).

(b) Procedures Order: dkt. 3 (timely served, dkt. 18)

(c) Plan/Disclosure Statement: Plan confirmed on 11/15/24 (dkt. 176).

(d) Continued status conference: 9/23/25 at 1:00 p.m. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Robert Dwight Winter Jr.

Represented By
Leslie A Cohen

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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Hearing Room 1545

1:00 PM

2:23-12863 Energy Plus Solar Inc.

Chapter 11

#10.00 Cont'd status conference re: Post Confirmation
fr. 6/13/23, 7/11/23, 8/15/23, 9/12/23, 10/3/23,
11/14/23, 12/19/23, 2/6/24, 3/12/24, 4/2/24, 4/30/24,
5/7/24, 07/30/24, 9/24/24, 10/8/24, 11/19/24, 1/21/25,
4/22/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/15:

Continue as set forth below. Appearances are not required on 7/15/25.

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

(1) Current issues

This Court has reviewed the post-confirmation status report (dkt. 440) filed on 7/1/25 and the other documents on file in Debtor's bankruptcy case-in-chief.

(a) Delinquency in plan payments

Debtor is delinquent on the vast majority of payments owed under the plan. Among other things, it has not made any payments to Subchapter V Trustee, who holds an administrative claim of \$12,801.00, and has not made any payments to any of the general unsecured creditors. Status Report (dkt. 440) p. 2:11–4:28.

Debtor's failure to make any payments to Subchapter V Trustee is of particular concern to this Court. Under the Plan, Subchapter V Trustee's fees "will be due at the time the fee application is approved, unless the parties agree to a different payment arrangement." Plan (dkt. 90) ¶ 3.02 (p. 2). The Plan was confirmed on 8/13/24 (dkt. 374), and an order allowing and directing payment of Subchapter V Trustee's fees was issued on 10/10/24 (dkt. 418).

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CONT... Energy Plus Solar Inc.

Chapter 11

Thus, more than nine months have elapsed without any payments having been made to Subchapter V Trustee.

Debtor represents that it “intends to catch up on arrears to the Subchapter V Trustee and American Express [Debtor’s largest general unsecured creditor] within ninety ... days.” Status Report (dkt. 440) p. 5:10–14. But Debtor offers no explanation as to how this will be accomplished.

Notwithstanding all of the foregoing, this Court takes judicial notice of the enormous amount of time and resources that have been required for Debtor to respond to ongoing, frivolous litigation by creditor Ms. Klausen. Debtor recently prevailed in all matters on appeal before the District Court, and Ms. Klausen has now filed notices of appeal to the Court of Appeals for the Ninth Circuit. Based on these things, and the other matters reflected on the docket and in the history of this case, (i) it appears that Debtor and its principal have had to devote inordinate time and money to litigation instead of generating revenues and making distributions under the Plan, (ii) this Court is hopeful that briefing by Debtor before the Ninth Circuit will not be as time consuming or expensive as the initial appellate briefing before the District Court, and (iii) this Court notes the absence of any creditor’s or Trustee’s pursuit of remedies under the Plan based on Debtor’s delayed payments.

All of that said, this Court anticipates that if Debtor has not made substantial progress by the continued status conference then this Court may impose certain remedies either at the request of Trustee or other parties in interest, or else *sua sponte*.

(2) Dates/procedures. This Subchapter V case was filed on 5/9/23.

- (a) Bar date: 7/18/23 per General Order 20-01 and notice (dkt. 16).
- (b) Procedures Order: dkt. 5 (timely served, dkt. 12)
- (c) Plan/Disclosure Statement (dkt. 90): Plan confirmed on 8/13/24.
See Order (dkt. 374).
- (d) Continued post-confirmation status conference: 9/23/25 at 1:00 p.m. Written status report detailing Debtor’s performance under the Plan due by 9/9/25.

Tentative Ruling for 4/22/25:

To the extent that the status report filed by creditor Diane Klausen (dkt. 432) could be interpreted as a request for some kind of relief, deny that request,

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CONT... Energy Plus Solar Inc.

Chapter 11

and continue the status conference, all as set forth below. Appearances are not required on 4/22/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Ms. Klausen's allegations of non-payment

On 4/7/25, creditor Diane Klausen filed a status report alleging that she has not "received any payment of any kind or type whatsoever that is required under the Fraudulent Plan." Klausen Status Report (dkt. 432) p. 2:1–2. The tentative ruling is that no action is appropriate in response to this status report: it is not a motion or a complaint (as required for any request for relief, per Rules 7001 and 9013, Fed. R. Bankr. P.) nor is it an objection or other cognizable response to a motion or other request for relief by any other party in interest. Alternatively, if Ms. Klausen's status report were to be construed as an objection (which it is not), the tentative ruling is to overrule that objection.

Ms. Klausen's assertion disregards the effect of this Court's 3/20/24 order awarding compensatory sanctions in the amount of \$53,646.84 in favor of Debtor and against Ms. Klausen and her counsel, Roger E. Naghash, jointly and severally. See dkt. 268 (the "First Sanctions Order"). The First Sanctions Order provided that Debtor was authorized to collect the sanctions owed by Ms. Klausen out of distributions that would otherwise have been earmarked for her under the Plan. First Sanctions Order (dkt. 268) p. 4.

The Plan was confirmed on August 13, 2024 (see dkt. 374), became effective on August 27, 2024 (see dkt. 385), and provides for a 100% dividend to holders of allowed general unsecured claims (such as Ms. Klausen), with payments to be made monthly over a period of five years. Plan (dkt. 90) Art. 4.01 (p. 3).

On 10/11/23, this Court entered an order determining that Ms. Klausen held an allowed general unsecured claim of \$142,762.04. Dkt. 142.

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CONT...

Energy Plus Solar Inc.

Chapter 11

Therefore, this Court calculates (solely for purposes of estimation and without binding any party in interest in any future proceedings) that under the Plan Ms. Klausen is owed monthly payments of \$2,379.37 on account of her claim (\$142,762.04 / 60 months = \$2,379.37 per month). But as explained in the First Sanctions Order (dkt. 268), Debtor has been authorized to collect the sanctions owed by Ms. Klausen from distributions that would otherwise have been made to Ms. Klausen under the Plan. That means that Debtor is not required to make any payments to Ms. Klausen under the Plan until it has collected the \$53,646.84 in sanctions awarded. This Court calculates (again, without prejudice to any party's assertion of different calculations in future) that it will take approximately 22 months from the date when payments commence for Debtor to recover this amount from payments that would otherwise have been made to Ms. Klausen. (In addition, the dollar amount to be collected in this manner might or might not be adjusted in future - e.g., to account for interest, or to account for any additional dollar amounts owed, or to account for any determination by the appellate court(s).) The bottom line is at this point, Debtor has no obligation under the Plan to make **any** payments to Ms. Klausen.

For these reasons, the tentative ruling is that Ms. Klausen's assertion that Debtor has wrongfully failed to make payments owed to her under the Plan are incorrect and in any event not properly presented.

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

(b) Payments to creditors other than Ms. Klausen

At the status conference conducted on 1/21/25, this Court excused Debtor from filing a post-confirmation status report in connection with this status conference. To facilitate this Court's ability to monitor payments made under the Plan to creditors other than Ms. Klausen, the tentative ruling is to require Debtor to file a report detailing its performance under the Plan prior to the continued status conference (see part "(2)(d)" of this tentative ruling, below).

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CONT... Energy Plus Solar Inc.

Chapter 11

- (2) Dates/procedures. This Subchapter V case was filed on 5/9/23.
- (a) Bar date: 7/18/23 per General Order 20-01 and notice (dkt. 16).
 - (b) Procedures Order: dkt. 5 (timely served, dkt. 12)
 - (c) Plan/Disclosure Statement (dkt. 90): Plan confirmed. See Order (dkt. 374).
 - (d) Continued post-confirmation status conference: 7/15/25 at 1:00 p.m. Written status report detailing Debtor's performance under the Plan due by 7/1/25.

[PRIOR TENTATIVE RULINGS OMITTED (for some key issues, see Orders re sanctions (dkt. 226, 268); Order denying Ms. Klausen's motion for attorney fees (dkt. 325, 330); Plan (dkt. 90) and Confirmation Order (dkt. 374); order re attorney fees (dkt. 370)]

Party Information

Debtor(s):

Energy Plus Solar Inc.

Represented By
Michael Jay Berger

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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2:24-17161 Meghan, Inc.

Chapter 11

#11.00 Cont'd Status Conference re: Post Confirmation
fr. 5/6/25

Docket 1

***** VACATED *** REASON: Order closing case on interim basis
approved on 06/26/25 [dkt. 127]**

Tentative Ruling:

Party Information

Debtor(s):

Meghan, Inc.

Represented By
Michael Jay Berger
Law Offices of Michael Jay Berger

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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2:24-20369 Cinema Management Group, LLC

Chapter 11

#12.00 Cont'd Sale hearing
fr. 6/17/25

Docket 149

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13,
7/15/25 at 1:00 p.m.).

Party Information

Debtor(s):

Cinema Management Group, LLC

Represented By
John D Monte

Trustee(s):

John P Pringle (TR)

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

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2:24-20369 Cinema Management Group, LLC

Chapter 11

#13.00 Cont'd Status conference re: Chapter 11 case
fr. 2/21/25, 3/4/25, 3/18/25, 4/8/25, 4/22/25, 5/20/25,
6/17/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:
Appearances required.

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

(1) Current issues

This Court has reviewed the status report (dkt. 158) filed by Chapter 7 Trustee ("Trustee") on 7/8/25 and the other documents on file in Debtor's bankruptcy case-in-chief.

(a) Use of cash collateral

Trustee's authorization to use Debtor's cash collateral on behalf of Debtor's estate expired on 6/30/25. See Final Cash Collateral Order (dkt. 154) pp. 4:26–5:3. Trustee represents that he is negotiating with secured creditors to obtain approval to continue to use cash collateral through 8/31/25. Status Report (dkt. 158) p. 2:11–22. Without disclosing any confidential communications, Trustee is directed to provide an update on the status of those negotiations.

(b) Potential settlement with Buffalo Kids Producers

Trustee also represents that he is attempting to negotiate a settlement with the producers of the film entitled "Buffalo Kids." Status Report (dkt. 158) p. 2:24–3:5. Again without disclosing any confidential settlement communications, Trustee is directed to provide an update on the status of

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

Chapter 11

(c) Sale of Debtor's principal assets

Trustee is directed to provide an update on the status of attempts to obtain an improved offer for the sale of Debtor's principal assets.

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

(a) Bar date: 4/18/25 (Bar Date Order (dkt. 93) timely served, dkt. 102)

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

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 8/19/25 at 1:00 p.m. *Brief* written status report due by 8/12/25.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Cinema Management Group, LLC

Represented By
John D Monte

Trustee(s):

John P Pringle (TR)

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

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2:25-10181 Jamie Mazur

Chapter 11

#14.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/3/25

U.S. BANK TRUST NATIONAL ASSOC
vs
DEBTOR

Docket 58

Tentative Ruling:

Tentative Ruling for 7/15/25:

Deny the R/S Motions filed by U.S. Bank and Finance California, but with leave for either Bank to file a renewed motion seeking relief from the automatic stay in future if appropriate. 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: U.S. Bank's R/S Motion (dkt. 58), Debtor's opposition (dkt. 75), and Debtor's appraisal (dkt. 78); Finance California's R/S Motion (dkt. 62 & 65), Debtor's opposition (dkt. 90), and Debtor's status report (dkt. 91)

(1) Background

Debtor filed a voluntary chapter 11 petition on 1/10/25. Debtor's principal asset is his primary residence, located at 1811 Bel Air Road, Los Angeles, CA 90077 (the "Property"). Debtor intends "to sell the Property and use the proceeds to pay my creditors." Mazur Decl. (dkt. 75, PDF pp. 5–7) ¶ 4 (p. 1:11–13). On 5/19/25, Debtor filed an application to employ a real

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CONT...

Jamie Mazur

Chapter 11

estate broker to market the Property. See dkt. 72–73 & 79. This Court issued an order approving the real estate broker’s employment on 6/13/25 (dkt. 86).

At an earlier stage in this case, this Court directed Debtor to make adequate protection payments of (A) \$10,000.00 per month to U.S. Bank Trust, N.A. ("U.S. Bank") (see 5/16/25 order (dkt. 70)) and (B) \$3,000.00 per month to Finance California (see 5/8/25 order (dkt. 60)). In a Status Report (dkt. 91) filed on 7/1/25, Debtor testifies that he is “current on adequate protection payments to both U.S. Bank and Finance California.” Mazur Decl. (Status Report (dkt. 90)) ¶ 3 (p. 4:17–18).

This Court conducted an initial hearing on U.S. Bank’s R/S Motion on 6/3/25. Based upon a determination that U.S. Bank was adequately protected, this Court continued that initial hearing to this date, and provided the parties an opportunity to submit additional papers.

After U.S. Bank filed its R/S Motion, Finance California also filed a motion seeking relief from the automatic stay as to the Property (dkt. 65). Both U.S. Bank and Finance California assert that the Property is worth \$2,500,000.00 (far less than Debtor’s valuation of \$4,500,000.00), and both rely upon the same evidence in support of that valuation – an unauthenticated “competitive market analysis” purportedly conducted by Ashleigh Rader. See U.S. Bank R/S Motion (dkt. 58) Ex. 4 (PDF pp. 55–58) and Finance California R/S Motion (dkt. 65) Ex. 3 (PDF pp. 57–60).

Debtor filed an opposition to Finance California’s R/S Motion (dkt. 70) on 7/1/25, in which he testifies that he has continued marketing the Property for sale, including by holding “several showings per week,” arranging for the Property to be “featured in a May 30, 2025 article in luxury lifestyle magazine Robb Report,” and arranging for the Property to be “featured in several architectural publications.” Mazur Decl. (Supplemental opposition (dkt. 90)) ¶ 6 (p. 2:3–8). (Debtor’s efforts to market the Property are relevant to both U.S. Bank’s and Finance California’s R/S Motions, so the tentative ruling is that it is appropriate for this Court to consider the evidence submitted by Debtor in his opposition to Finance California’s R/S Motion in connection with both R/S Motions.) U.S. Bank did not file any supplemental papers in support of its R/S Motion (dkt. 58), and Finance California did not file a reply to Debtor’s opposition.

(2) Analysis

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Jamie Mazur

Chapter 11

Based on an appraisal conducted by Peter B. Burness, Debtor values the Property at \$4,500,000.00. See Burness Decl. (dkt. 78) ¶ 6 (p. 2:27–3:29) (declaration of real estate broker Peter Burness authenticating his opinion of value). As noted above, U.S. Bank and Finance California both contend that the Property is worth only \$2,500,000.00, but there is no admissible evidence in support of that valuation because the “competitive marketing analysis” upon which both Banks rely that was purportedly conducted by Ashleigh Radar is not authenticated. See U.S. Bank R/S Motion (dkt. 58) Ex. 4 (PDF pp. 55–58) and Finance California R/S Motion (dkt. 65) Ex. 3 (PDF pp. 57–60). If Debtor’s valuation of the Property is accurate, U.S. Bank would be protected by an equity cushion of approximately 43.35% (Mazur Decl. (dkt. 75, PDF pp. 5–7) ¶ 3 (p. 1:9–10)), and Finance California would be protected by an equity cushion of approximately 28.25% (Mazur Decl. (dkt. 75, PDF pp. 4–6) ¶ 3 (p. 1–9–10)).

Debtor “has the burden of proof on the issue of adequate protection” 11 U.S.C. 364(p). At the initial hearing on U.S. Bank’s R/S Motion, this Court ruled that based upon the record before it, Debtor had carried that burden, because (1) U.S. Bank had not submitted any admissible evidence as to the Property’s value (since its appraisal was not authenticated) and (2) alternatively because the analysis on which U.S. Bank relied did not carry as much weight as the appraisal on which Debtor relied. This Court further noted that even if the Property were worth substantially less than Debtor asserted (including below the dollar amount owed to U.S. Bank), there was no evidence indicating that the Property is declining in value).

U.S. Bank has been provided an opportunity to file supplemental papers contesting the determinations made by this Court at the prior hearing, but has elected not to do so. Similarly, Finance California has not filed any reply in support of its R/S Motion. Accordingly, the tentative ruling is that Debtor has established that both Banks’ interests in the Property are adequately protected, because (A) both Banks are protected by a substantial equity cushion; (B) Debtor remains current on his adequate protection payments to both Banks; (C) there is no evidence that the Property is declining in value; and (D) Debtor’s efforts to sell the property through a sale under 11 U.S.C. 363(b) and (f) are likely to generate a higher sale price than either of the Banks could achieve if granted relief from the automatic stay, within a time that is commensurate with typical marketing times for a property of this nature.

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CONT... Jamie Mazur

Chapter 11

(3) Conclusion

Based upon the foregoing, the tentative ruling is to deny the R/S Motions filed by U.S. Bank and Finance California, but with leave for either Bank to file a renewed motion seeking relief from the automatic stay in future if appropriate. Appropriate circumstances warranting the filing of renewed R/S Motions could include Debtor's failure either to sell the Property within a reasonable time or to remain current on his adequate protection payments.

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

Tentative Ruling for 6/3/25:

Continue U.S. Bank's R/S Motion (dkt. 58) for the reasons set forth below. Appearances are not required on 6/3/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

Key documents reviewed (in addition to motion papers): Debtor's opposition (dkt. 75) and Debtor's appraisal (dkt. 78)

(1) Background

Debtor filed a voluntary chapter 11 petition on 1/10/25. Debtor's principal asset is his primary residence, located at 1811 Bel Air Road, Los Angeles, CA 90077 (the "Property"). Debtor intends "to sell the Property and use the proceeds to pay my creditors." Mazur Decl. (dkt. 75, PDF pp. 5–7) ¶ 4 (p. 1:11–13). On 5/19/25, Debtor filed an application to employ a real estate broker to market the Property. See dkt. 72–73 & 79.

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Jamie Mazur

Chapter 11

At an earlier stage in this case, this Court has directed Debtor to make adequate protection payments of (A) \$10,000.00 per month to U.S. Bank Trust, N.A. ("U.S. Bank") (see 5/16/25 order (dkt. 70)) and (B) \$3,000.00 per month to Finance California (see 5/8/25 order (dkt. 60)). The record does not reflect whether Debtor has made the adequate protection in accordance with this Court's orders, nor is it clear that the property has generated any rental income beyond the first month, or that Debtor otherwise has the capacity to make adequate protection payments. See Mazur Decl. (dkt. 75, PDF pp. 5–7) ¶ 8 (p. 2:15–19) (noting that Debtor has been ordered to make adequate protection payments but failing to specify whether those payments have in fact been made).

U.S. Bank moves for relief from the automatic stay with respect to the Property (see dkt. 58); Debtor opposes the R/S Motion (see dkt. 75).

(2) Analysis

Based on an appraisal conducted by Peter B. Burness, Debtor values the Property at \$4,500,000.00. See Burness Decl. (dkt. 78) ¶ 6 (p. 2:27–3:29) (declaration of real estate broker Peter Burness authenticating his opinion of value). U.S. Bank contends that the Property is worth only \$2,500,000.00, but submits only an unauthenticated "competitive marketing analysis" purportedly conducted by Ashleigh Rader in support of this valuation. See R/S Motion (dkt. 58) Ex. 4 (PDF pp. 55–58). If Debtor's valuation of the Property is accurate, U.S. Bank would be protected by an equity cushion of approximately 43.35%. Mazur Decl. (dkt. 75, PDF pp. 5–7) ¶ 3 (p. 1:9–10).

Debtor "has the burden of proof on the issue of adequate protection" 11 U.S.C. 364(p). For purposes of this hearing only, the tentative ruling is that Debtor has carried that burden, given that U.S. Bank has not submitted any admissible evidence as to the Property's value and, alternatively, because the analysis on which U.S. Bank relies does not carry as much weight as the appraisal on which Debtor relies. In addition, and alternatively, even if the Property is worth substantially less than Debtor asserts (including below the dollar amount owed to U.S. Bank), there is no evidence indicating that the Property is declining in value. (True, there is always some risk that any collateral will decline in value; but balancing the probability of a large equity cushion against the probability of little or no equity cushion plus a decline in value, the tentative ruling is that for present purposes Debtor has

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CONT...

Jamie Mazur

Chapter 11

met his burden to show adequate protection even after factoring in any uncertainties as to current and future value.) In addition, and alternatively, Debtor's efforts to sell the property through a sale under 11 U.S.C. 363(b) and (f) are likely to generate a higher sale price, in a faster time, than U.S. Bank could achieve if it were granted relief from the automatic stay. Debtor's progress (or lack of progress) will be relevant both to "adequate protection" (11 U.S.C. 362(d)(1)) and to this Court's determination of whether there is a "reasonable possibility of a successful reorganization within a reasonable time" if there were to be a lack of equity in the Property (11 U.S.C. 362(d)(2)). See *In re Timbers*, 484 U.S. 365, 375–76 (1988).

For all of the foregoing reasons it appears on the present record that U.S. Bank is adequately protected, provided that Debtor continues diligently to pursue a sale of the property. Therefore, the tentative ruling is to continue the hearing on the R/S Motion to **7/15/25 at 1:00 p.m.** to provide Debtor an opportunity to proceed with marketing the Property for sale. The parties are not required to file any additional papers in connection with the continued hearing; but, should there be any additional matters which the parties wish to bring to this Court's attention, the deadline for them to file papers is **7/8/25**.

Note: If U.S. Bank does not contest this tentative ruling that will be deemed consent to the continuance notwithstanding 11 U.S.C. 362(e). If, on the other hand, U.S. Bank insists on a ruling now, rather than a continuance, then the tentative ruling on the present record is to deny its motion (without prejudice).

Party Information

Debtor(s):

Jamie Mazur

Represented By
Michael Jay Berger

Movant(s):

U.S. Bank Trust National

Represented By
Shannon A Doyle

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:25-10181 Jamie Mazur

Chapter 11

#15.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/17/25

FINANCE CALIFORNIA
vs
DEBTOR

Docket 65

Tentative Ruling:

Please see the tentative ruling for Cal. No. 14 (7/15/25 at 1:00 p.m.).

Party Information

Debtor(s):

Jamie Mazur

Represented By
Michael Jay Berger

Movant(s):

Finance California

Represented By
Bruce G Landau

**United States Bankruptcy Court
Central District of California
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2:25-10181 Jamie Mazur

Chapter 11

#16.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/11/25, 3/18/25, 4/8/25, 5/6/25, 6/3/25, 6/17/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Deny the R/S Motions filed by U.S. Bank and Finance California, but with leave for either Bank to file a renewed motion seeking relief from the automatic stay in future if appropriate, and continue the status conference, all as set forth below. Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the status report (dkt. 91) filed on 7/1/25 and the documents on file in this bankruptcy case.

(a) U.S. Bank's R/S Motion (dkt. 58), Debtor's opposition (dkt. 75), and Debtor's appraisal (dkt. 78); Finance California's R/S Motion (dkt. 62 & 65), Debtor's opposition (dkt. 90)

Please see the tentative ruling for Cal. No. 14 (7/15/25 at 1:00 p.m.).

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

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

(b) Procedures Order: dkt. 4 (timely served, dkt. 9)

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Jamie Mazur

Chapter 11

(c) Plan/Disclosure Statement: file by 7/31/25 (DO NOT SERVE -
except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 8/19/25 at 1:00 p.m. *Brief* written
status report due by 8/12/25.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Jamie Mazur

Represented By
Michael Jay Berger

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2:25-10593 Eugenio Alfredo Gonzalez

Chapter 11

#1.00 Hrg re: Application to Employ Robinson Markevitch
& Parker LLP as Special Litigation Counsel

Docket 84

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 2,
7/15/25 at 2:00 p.m.).

Party Information

Debtor(s):

Eugenio Alfredo Gonzalez

Represented By
Leslie A Cohen

Movant(s):

Eugenio Alfredo Gonzalez

Represented By
Leslie A Cohen

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2:25-10593 Eugenio Alfredo Gonzalez

Chapter 11

#2.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/25/25, 3/4/25, 3/18/25, 5/6/25, 6/3/25, 7/8/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/15:

Address Debtor's application to employ special litigation counsel and continue the status conference, all as set forth below. Appearances required by counsel for Debtor and by proposed special litigation counsel.

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

(1) Current issues

(a) Debtor's application to employ Robinson Markevich & Parker LLP as special litigation counsel (dkt. 84–85 & 87, the "Employment Application"), No opposition on file

Proposed special litigation counsel would represent both Debtor (on behalf of the bankruptcy estate) and Debtor's wife and mother (who are co-judgment debtors). This Court notes that an addendum to Debtor's engagement agreement provides that Debtor's mother, Theresa Gonzalez, is not responsible for any payments required under the engagement agreement. Employment Application (dkt. 84) p. 3:10–12 & Ex. A.

This Court has required appearances for several reasons.

(i) Lack of information

The Employment Application does not provide much information about the nature of the engagement. That is problematic.

In the following discussion this tentative ruling will use first names for ease of reference. No disrespect is intended.

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CONT...

Eugenio Alfredo Gonzalez

Chapter 11

This Court's information about the nature of the proposed employment comes mostly from unrelated papers, which state:

The State Court Action is essentially a[n unspecified] contract dispute between two former friends and business associates, the Debtor and QBN's owner, Benjamin Bequer ("Bequer"). During the parties' business dealings, Bequer demanded that Debtor execute promissory notes, enforceable against his real estate holdings. Because several of the Debtor's properties were held in his mother's name, Bequer also demanded a guarantee from Gonzalez's mother, Teresa Gonzalez.

In May of 2024, QBN obtained a judgment against the debtor, his wife Monica, and Teresa Gonzalez. The Debtor has appealed the judgment, and the appeal remains pending. QBN has since engaged in a barrage of harassing and defective collection attempts [Dkt. 44, pp. 4:19-5:8 (citations omitted; emphasis altered).]

This Court had not scoured the docket for any additional information about the nature of the judgment and the issues on appeal, but the point is that the Employment Application itself should have provided more information. To use a hypothetical example, solely for illustrative purposes, suppose that the judgment against Teresa is based on (A) Teresa not only having guaranteed Debtor's obligations but also having received \$5 million in rental profits that were diverted from the business enterprise of Debtor and QBN/Bequer, (B) Teresa having encumbered two of the real properties and improvements with mortgages, from the proceeds of which she bought highly profitable diamond mines, and (C) Teresa having committed waste by burning down a third building in a failed attempt to obtain insurance proceeds. Suppose further that Teresa's only defense on appeal is that she had her fingers crossed behind her back when she signed the written guarantees.

These (intentionally ridiculous) hypothetical facts presumably would be relevant to whether Teresa should pay any share of the litigation fees, or whether instead all litigation expenses should be borne by Debtor (and his non-debtor wife, presumably out of community property that would go towards paying creditors if it were not used for this litigation expense). The point is not to cast any aspersions on Teresa or Maria (whose conduct this Court has no reason to question). The point is only to illustrate that more information is needed.

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CONT...

Eugenio Alfredo Gonzalez

Chapter 11

More generally, because this Court (and all parties in interest) cannot know what they do not know, the burden is on proposed special counsel to make complete and accurate disclosures of whatever information is relevant. Otherwise, if facts later come to light that would bear on whether their proposed terms of employment should have been approved in the first place, they will bear the risk (e.g., reduction in their fees).

(ii) Cost/benefit considerations, and potential conflicts of interest

Billing judgment is mandatory, keeping in mind that a debtor in possession/trustee is acting for the benefit of creditors/the estate. In addition, debtors cannot waive conflicts on behalf of creditors/the estate, and professionals must remain alert to potential conflicts. See, e.g., *In re Strand*, 375 F.3d 854 (9th Cir. 2004) (billing discretion); *In re Garcia*, 335 B.R. 717, 723-29 & n. 6 (9th Cir. BAP 2005) (same); *In re AWTR Liquidation, Inc.*, 548 B.R. 300, 327-30 (Bankr. C.D. Cal. 2016) (cost/benefit analysis when dealing with constituencies whose interests may diverge).

To illustrate with a hypothetical example, suppose that QBN/Bequer were to offer a settlement that would place all of the burden on Debtor and none on Debtor's wife or mother - e.g., if certain properties were to be designated for sale to pay QBN/Bequer, and if other properties were to be designated as the separate property of Debtor's wife (not community property), and thus beyond the reach of Debtor's other creditors. Any such proposed settlement would at least raise conflicts issues.

Similarly, any litigation strategy by proposed special counsel that would depend on characterizing arguably community property as separate property would raise conflicts issues. (The community/separate property issue is used solely for purposes of this hypothetical example - this Court has no knowledge whether this particular issue is at all relevant to the actual litigation.)

The point is only that proposed special counsel must be particularly alert to potential conflicts in the bankruptcy context.

(iii) Conclusion as to Employment Application

When litigation is pursued on behalf of multiple entities asserting related claims, it is often difficult to determine how fees should be shared among the different entities and when the interests of those entities might diverge, especially if one of those entities (Debtor) is acting as a trustee for

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CONT... Eugenio Alfredo Gonzalez

Chapter 11

the benefit of creditors. Services performed usually will benefit all the entities to some degree, and often there is no practical way to precisely quantify the benefits as between the different entities. There is some risk from potential conflicts, and there is also some risk that when in future special litigation counsel seeks this Court's approval for fees incurred representing the estate, its fee application could – even unintentionally – seek to impose upon the estate a disproportionate share of the litigation costs.

To be clear, there is nothing in the record suggesting that proposed special litigation counsel has conducted itself other than in accordance with the highest ethical standards, and in raising these concerns it is not this Court's intent to impugn proposed counsel's integrity. But at the same time this Court feels it is important to place its concerns upon the record, in part because avoiding even the appearance of impropriety is of paramount importance.

This Court will, as always, carefully review fee applications, including to guard against the estate being asked to bear an unfair share of the litigation costs, all bearing in mind that it is inappropriate to impose 20/20 hindsight and that billing discretion has no simple formula. Primarily, though, this Court will rely on parties in interest to raise any objections, and the foregoing analysis is simply intended to provide clear guidance to proposed special litigation counsel about the nature of fee review in bankruptcy cases.

Subject to the foregoing, including a more complete description at the hearing of the issues on appeal and the nature of the services to be provided, the tentative ruling is to approve the Employment Application (dkt. 84–85 & 87) on the terms set forth therein, as supplemented with the usual provisions added by this Bankruptcy Court pursuant to the "Procedures of Judge Bason" posted at www.cacb.uscourts.gov.

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

(2) Dates/procedures. This case was filed on 1/27/25.

(a) Bar date: 4/30/25 (timely served, dkt. 47).

(b) Procedures Order: dkt. 3 (served on creditors, dkt. 9)

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Eugenio Alfredo Gonzalez

Chapter 11

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

(d) Continued status conference: 9/23/25 at 2:00 p.m. *Brief* written status report due by 9/9/25.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Eugenio Alfredo Gonzalez

Represented By
Leslie A Cohen

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2:23-18208 Meir Siboni

Chapter 11

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

#3.00 Cont'd Status Conference re: Complaint to Determine Priority Extent of Liens, Declaratory Relief and Recovery of Assets of the Estate: (1) Quiet Title; (2) Quiet Title; (3) Quiet Title; (4) Declaratory Relief (5) Cancellation of Instrument; (6) Cancellation of Instrument; (7) Cancellation of Instrument; (8) Breach of Fiduciary Duty; (9) Breach of Fiduciary Duty; (10) Concealment fr. 4/2/24, 4/9/24, 4/11/24, 6/4/24, 7/30/24, 8/6/24, 10/22/24, 2/11/25, 4/22/25, 5/20/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Please see the tentative ruling for the bankruptcy case in chief status conference (Calendar No. 5, 7/15/25 at 2:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

Defendant(s):

Jonathan Menlo

Represented By
Elsa M Horowitz

Frank Menlo

Represented By
Paul P Young
Kevin Ronk
Nikko Salvatore Stevens

Menlo Trust U/T/L February 22,

Represented By

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CONT...

Meir Siboni

Chapter 11

Paul P Young
Kevin Ronk
Nikko Salvatore Stevens

Miracle Mile Properties, LP

Represented By
Paul P Young
Kevin Ronk
Nikko Salvatore Stevens

DOES 1-10

Pro Se

Plaintiff(s):

Meir Siboni

Represented By
Thomas B Ure

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2:23-18208 Meir Siboni

Chapter 11

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

#4.00 Cont'd Status Conference re: Complaint to
Determine Non-Dischargeability of Debt
fr. 6/4/24, 7/30/24, 8/6/24, 10/22/24, 2/11/25,
4/22/25, 5/20/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Please see the tentative ruling for the bankruptcy case in chief status
conference (Calendar No. 5, 7/15/25 at 2:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

Defendant(s):

Meir Siboni

Represented By
Thomas B Ure

Plaintiff(s):

Franklin Menlo

Represented By
Paul P Young
Kevin Ronk
Nikko Salvatore Stevens

Miracle Mile Properties, LP

Represented By
Paul P Young
Kevin Ronk
Nikko Salvatore Stevens

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CONT... Meir Siboni

Chapter 11

Franklin Menlo Trustee of the Menlo

Represented By
Paul P Young
Kevin Ronk
Nikko Salvatore Stevens

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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, 7/9/24, 07/30/24, 8/6/24, 9/24/24,
12/3/24, 12/10/24, 1/21/25, 2/11/25, 3/18/25, 5/27/25,
5/20/25

Docket 109

Tentative Ruling:

Tentative Ruling for 7/15/25:

Continue all matters as set forth below based on this Court's review of the latest status reports. Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

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

Continue to be contemporaneous with the continued status conference (see Part (2)(d), below) based on this Court's review of the parties' latest status report. Adv. dkt. 35. No written status report required.

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

Continue to be contemporaneous with the continued status conference (see Part (2)(d), below) based on this Court's review of the parties' latest status report. Adv. dkt. 22. No written status report required.

(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

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(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: 9/23/25 at 2:00 p.m. *Brief* status report from Debtor due 9/9/25.

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

Party Information

Debtor(s):

Meir Siboni

Represented By
Thomas B Ure

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2:00 PM

2:23-10990 Leslie Klein

Chapter 11

#6.00 Hrg re: Motion of Chapter 11 Trustee for Order Approving
Settlement Between the Trustee And Kenneth Kolev Klein
and Shoshana Shifra Klein Pursuant to Bankruptcy Rule 9019

Docket 1156

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 8,
7/15/25 at 2:00 p.m.).

Party Information

Debtor(s):

Leslie Klein

Pro Se

Movant(s):

Bradley D. Sharp (TR)

Represented By
Jeffrey W Dulberg
Jeffrey N Pomerantz
John W Lucas
Jeffrey P Nolan
Pachulski Stang Ziehl & Jones LLP

Trustee(s):

Bradley D. Sharp (TR)

Represented By
Jeffrey W Dulberg
Jeffrey N Pomerantz
John W Lucas
Jeffrey P Nolan
Pachulski Stang Ziehl & Jones LLP

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2:23-10990 Leslie Klein

Chapter 11

#7.00 Cont'd hrg re: Motion of Chapter 11 Trustee, for Order Enforcing the Automatic Stay and Sanctions Against (A) the Debtor, (B) Daniel Crawford, (C) Crawford Law Group, (D) Leslie Klein & Associates, Inc., and (E) EKLK Foundation, and Related Relief
fr. 04/08/25, 5/20/25, 6/17/25

Docket 969

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required.

Subject to an offer of proof from Trustee's counsel that he (a) has the requisite personal knowledge of the prevailing rates of other attorneys in the community with like skill, experience, and reputation; and (b) describing the process undertaken to obtain the information set forth in Trustee's counsel's latest papers (dkt. 1157), the tentative ruling is (x) to take judicial notice of what other courts have awarded other firms with like skill, experience and reputation in other cases as matters of public record and this Court's own knowledge and experience, and overrule responding parties' evidentiary objections, and (y) impose sanctions of **\$62,664.50** (\$47,069.00 (dkt. 1030) [\$48,738.50 - \$1,669.50 as a result of this Court's previous rulings sustaining Respondents' objections to certain time entries and sua sponte reducing others = \$47,069.00] + \$15,595.50 (dkt. 1053) = **\$62,664.50**) against Debtor, Daniel Crawford, Crawford Law Group, Leslie Klien & Associates, Inc., and EKLK Foundation, jointly and severally, and in favor of Trustee's counsel, on the grounds that Trustee's counsel has carried its burden to establish the reasonableness of its hourly rates.

The tentative ruling is also that, although Trustee's counsel questions the need to provide evidence in support of its hourly rates in connection with this matter, (a) Trustee's counsel has not cited any authority that the law of the case or principles of preclusion would apply such that approval of its employment under 11 U.S.C. 327, at the expense of the estate, precludes parties from later challenging the reasonableness of that hourly rate for purposes of determining the appropriate award of compensatory sanctions under 11 U.S.C. 105(a), to be charged to such parties; (b) that distinguishes

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this Court's prior comments about how it would be unfair to "change the rules" and "revisit the reasonableness of Trustee's Counsel's hourly billing rates" (dkt. 1157 p. 5:14-21); and (c) this Court was not asked to, and did not, provide leave to submit further briefing on that particular issue.

In sum, subject to a sufficient offer of proof on the evidentiary objections, the tentative ruling is to award the fees stated above.

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

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

Key documents reviewed (in connection with this Court's determination of the appropriate dollar amount of civil contempt sanctions, see dkt. 1026, 1033 & 1034): Trustee's Counsel's reply in support of its employment application (dkt. 229), Dulberg Declaration (dkt. 1030), Opposition of Leslie Klein & Associates, Inc., EKLK Foundation, and Daniel A. Crawford, Esq. ("Corporate Respondents" and together with Debtor, "Respondents") (dkt. 1039), Lucas Declaration (dkt. 1053), Second interim order (dkt. 1092), Supplemental Crawford Declaration (dkt. 1102), Trustee's reply (dkt. 1127), Filed papers in connection with counsel's original employment regarding hourly rates (dkt. 229), Supplemental Crawford Declaration (dkt. 1102), Trustee's reply (dkt. 1127), Supplemental Lucas Declaration (dkt. 1157), Corporate Respondents' evidentiary objections to supplemental Lucas declaration (dkt. 1161), Supplemental Crawford Declaration (dkt. 1162)

Tentative Ruling for 6/17/25:

Continue this matter to 7/15/25 at 2:00 p.m. with (x) a **deadline of 6/24/25** for Trustee's counsel to file a supplemental declaration with additional evidence addressing the issue set forth below, and (y) a **deadline of 7/1/25** for

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Respondents to respond and/or present their own evidence, all as set forth below. Appearances are not required on 6/17/25 for this matter. (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 connection with this Court's determination of the appropriate dollar amount of civil contempt sanctions, see *dk.* 1026, 1033 & 1034): Trustee's Counsel's reply in support of its employment application (*dk.* 229), Dulberg Declaration (*dk.* 1030), Opposition of Leslie Klein & Associates, Inc., EKLK Foundation, and Daniel A. Crawford, Esq. ("Respondents") (*dk.* 1039), Lucas Declaration (*dk.* 1053), Second interim order (*dk.* 1092), Supplemental Crawford Declaration (*dk.* 1102), Trustee's reply (*dk.* 1127).

Analysis:

(a) Background

On 4/28/25 this Court issued its Memorandum Decision (*dk.* 1033) setting forth the reasons for granting the Stay Violation Motion, subject to further proceedings to establish the appropriate dollar amount of sanctions. See *also* Orders (*dk.* 1026, 1034). The Memorandum Decision found and concluded that Respondents must be sanctioned for their violations of the automatic stay because there was no objectively reasonable basis for concluding that their conduct might not violate 11 U.S.C. 362(a). See *dk.* 1033, pp. 11:6-12:15.

On 5/20/25 this Court conducted an initial hearing to determine the appropriate dollar amount of sanctions to reimburse Trustee for his fees and expenses in bringing about an end to Respondents' stay violation. As set forth in this Court's Second Interim Order (*dk.* 1092), this Court (x) concluded that it was reasonable for Trustee's counsel to expend **46.9 hours** in connection with Respondents' stay violation, (y) set a further briefing schedule for the parties to address reasonableness of Trustee's counsel's hourly rate,

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and (z) continued the hearing to this date.

This Court has reviewed the following papers in connection with this continued hearing: (x) filed papers in connection with counsel's original employment regarding hourly rates (dkt. 229), (y) Supplemental Crawford Declaration (dkt. 1102), and (z) Trustee's reply (dkt. 1127).

(b) Reasonableness of Trustee's counsel's hourly rate

As this Court previously noted (dkt. 1092), in the Ninth Circuit, the customary method for determining the reasonableness of attorney's fees is the "lodestar" calculation, which is (x) the number of hours reasonably expended to bring an end to Respondents' stay violation, multiplied by (y) a reasonable hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983); *Jordan v. Multnomah Cnty.*, 815 F.2d 1248, 1262 (9th Cir. 1987). The reasonable value of attorney services is determined by looking to the prevailing rates of other attorneys in the community with like skill, experience, and reputation. *Chalmers v. City of Los Angeles*, 796 F.2d 1204, 1210-11 (9th Cir. 1986). The moving party bears the burden of establishing that their requested rates are reasonable. *Skidmore v. Gilbert*, 2022 U.S. Dist. LEXIS 180114, at *7-8 (N.D. Cal. Sept. 30, 2022).

At the last hearing Trustee's Counsel directed this Court to its reply papers (dkt. 229) filed in support of its employment application, which briefed the reasonableness of the firm's hourly rates. Based on this Court's review of the reply papers and the authority cited therein, the tentative ruling is that Trustee's counsel has adequately addressed the standards under 11 U.S.C. 330(a)(3)(A) &(C)-(E).

The tentative ruling is also that, for purposes of establishing the reasonableness of the firm's hourly rates, it is relevant to consider both (x) rates charged by other bankruptcy attorneys within the relevant community - *i.e.*, within the bankruptcy community, both within the immediate geographic area and beyond - with similar skill, experience, and reputation, and also (y) the "customary compensation charged by comparably skilled practitioners in cases other than cases under this title." 11 U.S.C. 330(a)(3)(B)&(F) (emphasis added). See also Reply (dkt. 229), p. 9:1-10:15.

In other words, both parties could have provided evidence of both local and national rates charged in both bankruptcy and nonbankruptcy cases by attorneys of similar skill, experience, and reputation. But neither party has done so, except in a cursory fashion.

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As Respondents highlight (dkt. 1102, pp. 3:12-4:13), Trustee's counsel has only pointed to evidence of *its own* previously awarded hourly rates, except for one reference to DLA Piper, which has been objected to as hearsay. See *generally* Reply (dkt. 229), p. 8:22-24. Then again, Respondents' listing of allegedly relevant hourly rates from random cases in this district is cursory. The tentative ruling is that it is appropriate to continue this hearing and provide the parties with an opportunity to submit better evidence. See e.g., *Barjon v. Dalton*, 132 F.3d 496, 502 (9th Cir. 1997) ("[A]n attorney's prior fee award is not sufficient without other evidence showing that the requested rates are prevailing in the community"); *United Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990) (affidavits of the attorneys and other attorneys regarding prevailing fees in the community, as well as rate determinations in other similar cases, are satisfactory evidence of the prevailing market rate).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Leslie Klein

Pro Se

Movant(s):

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

Trustee(s):

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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#8.00 Cont'd Status Conference re: Chapter 11 Case
fr. 4/8/25, 4/22/25, 05/01/25, 5/6/25, 5/20/25, 6/3/25,
6/17/25, 6/24/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:
Appearances required.

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

(1) Current issues

(a) Trustee's motion for order enforcing the automatic stay and for sanctions (dkt. 969, "Stay Violation Motion"), interim Orders (dkt. 1026, 1033, 1034, 1092); latest papers (dkt. 1102, 1127, 1157, 1161, 1162)

Subject to Trustee's counsel providing offers of proof at the hearing, the tentative ruling is to grant the remaining relief as set forth in the tentative ruling for Calendar 7 on today's calendar (7/15/25 at 2:00 p.m.).

(b) Trustee's motion to approve settlement with Kenneth and Shoshana Klein (the "Settling Parties") pursuant to Rule 9019 (Fed. R. Bankr. P.) (dkt. 1156, "Settlement Motion"), Tardily filed opposition of Leslie Klein & Associates ("LK&A") (dkt 1163), Settling Parties' reply papers (dkt. 1167), Trustee's Reply papers (dkt. 1168)

The tentative ruling is to strike the untimely opposition of LK&A on the

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grounds that (x) LK&A's papers state that it is acting in pro per (dkt. 1163, p. 1) which is in violation of LBR 9011-2(a)(prohibiting corporate entities from appearing without counsel); and (y) the opposition papers are untimely.

Alternatively, even if this Court were to consider LK&A's tardily filed opposition, the tentative ruling is to overrule the opposition and grant the Settlement Motion because:

- (i) LK&A lacks standing, for the reasons set forth in the Reply papers;
- (ii) the opposition papers are not supported by any evidence;
- (iii) LK&A's belated and improper request to be permitted to present Debtor's testimony at this hearing, despite having failed to file any timely opposition or any declaration in support of its belated opposition, is too little too late;
- (iv) any alleged unjust enrichment has not been established - e.g., there is no accounting showing that the funds came from LK&A (and Trustee alleges that they did not), and there is no accounting for the value of occupancy of the property - and in any event LK&A has not cited any factual or legal grounds to show that it is subrogated to, or entitled to enforce, any rights under 11 U.S.C. 550(e), or is otherwise entitled to assert the claims that it now asserts;
- (v) despite the alleged coercion, duress, and unfairness of the settlement to the Settling Parties, those settling parties deny any such allegations and expressly support the settlement; and
- (vi) LK&A fails to provide any cognizable grounds to conclude that the settlement falls below the lowest range of reasonableness and hence that this Court has any basis to override Trustee's discretion in entering into the settlement.

(c) Adversary proceeding status conferences for Adv. Nos. 2:23-ap-01150-NB (Vago et al. v. Klein), 2:23-ap-01153-NB (Mermelstein v. Klein), 2:23-ap-01167-NB (Sharp v. Klein et al.), 2:23-ap-01169-NB (Berger v. Klein), and 2:24-ap-01140-NB (Sharp v. Klein et al.)

Please see the tentative rulings for calendar nos. 10-13 on today's 2:00 p.m. calendar.

Proposed orders: Unless otherwise ordered, Trustee is directed to

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

(2) Dates/procedures. This case was filed on 2/22/23 as a Subchapter V case. The petition was amended to remove the Subchapter V election and proceed as a chapter 11 case on 3/8/23. See dkt. 33, 37 & 43. On 5/17/23 this Court directed the appointment of a chapter 11 trustee (dkt. 142) and on 5/24/23 Bradley D. Sharp was appointed as trustee. Dkt. 151, 154, 155 & 156.

- (a) Bar date: 5/3/23 (see dkts. 10, 12 & 18)
- (b) Procedures Order: dkt. 950 (timely served, dkt. 953)
- (c) Plan/Disclosure Statement: file by 9/15/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 8/5/25 at 2:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Leslie Klein

Pro Se

Trustee(s):

Bradley D. Sharp (TR)

Represented By
Jeffrey W Dulberg
Jeffrey N Pomerantz
John W Lucas
Jeffrey P Nolan
Pachulski Stang Ziehl & Jones LLP

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Adv#: 2:23-01150 Vago et al v. Klein

#9.00 Cont'd Status conference re: Complaint to determine the nondischargeability of certain debts pursuant to 11 U.S.C. section 523 and to deny discharge pursuant to section 727 (A)(12) fr. 4/8/25

Docket 51

***** VACATED *** REASON: Order approving stip to cont'd status conference to 11/18/25 at 2:00 p.m. [dkt. 57]**

Tentative Ruling:

Party Information

Debtor(s):

Leslie Klein

Pro Se

Defendant(s):

Leslie Klein

Pro Se

Plaintiff(s):

Erica Vago

Represented By
Brian A Procel
Robert P Goe
Reem J Bello

Joseph Vago

Represented By
Robert P Goe
Reem J Bello

Trustee(s):

Bradley D. Sharp (TR)

Represented By
Jeffrey W Dulberg
Jeffrey N Pomerantz
John W Lucas

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Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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Adv#: 2:23-01153 Mermelstein v. Klein

#10.00 Cont'd Status conference re: Complaint for nondischargability of debt pursuant to 11 USC section 523(a)(2)(A), 11 USC section 523(a)(4), & 11 USC section 523(a)(6); & for denial of discharge pursuant to 11 USC section 727(a)(2)(A); 11 USC section 727(a)(2)(B); 11 USC section 727(a)(3); 11 USC section 727(a)(4); 11 USC section 727(a)(5) fr. 4/8/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required.

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

(1) Current issues

(a) Affirmance, and future proceedings

Despite the parties' failure to file their status report or lodge a mediation order (per this Court's adopted tentative ruling for 4/8/25, copied below), this Court has taken judicial notice of the rulings of the Court of Appeals for the Ninth Circuit (adv. dkt. 106) affirming the District Court's dismissal of Defendant/Debtor's appeal. The parties are directed to address what future proceedings they anticipate in this matter.

(2) Standard requirements

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

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(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 102, p. 4)

(b) Mediation See Part (1)(a), above.

(c) Deadlines

This adversary proceeding has been pending since 5/12/23.

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

Joint Status Report: 9/9/25.

Continued status conference: 9/23/25 at 2:00 p.m.

Tentative Ruling for 4/8/25:

Continue as set forth below based on this Court's review of the parties' latest status report (adv. dkt. 102) and order this matter to mediation as set forth below. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 102) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

(2) Standard requirements

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

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(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 102, p. 4)

(b) Mediation

Both parties have indicated that they want this matter sent to mediation (adv. dkt. 102, p. 3), so the tentative ruling is to set a **deadline of 4/22/25** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 5/12/23.

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

Joint Status Report: 7/1/25

Continued status conference: 7/15/25 at 2:00 p.m.

Party Information

Debtor(s):

Leslie Klein

Pro Se

Defendant(s):

Leslie Klein

Represented By
Eric J Olson

Plaintiff(s):

Robert & Esther Mermelstein

Represented By
Baruch C Cohen

Trustee(s):

Bradley D. Sharp (TR)

Represented By

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Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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Adv#: 2:23-01167 Sharp v. Klein et al

#11.00 Cont'd Status conference re: Complaint for avoidance and recovery of fraudulent transfer fr. 4/8/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Continue as set forth below to allow time for Plaintiff/Trustee to obtain an order on the pending settlement motion and effectuate the terms of that agreement, if applicable, with a caution to the parties that failure to file timely joint and/or unilateral status report(s) in future may result in adverse consequences. Appearances are not required on 7/15/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the documents and records filed in this adversary proceeding and has no issues to raise *sua sponte* at this time.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined

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and/or waived or forfeited (adv. dkt. 133, p. 4)

(b) Mediation

[Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 6/6/23.

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

Joint Status Report: N/A

Continued status conference: 9/23/25 at 2:00 p.m.

Tentative Ruling for 4/8/25:

Continue as set forth below based on this Court's review of the parties' latest status report (adv. dkt. 133). Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 133) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

(2) Standard requirements

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

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(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 133, p. 4)

(b) Mediation

The tentative ruling is not to order the parties to mediation at this time. This Court recognizes that Defendants expressed their interest in this matter being ordered to formal mediation as of the filing of the latest status report (adv. dkt. 133) on 3/25/25. But, in view of (x) Judge Klein's orders granting Plaintiff/Trustee's motion for summary judgment (adv. dkt. 112) and denying Defendant's cross-motion for summary judgment (adv. dkt. 113), (y) the pending appeals of those orders, and (z) Plaintiff/Trustee's stated desire for this Court not to order the parties to mediation at this time, it appears that mediation likely would be a waste of time and money.

(c) Deadlines

This adversary proceeding has been pending since 6/6/23.

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

Joint Status Report: 7/1/25

Continued status conference: 7/15/25 at 2:00 p.m.

Party Information

Debtor(s):

Leslie Klein

Pro Se

Defendant(s):

Kenneth Klein

Represented By
Simon Aron

Shoshana Shrifa Klein

Represented By
Simon Aron

Kenneth Kolev Klein

Pro Se

Plaintiff(s):

Bradley D. Sharp

Represented By

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Jeffrey W Dulberg
Jeffrey P Nolan

Trustee(s):

Bradley D. Sharp (TR)

Represented By
Jeffrey W Dulberg
Jeffrey N Pomerantz
John W Lucas
Jeffrey P Nolan
Pachulski Stang Ziehl & Jones LLP

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2:23-10990 Leslie Klein

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Adv#: 2:23-01169 Berger v. Klein

#12.00 Cont'd Status conference re: Complaint for nondischargeability of debt pursuant to 11 U.S.C. section 523(a)(2)(A), U.S.C. section 523(a)(4), & 11 U.S.C. section 523(a)(6); & for denial of discharge pursuant to 11 U.S.C. section 727(a)(2)(A); 11 U.S.C. section 727(a)(2)(B); 11 U.S.C. section 727(a)(3); 11 U.S.C. section 727(a)(4); 11 U.S.C. section 727(a)(5) fr. 4/8/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:

Appearances required.

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

(1) Current issues

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

(a) Missing status report(s) and order assigning matter to mediation

This Court's written order (adv. dkt. 101) adopted its tentative ruling for 4/8/25 (copied below) and set a deadline 4/22/25 for the parties to lodge an order assigning this matter to mediation and a deadline of 7/1/25 for the parties to file a joint status report. As of the preparation of this tentative ruling, the parties have not complied with either order. Why not?

The parties are directed to appear to address the status of this proceeding.

(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

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 99, p. 4)

(b) Mediation See Part (1)(a), above.

(c) Deadlines

This adversary proceeding has been pending since 6/9/23. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joint Status Report: 9/9/25

Continued status conference: 9/23/25 at 2:00 p.m.

Tentative Ruling for 4/8/25:

Continue as set forth below based on this Court's review of the parties' latest status report (adv. dkt. 99) and order this matter to mediation as set forth below. Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 99) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 99, p. 4)

(b) Mediation

Both parties have indicated that they want this matter sent to mediation (adv. dkt. 99, p. 3), so the tentative ruling is to set a **deadline of 4/22/25** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 6/9/23. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joint Status Report: 7/1/25

Continued status conference: 7/15/25 at 2:00 p.m.

Party Information

Debtor(s):

Leslie Klein

Pro Se

Defendant(s):

Leslie Klein

Represented By
Eric J Olson

Plaintiff(s):

David Berger

Represented By
Baruch C Cohen

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Trustee(s):

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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Adv#: 2:24-01140 Sharp, Chapter 11 Trustee v. Klein et al

#13.00 Cont'd Status conference re: Complaint for quiet title and avoidance of unrecorded interests in real property located at 322 N. June St., Los Angeles California
fr. 4/8/25

Docket 1

Tentative Ruling:

Tentative Ruling for 7/15/25:
Appearances required.

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

(1) Current issues

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

(a) Missing status report

This Court's adopted tentative ruling for 4/8/25 (copied below) directed the parties to file a joint status report by 7/1/25 but, as of the preparation of this tentative ruling, no status report is on file. Why not?

The parties are directed to appear to address whether there are any post-judgment issues to be resolved in view of the Bankruptcy Appellate Panel for the Ninth Circuit's memorandum affirming Judge Klein's (who previously presided over this proceeding) order granting Plaintiff/Trustee's motion for summary judgment and entering Judgment in Plaintiff/Trustee's favor or whether this Court should request and direct the Clerk's Office to close this proceeding in accordance with standard Clerk's Office procedure.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 23, p. 5)

(b) Mediation

[Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 5/23/24.

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

Joint Status Report: 9/9/25

Continued status conference: 9/23/25 at 2:00 p.m.

Tentative Ruling for 4/8/25:

Continue as set forth below based on this Court's review of Plaintiff/Trustee's latest status report (adv. dkt. 89). Appearances are not required on 4/8/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed Plaintiff/Trustee's latest status report (adv. dkt. 89) and the other filed documents and records in this adversary proceeding and has no issues to raise *sua sponte* at this time.

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Chapter 11

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 23, p. 5)

(b) Mediation

[Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 5/23/24.

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

Joint Status Report: 7/1/25

Continued status conference: 7/15/25 at 2:00 p.m.

Party Information

Debtor(s):

Leslie Klein

Pro Se

Defendant(s):

Leslie Klein

Represented By
Eric J Olson

The Second Amended Klein Living

Represented By
Eric J Olson

The Marital Deduction Trust of

Represented By
Eric J Olson

Barbara Klein

Represented By
Eric J Olson

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

Tuesday, July 15, 2025

Hearing Room 1545

2:00 PM

CONT...

Leslie Klein

Chapter 11

The Survivor's Trust of Leslie Klein

Represented By
Eric J Olson

Kenneth Klein

Represented By
Simon Aron

Plaintiff(s):

Bradley D. Sharp, Chapter 11

Represented By
John W Lucas
Jeffrey W Dulberg
Jeffrey P Nolan

Trustee(s):

Bradley D. Sharp (TR)

Represented By
Jeffrey W Dulberg
Jeffrey N Pomerantz
John W Lucas
Jeffrey P Nolan
Pachulski Stang Ziehl & Jones LLP