

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

Tuesday, July 16, 2024

Hearing Room 1545

9:00 AM
2:00-00000

Chapter

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

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

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 160 581 9714

Password: 846760

Meeting URL: <https://cacb.zoomgov.com/j/1605819714>

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

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

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

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

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

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

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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
Los Angeles
Neil Bason, Presiding
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Tuesday, July 16, 2024

Hearing Room 1545

10:00 AM

2:22-11182 Vernon David Harm Behrens

Chapter 13

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

US BANK TRUST NATIONAL ASSOCIATION
vs
DEBTOR

Docket 88

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see response of Debtor's next friend, dkt. 90).

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):

Vernon David Harm Behrens

Represented By
Nima S Vokshori

Movant(s):

US Bank Trust National Association,

Represented By
Joseph C Delmotte

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, July 16, 2024

Hearing Room 1545

10:00 AM

2:24-12703 Peggy Ruth Denhart

Chapter 13

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

DANYLUK, CONSTINE, SILBERSTEIN ET AL
vs
DEBTOR

Docket 24

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

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10:00 AM

CONT... Peggy Ruth Denhart

Chapter 13

(3) for lack of sufficient cause shown.

Co-debtor stay

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

A determination that Debtor filed this bankruptcy case in bad faith is not warranted on this record

Movants assert, as additional "cause" for relief under 11 U.S.C. 362(d) (1), that Debtor filed this bankruptcy case in bad faith because her schedules and plan do not disclose that Movant's loan matured on 6/15/24. R/S Motion (dkt. 24) at ¶ 17(d) (p. 10). The tentative ruling is that this is not enough, by itself, to make any finding that Debtor sought bankruptcy relief in bad faith is not warranted.

Party Information

Debtor(s):

Peggy Ruth Denhart

Represented By
Julie J Villalobos

Movant(s):

Danyluk, Constine, Silberstein et al.

Represented By
Jeffrey S Shinbrot

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

10:00 AM

2:24-14467 Oweleo Lysette Titi

Chapter 7

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

AMERICAN CREDIT ACCEPTANCE LLC
vs
DEBTOR

Docket 12

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... Oweleo Lysette Titi
(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):

Oweleo Lysette Titi

Represented By
Kahlil J McAlpin

Movant(s):

American Credit Acceptance LLC

Represented By
Sheryl K Ith

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 16, 2024

Hearing Room 1545

10:00 AM

2:22-15105 Jane Alison Keller

Chapter 13

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

WILMINGTON SAVINGS FUND SOCIETY, FSB
vs
DEBTOR

Docket 43

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required.

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

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

Tentative Ruling for 6/11/24:

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

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

Party Information

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CONT... Jane Alison Keller

Chapter 13

Debtor(s):

Jane Alison Keller

Represented By
Joshua Sternberg

Movant(s):

Wilmington Savings Fund Society,

Represented By
Nichole Glowin

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

2:23-17803 Mark Z May

Chapter 13

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

SELECT PORTFOLIO SERVICING INC.
VS
DEBTOR

Docket 35

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Z May

Represented By
Axel H Richter

Movant(s):

Select Portfolio Servicing Inc., as

Represented By
Joseph C Delmotte

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

10:00 AM

2:23-18482 Ernesto Nolasco

Chapter 13

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

U.S. BANK NATIONAL ASSOCIATION
vs
DEBTOR

Docket 50

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required.

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

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

Tentative Ruling for 6/4/24:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) the status of Debtor's attempt to refinance the Property, (b) whether the alleged arrears have been brought current, and/or (c) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 54).

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

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CONT... Ernesto Nolasco

Chapter 13

Party Information

Debtor(s):

Ernesto Nolasco

Represented By
Donald E Iwuchuku

Movant(s):

U.S. Bank National Association, as

Represented By
Sean C Ferry

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

10:00 AM

2:24-10516 Luis Camacho-Fernandez

Chapter 13

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

US BANK TRUST NATIONAL ASSOC
vs
DEBTOR

Docket 37

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required.

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

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

Tentative Ruling for 6/4/24:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 43).

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

Party Information

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CONT... Luis Camacho-Fernandez

Chapter 13

Debtor(s):

Luis Camacho-Fernandez

Represented By
Onyinye N Anyama

Movant(s):

US Bank Trust National Association,

Represented By
Jennifer C Wong

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

2:23-11368 Andrea Rebecca Specht

Chapter 13

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

FLAGSTAR BANK, N.A.
VS
DEBTOR

Docket 46

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Rebecca Specht

Represented By
Raymond Perez

Movant(s):

Flagstar Bank, N.A.

Represented By
Cassandra J Richey
Darlene C Vigil

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, July 16, 2024

Hearing Room 1545

10:00 AM

2:23-18513 Charles Lee Harris, Jr.

Chapter 13

#9.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/14/24, 6/11/24

DEUTSCHE BANK NATIONAL TRUST CO
vs
DEBTOR

Docket 35

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required.

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

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

Tentative Ruling for 6/11/24:

Appearances required.

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

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

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Hearing Room 1545

10:00 AM

CONT... Charles Lee Harris, Jr.
posted tentative rulings.

Chapter 13

Tentative Ruling for 5/14/24:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 43).

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):

Charles Lee Harris Jr.

Represented By
Onyinye N Anyama

Movant(s):

Deutsche Bank National Trust

Represented By
Kirsten Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

10:00 AM

2:22-15468 Lawrence Jerome McGill

Chapter 13

#10.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/25/24

BANK OF AMERICA, NA.
vs
DEBTOR

Docket 57

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required.

At the hearing on 6/25/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 6/25/24:

Grant as set forth below.

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

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

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, July 16, 2024

Hearing Room 1545

10:00 AM

CONT... Lawrence Jerome McGill

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

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

Co-debtor stay

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

Party Information

Debtor(s):

Lawrence Jerome McGill

Represented By
Leonard Pena

Movant(s):

BANK OF AMERICA, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, July 16, 2024

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10:00 AM

2:18-21779 Osvaldo Mena and Mayra Alejandra Mena

Chapter 13

#11.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/21/24, 6/25/24

BANK OF AMERICA, N.A.
vs
DEBTOR

Docket 86

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required.

At the hearing on 6/25/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 6/25/24:

Appearances required.

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

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

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

CONT... Osvaldo Mena and Mayra Alejandra Mena

Chapter 13

Tentative Ruling for 5/21/24:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

Co-debtor stay

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

Party Information

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10:00 AM

CONT... Osvaldo Mena and Mayra Alejandra Mena

Chapter 13

Debtor(s):

Oswaldo Mena

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Mayra Alejandra Mena

Represented By
Ramiro Flores Munoz

Movant(s):

Bank of America, N.A., and its

Represented By
Christina J Khil

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:19-23540 Brian Anthony Wong

Chapter 7

#1.00 Hrg re: Trustee's final report and account;
Application for fees and expenses
[David M. Goodrich, Chapter 7 Trustee]

Docket 72

Tentative Ruling:

Approve the final report and grant Trustee's requested fees and expenses, as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, 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.

Allow \$2,301.40 in fees and \$33.80 in expenses, for a total award of \$2,335.20, on a final basis; and authorize and direct payment of the full amounts allowed.

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

Party Information

Debtor(s):

Brian Anthony Wong

Represented By
Robert Reganyan

Trustee(s):

David M Goodrich (TR)

Represented By
Brett Ramsaur

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

Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:19-23540 Brian Anthony Wong

Chapter 7

#2.00 Hrg re: First & Final Fee Application for
Hahn Fife & Company LLP, Accountant

Docket 70

Tentative Ruling:

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

Allow \$1,326.00 in fees and \$250.40 in expenses, for a total award of \$1,576.40, on a final basis; and authorize and direct payment of the full amounts allowed.

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

Party Information

Debtor(s):

Brian Anthony Wong

Represented By
Robert Reganyan

Movant(s):

Hahn Fife & Company LLP

Pro Se

Trustee(s):

David M Goodrich (TR)

Represented By
Brett Ramsaur

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

CONT...

Brian Anthony Wong

Chapter 7

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

Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:23-12556 Richard B Scott

Chapter 7

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

#3.00 Hrg re: Motion for an order (1) extending the discovery cutoff date; and (2) modifying the scheduling order entered on April 3, 2024

Docket 22

Tentative Ruling:

Grant, with a caution to Defendant/Debtor that failure to comply with discovery requirements may lead to sanctions, fee-shifting, evidentiary presumptions, and/or other adverse consequences. 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.")

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

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

Party Information

Debtor(s):

Richard B Scott

Represented By
Stephen R Wade

Defendant(s):

Richard B Scott

Represented By
Stephen R Wade

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

CONT... Richard B Scott

Chapter 7

Movant(s):

JRM Construction West LLC

Represented By
Robert P Goe
Charity J Manee

Plaintiff(s):

JRM Construction West LLC

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Jason M Rund (TR)

Pro Se

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

Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:23-12556 Richard B Scott

Chapter 7

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

#3.10 Cont'd status conference re: Complaint for denial of discharge pursuant to 11 U.S.C. section 727(a)(4)(A) fr. 10/17/23, 1/23/24, 4/2/24, 7/9/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/9/24:

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

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Richard B Scott

Represented By
Stephen R Wade

Defendant(s):

Richard B Scott

Represented By
Stephen R Wade

Plaintiff(s):

JRM Construction West LLC

Represented By

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11:00 AM

CONT... Richard B Scott

Chapter 7

Robert P Goe
Charity J Manee

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:24-11795 Karen Kim

Chapter 7

#4.00 Hrg re: Motion for an order to show casue why Daniel Serrano should not be held in contempt of court for violations of the automatic stay

Docket 51

Tentative Ruling:

Grant the motion and set a continued hearing to address damages, as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")
Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

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

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

Analysis

The tentative ruling is to find and conclude that Daniel Serrano has violated the automatic stay of 11 U.S.C. 362(a)(1) and (a)(3)-(6) by (A) commencing a judicial proceeding and (B) threatening to record a *lis pendens*, all on account of a prepetition claim against Debtor. This Court notes that at all relevant times the automatic stay has continued to apply as to Debtor and as to property of Debtor and/or of the bankruptcy estate. See Order (dkt. 85) (analyzing scope of automatic stay).

This Court recognizes one potential flaw in Debtor's motion, but

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CONT...

Karen Kim

Chapter 7

concludes that it is not a fatal flaw. Debtor falsely states that Mr. Serrano was "on Debtor's schedules" - which is important because Debtor concludes that this gave him "notice of Debtor's bankruptcy filing" (dkt. 59, p. 3:25-26). But in fact, based on this Court's review, Mr. Serrano was not included either on Debtor's bankruptcy schedules or on Debtor's verified list of creditors. See dkt. 1&7.

Nevertheless, Mr. Serrano filed a proof of claim on 4/2/24 (POC #4-1), so at least by then he knew of this bankruptcy case, and thereafter on 5/17/24 he filed his complaint (see dkt. 59, Ex.2 at PDF p. 32) and on or about 5/20/24 he threatened to record a *lis pendens* (*id.*, Ex.1 at PDF p. 11). The tentative ruling is that is evidence of a "willful" violation of the automatic stay within the meaning of 11 U.S.C. 362(k).

The tentative ruling is that Mr. Serrano is subject to damages under 11 U.S.C. 362(k), and that it is appropriate to set a continued **hearing on 8/27/24 at 11:00 a.m.**, with a **deadline of 8/1/24** for Debtor to file and serve via U.S. mail her declaration(s) and any (optional) brief regarding the dollar amount of damages and how Mr. Serrano's acts in violation of the automatic stay caused any such damages; a **deadline of 8/13/24** for Mr. Serrano to file any response, limited solely to the issue of damages; and a **deadline of 8/20/24** for Debtor to file and serve any reply papers.

Caveat: Debtor is directed to file appropriate papers to **add Mr. Serrano to her list of creditors**, and pay the required filing fee for such papers. Those things are a required condition for this Court to issue any order granting Debtor's motion. Debtor may consult this Court's website (www.cacb.uscourts.gov) or contact the Clerk of this Court for information about how to add Mr. Serrano to her list of creditors.

Party Information

Debtor(s):

Karen Kim

Pro Se

Movant(s):

Karen Kim

Pro Se

Trustee(s):

John J Menchaca (TR)

Pro Se

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

11:00 AM

2:21-12190 Sehee Bang

Chapter 7

Adv#: 2:21-01098 Na v. Bang et al

#5.00 Cont'd hrg re: Judgment Debtor Examination
fr. 4/23/24, 05/21/24, 06/25/24

Docket 54

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required, in person. See dkt. 66 (order continuing judgment debtor examination).

Tentative Ruling for 5/21/24:

Appearances required, in person. See dkt. 62 (order continuing judgment debtor examination).

Tentative Ruling for 4/23/24:

Appearances required, in person, pursuant to this Court's order to appear for examination ("OEX" or "ORAP," dkt. 56).

The Plaintiff (judgment creditor) is directed to address whether the proof of service ("POS") of the OEX is correct. *Compare* OEX (dkt. 56, p. 2:17-19) *with* POS (dkt. 59, p. 2). If that issue is address satisfactorily then, as stated in the OEX, this Court anticipates directing the parties to one of the attorney conference rooms (just outside of the courtroom) for the actual examination. In the event that the parties require the assistance of this Court to resolve any discovery disputes, they can re-enter the courtroom and request to be heard or, if the courtroom is closed, ring the doorbell at Chambers.

Party Information

Debtor(s):

Sehee Bang

Represented By
Young K Chang

Defendant(s):

Sehee Bang

Pro Se

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CONT... Sehee Bang

Chapter 7

Ari Apparel, Inc Pro Se

Charming You Boutique Pro Se

DOES 1-10, Inclusive Pro Se

Movant(s):

Hyun Woo Na Represented By
Joon M Khang

Plaintiff(s):

Hyun Woo Na Represented By
Joon M Khang

Trustee(s):

Edward M Wolkowitz (TR) Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:22-13069 George Gordon Strong, III

Chapter 7

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

#6.00 Cont'd status conference re: Complaint for determination of nondischargeability of debt pursuant to 11 U.S.C. section 523 fr. 9/19/23, 10/17/23, 12/19/23, 2/6/24, 2/12/24, 4/9/24, 6/11/24

Docket 1

***** VACATED *** REASON: Cont'd to 8/27/24 at 11:00 a.m. ruling on 7/9/24**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Gordon Strong III

Represented By
Alan W Forsley

Defendant(s):

George Gordon Strong III

Represented By
Alan W Forsley

Plaintiff(s):

Michael Horner and Thomas Horner

Represented By
Byron Z Moldo
Sonia Singh

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:23-11247 Edmund Lincoln Anderson

Chapter 13

Adv#: 2:23-01505 Anderson v. Bank of New York Mellon FKA Bank of New York as Tr

#7.00 [Final Judgment approved against deft., BNY Mellon 3/8/24]

Cont'd status conference re: Complaint to (1) Specific performance; (2) Quiet title to establish title holder; (3) Declaratory relief regarding entirety of alleged lien and secured claim; (4) Declaratory relief regarding entirety of alleged lien and secured claim (5) Objection to claim of alleged lien holder; (6) Cancellation of instrument; (7) Declaratory relief regarding entirety of alleged lien and secured claim; and (8) Objection to claim of alleged lien holder fr. 2/20/24, 4/9/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue this status conference so that the parties have time to conduct discovery (the current deadline to complete discovery is 10/31/24 per the Scheduling Order, adv. dkt. 16), with the expectation that this Court might order mediation after discovery is substantially completed. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 18) and the other filed documents and records in this adversary proceeding, and has no issues to raise *sua sponte*.

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CONT... Edmund Lincoln Anderson

Chapter 13

(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

Plaintiff/Debtor and Defendant have both consented to entry of final judgment by this Bankruptcy Court. See First Amended Complaint (dkt. 9) at ¶ 4 and Answer (dkt. 14) at ¶ 14.

(b) Mediation

Given the history of this matter, and the lack of discovery, this Court is not inclined to order mandatory mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 12/20/23. The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 16) except as modified/supplemented below.

Joint Status Report: 10/8/24

Continued status conference: 10/22/24 at 11:00 a.m.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Edmund Lincoln Anderson

Represented By
Stella A Havkin

Defendant(s):

Bank of New York Mellon FKA

Represented By
Stella A Havkin
Brandon J. Mika

Real Time Resolutions Inc., As

Pro Se

Wells Fargo Bank, N.A., As Trustee

Represented By

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11:00 AM

CONT... Edmund Lincoln Anderson

Robert W Norman Jr

Chapter 13

Plaintiff(s):

Edmund Lincoln Anderson

Represented By
Stella A Havkin

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:23-15109 Keisha Carroll

Chapter 7

Adv#: 2:23-01512 Carroll v. Department of Education / Nelnet

#8.00 Cont'd Status Conference re: Adversary
Proceeding for Federal Student Loan Debt
fr. 3/5/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Issue an order requiring Plaintiff/Debtor to show cause why this action should not be dismissed for failure to prosecute, and continue this status conference as set forth below. Appearance are not required on 7/16/25. (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) Plaintiff/Debtor's failure to prosecute

On 3/15/24, this Court issued an order setting a deadline of **5/3/24** for Plaintiff/Debtor to file a First Amended Complaint (dkt. 3, the "Order"). The Order provided detailed instructions regarding how to properly file a serve a First Amended Complaint (the "FAC"). It also cautioned Plaintiff/Debtor that if she failed to meet the deadline, "this Court anticipates issuing an order requiring Plaintiff/Debtor to show cause why this action should not be dismissed for failure to prosecute." Order (dkt. 3), Ex. A (p. 5).

Plaintiff/Debtor has not met the deadlines set forth in the Order. The tentative ruling is to issue an order requiring Plaintiff/Debtor to show cause why this action should not be dismissed for failure to prosecute.

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CONT...

Keisha Carroll

Chapter 7

Proposed order: After the hearing, this Court will prepare an order to show cause.

(2) Standard requirements

(a) [Intentionally omitted.]

(b) [Intentionally omitted.]

(c) Deadlines

This adversary proceeding has been pending since 12/28/23.

At this time the only appropriate deadline/date to set is as follows:

Continued status conference: 8/6/24 at 11:00 a.m.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Keisha Carroll

Pro Se

Defendant(s):

Department of Education / Nelnet

Pro Se

Plaintiff(s):

Keisha Carroll

Pro Se

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:23-16072 Jhonalyn Jhoiey Ramirez

Chapter 7

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

#9.00 Cont'd Status conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. section 523(a)(2)(A) fr. 2/20/24, 4/9/24, 5/21/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

Reasons:

At a hearing held on 7/9/24, this Court granted Plaintiff's motion for default judgment (adv. dkt. 19). As of the preparation of this tentative ruling, an order and judgment memorializing that ruling have not yet been entered, despite the 7-day deadline in the local rules for lodging those things.

The tentative ruling is to continue the status conference to 8/27/24 at 11:00 a.m. The continuance will (a) to provide Plaintiff with an additional opportunity to lodge a proposed order granting its motion for a default judgment, and a proposed judgment (with a caution that continued, unexplained failure to do those things might result in dismissal of this adversary proceeding for lack of prosecution, or other adverse consequences), and (b) to provide the parties an opportunity to request any post-judgment relief that might be relevant (e.g., seeking an award of costs).

If a judgment is entered and no post-judgment relief is requested, this

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CONT... Jhonalyn Jhoiey Ramirez

Chapter 7

Court anticipates that the tentative ruling posted prior to the continued status conference will most likely be that no appearances will be required and that the status conference will be taken off calendar. No written status report is required in connection with the continued status conference.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Jhonalyn Jhoiey Ramirez

Represented By
Peter M Lively

Defendant(s):

Jhonalyn Jhoiey Ramirez Duarte

Pro Se

Plaintiff(s):

Cassaforte Limited

Represented By
Leonard Salvatore Spinelli
Mark B Chassman

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:22-13500 Moussa Moradieh Kashani

Chapter 7

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

#10.00 Cont'd Status Conference re: Complaint to Determine Dischargeability of Debt fr. 11/28/23, 01/23/24, 04/09/24, 5/14/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue as set forth below. Appearances are not required on 7/16/24.

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) Defendant/Debtor's inattention to this adversary proceeding

Defendant/Debtor has shown inattention to this adversary proceeding from its inception. For example, the discovery deadline set by this Court appears to have been ignored by Defendant/Debtor. *Compare* Order (adv. dkt. 21) p. 2 (para. 3.f., setting 8/23/24 deadline for completion of discovery) *with* Stat. Rpt. (adv. dkt. 24) p. 2 (para. B.2.) (undisputed assertion by Plaintiff that Defendant has not even provided initial disclosures, and statement that this "may require a motion to compel").

Another omission is Defendant/Debtor's failure adequately to address in his Answer (per Rule 7012(b), Fed. R. Bankr. P.) whether disputes that this Court has the power to enter any final orders or judgments. It has that power, without any doubt, because this is a nondischargeability matter that can only arise under the Bankruptcy Code. See Answer (adv. dkt. 18) p. 2:8-10 (claiming to lack "sufficient knowledge or information" to address whether this Court has subject matter jurisdiction and whether this is a "core" proceeding, and on that basis denying same).

Note: This Court is not encouraging Defendant/Debtor to incur the

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CONT...

Moussa Moradieh Kashani

Chapter 7

time and expense of amending the Answer to address this issue. The only point is that this issue is illustrative of the apparent inattention to this matter, and such inattention might well lead to wasted time and effort by both parties (and this Court).

In addition, in the past Defendant/Debtor has failed to prepare status reports or, until recently, to hire counsel. See Order (adv. dkt. 21) at PDF p. 3. (That said, this Court has in the past also noted Plaintiff's apparent inattention to prosecuting this matter. See *id.* at PDF pp. 5-6.)

The tentative ruling is that this Court will not *sua sponte* take any action at this time on the latest examples of Defendant/Debtor's inattention to this matter, and instead will leave it to the parties either (i) to file any motions to compel discovery (if Defendant/Debtor does not now, belatedly, comply with discovery obligations), any motions or stipulations to amend the scheduling order, or any other appropriate papers, or alternatively (ii) to raise issues in status reports and orally at any status conference (the parties are reminded that one reason for holding frequent status conferences is to avoid the necessity for written discovery motions, and that the "Procedures of Judge Bason," posted at www.cacb.uscourts.gov, provide streamlined procedures for most discovery disputes).

In an effort to reduce expenditures of time and money this tentative ruling states that appearances are not required, because this Court anticipates that if the parties pay sufficient attention to this matter then they can work out most things without the necessity of intervention by this Court. But, as always, if anyone wishes to contest this tentative ruling then they may follow the posted procedures for doing so; and if the parties are unable to work out any discovery disputes then they may raise them in connection with the continued status conference or by other appropriate means.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final

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CONT... **Moussa Moradieh Kashani**

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. 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

The tentative ruling is that it would be premature to order mandatory mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 9/18/23. The current deadlines/dates are as set forth in this Court's scheduling order (adv. dkt. 21), supplemented as follows:

Joint Status Report: 7/29/24

Continued status conference: 8/6/24 at 11:00 a.m.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Moussa Moradieh Kashani

Represented By
Sandford L. Frey
Robyn B Sokol

Defendant(s):

Moussa Moradieh Kashani

Represented By
Sandford L. Frey

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CONT... Moussa Moradieh Kashani

Chapter 7

Plaintiff(s):

Armon Funding, LLC

Represented By
Andrew Mase
Matthew H. Aguirre

The Ryzman Family Partnership

Represented By
Andrew Mase
Matthew H. Aguirre

Benson Capital Partners, LLC

Represented By
Andrew Mase
Matthew H. Aguirre

RNGF Investments #1, LLC

Represented By
Andrew Mase
Matthew H. Aguirre

The Ryzman Foundation, Inc.

Represented By
Andrew Mase
Matthew H. Aguirre

Rafael Ryzman

Represented By
Andrew Mase
Matthew H. Aguirre

Elimor Goldwicht

Represented By
Andrew Mase
Matthew H. Aguirre

Philana Chen

Represented By
Andrew Mase
Matthew H. Aguirre

Michael Fenig

Represented By
Andrew Mase
Matthew H. Aguirre

Elie Ryzman

Represented By
Andrew Mase
Matthew H. Aguirre

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

Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

CONT... Moussa Moradieh Kashani

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:24-13431 FAME Housing Corporation

Chapter 7

#11.00 Cont'd hrg re: Motion for Interim and Final Orders (1) Authorizing the Trustee to Operate the Debtor's Business Through November 1, 2024, (2) Authorizing the Use of Cash Collateral Through November 1, 2024, and (3) Granting Related Relief fr. 6/4/24, 6/25/24

Docket 25

Tentative Ruling:

Tentative Ruling for 7/16/24:

Please see the tentative ruling for the status conference in the lead case, Fame Housing Corporation (Calendar No. 12, 7/16/24 at 11:00 a.m.)

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Jacky P. Wang

Movant(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

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

Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:24-13431 FAME Housing Corporation

Chapter 7

#12.00 Cont'd status conference re: Chapter 7 case
fr. 6/25/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Grant the Operations Motions (in each of these three jointly administered cases) on a final basis and continue the status conference, all as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Motion of Chapter 7 Trustee to continue operating the business etc. (dkt. 25, the "Operations Motion"); Interim order (dkt. 38); Limited opposition by secured creditors Denise Brown et al. (dkt. 57), First supplement in support of Operations Motion (dkt. 58); Second interim order (dkt. 61); [and similar papers in the other jointly administered cases]; second supplement (dkt. 79, filed in lead case only)

Grant the Operations Motion on a final basis (on the requested terms applicable to each of the three jointly administered cases, including different budgets/terms in each case), and authorize the Chapter 7 Trustee to continue operating the businesses (to the extent requested in each case) through and including 11/1/24.

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

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11:00 AM

CONT... FAME Housing Corporation

Chapter 7

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

(a) Continued status conference: 8/27/24 at 11:00 a.m. (only in this lead case: there is no need to continue the *separate* status conferences in the other two jointly administered cases). No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

FAME Housing Corporation

Represented By
Jacky P. Wang

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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Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:24-13432 FAME Assistance Corporation

Chapter 7

#13.00 Cont'd hrg re: Motion for Interim and Final Orders (1) Authorizing the Trustee to Operate the Debtor's Business Through November 1, 2024, (2) Authorizing the Use of Cash Collateral Through November 1, 2024, and (3) Granting Related Relief fr. 6/4/24, 6/25/24

Docket 28

Tentative Ruling:

Tentative Ruling for 7/16/24:

Please see the tentative ruling for the status conference in the lead case, Fame Housing Corporation (Calendar No. 12, 7/16/24 at 11:00 a.m.)

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

FAME Assistance Corporation

Represented By
Jacky P. Wang

Movant(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

**United States Bankruptcy Court
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Tuesday, July 16, 2024

Hearing Room 1545

11:00 AM

2:24-13432 FAME Assistance Corporation

Chapter 7

#14.00 Cont'd status conference re: Chapter 7 case
fr. 6/25/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Please see the tentative ruling for the status conference in the lead case,
Fame Housing Corporation (Calendar No. 12, 7/16/24 at 11:00 a.m.)

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

FAME Assistance Corporation

Represented By
Jacky P. Wang

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1545

11:00 AM

2:24-13434 FAME/Good Shepherd Center Housing Development Corp

Chapter 7

#15.00 Cont'd hrg re: Motion For Interim And Final Orders (1) Authorizing The Trustee To Operate The Debtor's Business Through November 1, 2024, (2) Authorizing The Use Of Cash Collateral Through November 1, 2024, (3) Authorizing The Employment Of Trillium Property Management, Inc., As Property Manager, (4) Authorizing The Use Of Existing Bank Accounts, And (5) Granting Related Relief
fr. 6/4/24, 6/25/24

Docket 24

Tentative Ruling:

Tentative Ruling for 7/16/24:

Please see the tentative ruling for the status conference in the lead case, Fame Housing Corporation (Calendar No. 12, 7/16/24 at 11:00 a.m.)

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

FAME/Good Shepherd Center

Represented By
Jacky P. Wang

Movant(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:24-13434 FAME/Good Shepherd Center Housing Development Corp

Chapter 7

#16.00 Cont'd status conference re: Chapter 7 case
fr. 6/25/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Please see the tentative ruling for the status conference in the lead case,
Fame Housing Corporation (Calendar No. 12, 7/16/24 at 11:00 a.m.)

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

FAME/Good Shepherd Center

Represented By
Jacky P. Wang

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

**United States Bankruptcy Court
Central District of California
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Tuesday, July 16, 2024

Hearing Room 1545

1:00 PM

2:23-18579 Clinical Edify

Chapter 7

#1.00 Hrg re: Motion for authority to withdraw
as counsel for Clinical Edify

Docket 142

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 2,
7/16/24 at 1:00 p.m.).

Party Information

Debtor(s):

Clinical Edify

Represented By
Steven R Fox

Movant(s):

Clinical Edify

Represented By
Steven R Fox

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steve Burnell
Mark S Horoupian

**United States Bankruptcy Court
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Tuesday, July 16, 2024

Hearing Room 1545

1:00 PM

2:23-18579 Clinical Edify

Chapter 7

#2.00 Cont'd status conference re: Chapter 7 case
fr. 1/2/24, 1/23/24, 2/6/24, 2/20/24, 4/30/24,
5/14/24, 6/25/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Grant the Motion to Withdraw, and conduct no further status conferences in this chapter 7 case absent further order of this Court. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Motion of Fox Law Corporation to withdraw as Debtor's general bankruptcy counsel (dkt. 142, the "Motion to Withdraw"), Notice of Motion to Withdraw (dkt. 143), Declaration re: service (dkt. 146)

Grant the Motion to Withdraw.

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)).

(2) Dates/procedures. This case was filed on 12/27/23 and converted to chapter 7 by order (dkt. 122) entered on 5/20/24 .

(a) Bar date: 3/1/24 (Order (dkt. 63) timely served, dkt. 77)

(b) Procedures Order: dkt. 3 (timely served, dkt. 25)

(c) Plan/Disclosure Statement: N/A

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CONT...

Clinical Edify

(d) Continued status conference: N/A

Chapter 7

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Clinical Edify

Represented By
Steven R Fox

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steve Burnell
Mark S Horoupian

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Hearing Room 1545

1:00 PM

2:23-18579 Clinical Edify

Chapter 7

Adv#: 2:24-01087 American Career College, Inc. et al v. Clinical Edify

#3.00 Cont'd Status conference re: Complaint to hold debtor liable on creditors' judgment fr. 6/4/24

Docket 1

Tentative Ruling:

(1) Set deadlines for Plaintiff to obtain another summons and properly serve that summons upon Defendant/Debtor, or take other appropriate action, and (2) continue this status conference, all as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Service of the summons and complaint

Another summons (also known as an "alias summons") was issued by the Clerk of the Court (the "Clerk") on 5/17/24 (adv. dkt. 7). Plaintiff attempted to serve the summons and complaint upon Defendant/Debtor on 5/21/24 (adv. dkt. 8); but there are two problems.

First, the Proof of Service does not contain the correct address for Defendant/Debtor. Specifically, the Proof of Service lists Defendant/Debtor's ZIP code as "90017"; according to Defendant/Debtor's schedules, the correct ZIP code is "90013." (This Court also verified that ZIP code at www.usps.com, last checked 7/12/24.)

Second, the motion papers were not served 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.). True, Debtor

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CONT...

Clinical Edify

Chapter 7

arguably has waived or forfeited any such requirement because Debtor did not use any such form of address in the papers it has filed in this bankruptcy case. But, to avoid any future disputes on that issue, Plaintiff should serve Defendant/Debtor in accordance with Rule 7004(b)(3).

Note: This Court recognizes that Plaintiff did appropriately serve Defendant/Debtor's general bankruptcy counsel - who might or might not have been representing it or authorized to accept service for it in this adversary proceeding. But that attorney has filed a motion to withdraw, and the tentative ruling for that motion is to grant it. (See calendar no. 2 on 7/16/24 at 1:00 p.m.) This withdrawal appears to make it all the more important to follow the correct procedures for serving Defendant/Debtor itself.

The tentative ruling is (A) to **set a deadline of 7/23/24** for Plaintiff to obtain a second "another summons" (aka "alias summons") and (B) to direct Plaintiff to timely and properly serve that summons upon Defendant/Debtor (and any attorney known to be representing it in connection with this adversary proceeding) and immediately thereafter file a proof of service.

(b) Alternative procedures

In lieu of re-serving a summons and complaint, other approaches to this matter might be appropriate now that this bankruptcy case has been converted to chapter 7. For example, some sort of stipulation with the Chapter 7 Trustee to maintain the status quo, or a proposed settlement allowing some or all of Plaintiff's claims under Rule 9019 (Fed. R. Bankr. P.), could moot any need to serve the summons and complaint.

To be clear, this Court expresses no view whether any such alternatives are appropriate or (for matters requiring approval of this Court) would be approved. The point is only that it might be appropriate to pursue some course of action other than serving another summons and the complaint.

Accordingly, in lieu of filing a proof of service of the summons and complaint by the deadline set forth in part "(1)(a)" of this tentative ruling, Plaintiff may elect instead to file a declaration **no later than 7/30/24** stating that it is pursuing alternatives. (To be clear, this Court has not researched and is not ruling on whatever steps might be necessary for Plaintiff to preserve its rights - e.g., any statute of limitations, or other deadline for serving the summons and complaint if some viable alternative is not pursued.

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CONT... Clinical Edify

Chapter 7

This Court is only attempting to avoid imposing additional costs that are unnecessary; but Plaintiff should take whatever action it believes is necessary to preserve its rights.)

(2) Standard requirements

[Intentionally omitted, except as set forth below.]
* * *

(c) Deadlines

This adversary proceeding has been pending since 4/1/24.

Continued status conference: 9/24/24 at 1:00 p.m., no written status report required

Party Information

Debtor(s):

Clinical Edify

Represented By
Steven R Fox

Defendant(s):

Clinical Edify

Represented By
Steven R Fox

Plaintiff(s):

American Career College, Inc.

Represented By
Miles D Grant
Alexander J Kessler

West Coast University, Inc.

Represented By
Miles D Grant
Alexander J Kessler

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steve Burnell
Mark S Horoupian

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Hearing Room 1545

1:00 PM

2:24-10528 Roger Adolfo Ortiz

Chapter 11

Adv#: 2:24-01095 American Career College, Inc. et al v. Ortiz

#4.00 Cont'd Status conference re: Complaint to determine dischargeability of debt fr. 6/25/24

Docket 1

Tentative Ruling:

Appearances required.

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 8) and the other filed documents and records in this adversary proceeding.

(a) Defendant/Debtor's request to stay this action pending resolution of the appeal of the underlying District Court Judgment

The tentative ruling is that Defendant/Debtor has failed to show sufficient cause to stay this action pending resolution of his appeal of the underlying District Court Judgment.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final

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CONT...

Roger Adolfo Ortiz

Chapter 11

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

(b) Mediation

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

(c) Deadlines

This adversary proceeding has been pending since 4/19/24.

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 updated litigation deadlines:

Joinder of parties/amendment of pleadings-deadline: 2/21/25

Discovery cutoff (for completion of discovery): 3/7/25

Expert(s) - deadline for reports: 3/21/25 if any expert testimony will be presented.

Expert(s) - discovery cutoff (if different from above): 4/4/25 if any expert testimony will be presented.

Dispositive motions to be heard no later than: TBD

Joint Status Report: 10/8/24

Continued status conference: 10/22/24 at 11:00 a.m. (**not** 1:00 p.m.)

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct

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CONT... **Roger Adolfo Ortiz**
testimony by declaration unless excused: TBD
Trial commencement: TBD

Chapter 11

Party Information

Debtor(s):

Roger Adolfo Ortiz

Represented By
Lewis R Landau

Defendant(s):

Roger Adolfo Ortiz

Represented By
Lewis R Landau

Plaintiff(s):

American Career College, Inc.

Represented By
Miles D Grant
Alexander J Kessler

West Coast University, Inc.

Represented By
Miles D Grant
Alexander J Kessler

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:00 PM

2:24-10528 Roger Adolfo Ortiz

Chapter 11

#5.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/20/24, 4/30/24, 7/9/24

Docket 1

***** VACATED *** REASON: Motion to convert case to ch. 7 (dkt. 85) and
order thereon.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roger Adolfo Ortiz

Represented By
Lewis R Landau

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:00 PM

2:23-14986 ASE Construction, Inc.

Chapter 11

**#6.00 Hrg re: Motion of A.O.E. Law & Associates to Withdraw as
Counsel of Record for Debtor and Debtor-in-Possession**

Docket 176

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
7/16/24 at 1:00 p.m.).

Party Information

Debtor(s):

ASE Construction, Inc.

Represented By
Anthony Obehi Egbase

Movant(s):

A.O.E. Law & Associates, APC

Represented By
Anthony Obehi Egbase

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2:23-14986 ASE Construction, Inc.

Chapter 11

#7.00 Cont'd Status Conference re: Chapter 11 Case
fr. 9/12/23, 9/19/23, 10/3/23, 10/17/23, 10/31/23,
12/19/23, 1/2/24, 1/09/24, 1/23/24, 3/5/24, 4/9/24,
5/7/24, 5/14/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Authorize Debtor's general bankruptcy counsel to withdraw from representation, dismiss this case, and continue the status conference to provide parties an opportunity to request any post-dismissal relief that might be relevant, all as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Motion of AOE Law & Associates to withdraw as Debtor's general bankruptcy counsel (dkt. 177, the "Motion to Withdraw"), Order setting hearing on Motion to Withdraw (dkt. 178), No opposition on file
Grant the Motion to Withdraw.

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)).

(b) Apparent lack of progress toward plan confirmation
On 3/25/24, this Court extended Debtor's deadline to file a plan to

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CONT... ASE Construction, Inc.

Chapter 11

4/23/24 (dkt. 150), and on 5/9/24, this Court further extended Debtor's plan-filing deadline to 6/28/24 (dkt. 159, the "Second Extension Order"). The Second Extension Order cautioned Debtor that if it failed to meet the new deadline or failed to adequately address the problems it was experiencing, this Court would "most likely dismiss or convert the case" at this continued status conference. Second Extension Order (dkt. 159) ¶ 4.

Debtor has not met the deadline to file an amended plan. In addition, Debtor's general bankruptcy counsel has sought authorization to withdraw based upon Debtor's failure to provide counsel the information necessary to enable counsel to file an amended plan. See generally dkt. 179; see also Status Report (dkt. 181) at 5:7–9 ("Counsel has not received requested information from the Debtor and has been unable to review any requested information with Debtor's principal in order to prepare and file an Amended Plan and Amended Disclosure Statement by the June 28, 2024 deadline."). The tentative ruling is that Debtor's lack of progress toward confirming a plan constitutes cause for either dismissal or conversion.

The tentative ruling is that dismissal – as opposed to conversion – is in the best interests of creditors because Debtor operates a construction business which likely has only minimal liquidation value. While it is true that Debtor owns real property located at 8420 S. Broadway, Los Angeles, CA 90003 (the "Property"), on 1/24/24 this Court entered an order granting relief from the automatic stay to secured creditor U.S. Bank Trust Company, N.A. (dkt. 131, the "R/S Order"). As set forth in the R/S Order, U.S. Bank is authorized to conduct a foreclosure sale with respect to the Property on or after 6/17/24. R/S Order (dkt. 131) at ¶ 6. Therefore, it does not appear that the Property could be administered by a Chapter 7 Trustee.

Proposed order: After the hearing, this Court will prepare an order dismissing the case.

(2) Dates/procedures. This case was filed on 8/3/23.

(a) Bar date: 12/5/23 (dkt. 38) (timely served, dkt. 39)

(b) Procedures Order: dkt. 6 (timely served, dkt. 9)

(c) AmPlan/Disclosure Statement (dkt. 138, 139): 6/28/24 (dkt. 159).

(d) Continued status conference: 8/27/24 at 1:00 p.m. No written status report required. To the extent no post-dismissal relief is requested, this Court anticipates that the tentative ruling posted prior

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CONT... ASE Construction, Inc. Chapter 11

to the continued status conference will most likely be that no
appearances will be required and the status conference will be
taken off calendar.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

ASE Construction, Inc.

Represented By
Anthony Obehi Egbase

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1:00 PM

2:23-15752 Elite Investment Management Group, LLC

Chapter 11

#8.00 Status Conference re: Post confirmation
fr. 10/3/23, 10/17/23, 11/28/23, 12/5/23, 12/19/23,
1/09/24, 2/6/24, 2/20/24, 3/12/24, 4/2/24, 4/9/24,
5/7/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue as set forth below in view of this Court's review of Debtor's latest post-confirmation status report (dkt. 157). Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

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

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

(a) Bar date: 12/1/23 (dkt. 24) (timely served, dkt. 26, 27)

(b) Procedures Order: dkt. 5 (timely served, dkt. 8)

(c) Plan/Disclosure Statement (dkt. 105): Plan confirmed 4/11/24 (dkt. 138); Plan went effective on 4/23/24 (dkt. 150).

(d) Continued status conference: 10/22/24 at 1:00 p.m., subject to being taken off calendar if Debtor obtains a final decree. Post-confirmation status report due 10/8/24 (again, if a final decree has not been entered).

[PRIOR TENTATIVE RULING(S) OMITTED]

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 16, 2024

Hearing Room 1545

1:00 PM

CONT... Elite Investment Management Group, LLC

Chapter 11

Party Information

Debtor(s):

Elite Investment Management

Represented By
John N Tedford IV
Zev Shechtman
Aaron E. DE Leest

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, July 16, 2024

Hearing Room 1545

1:00 PM

2:23-10384 Joseph Youshaei

Chapter 11

#9.00 Hrg re: First And Final Application Of Subchapter V Trustee
(in Possession of the Estate) For Approval Of Fees And
Reimbursement Of Expenses

Docket 185

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13,
7/16/24 at 1:00 p.m.).

Party Information

Debtor(s):

Joseph Youshaei

Represented By
Stella A Havkin
J. Bennett Friedman

Movant(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 16, 2024

Hearing Room 1545

1:00 PM

2:23-10384 Joseph Youshaei

Chapter 11

#10.00 Hrg re: First And Final Application Of Subchapter V Trustee
(Prior to Being in Possession of the Estate) For Approval Of
Fees And Reimbursement Of Expenses

Docket 186

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13,
7/16/24 at 1:00 p.m.).

Party Information

Debtor(s):

Joseph Youshaei

Represented By
Stella A Havkin
J. Bennett Friedman

Movant(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

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

1:00 PM

2:23-10384 Joseph Youshaei

Chapter 11

#11.00 Hrg re: First And Final Application Of Levene, Neale, Bender,
Yoo & Golubchik L.L.P. for Approval Of Fees And Reimbursement
Of Expenses

Docket 187

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13,
7/16/24 at 1:00 p.m.).

Party Information

Debtor(s):

Joseph Youshaei

Represented By
Stella A Havkin
J. Bennett Friedman

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

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

1:00 PM

2:23-10384 Joseph Youshaei

Chapter 11

#12.00 Hrg re: First & Final Fee Application for Hahn Fife & Company
for allowance of fees & expenses

Docket 195

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 13,
7/16/24 at 1:00 p.m.).

Party Information

Debtor(s):

Joseph Youshaei

Represented By
Stella A Havkin
J. Bennett Friedman

Movant(s):

Hahn Fife & Company

Pro Se

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

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Hearing Room 1545

1:00 PM

2:23-10384 Joseph Youshaei

Chapter 11

#13.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/21/23, 3/21/23, 4/25/23, 5/30/23, 6/13/23,
8/8/23, 10/3/23, 11/28/23, 12/19/23, 1/09/24,
2/20/24, 4/2/24, 6/25/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue all matters as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Final fee applications of SubChapter V Trustee ("SubV Trustee") (dkt. 185, 186); Levene Neale et al. (dkt. 187, 188); Hahn Fife & Co. ("Accountants") (dkt. 195, 196); Notice re same (dkt. 189); and Havkin & Shrago (dkt. 203-205)

SubV Trustee requests that the hearings on the final fee applications filed by the estate's professionals be continued to take place concurrently with the hearing on Debtor's motion to dismiss this case (the filing of the motion to dismiss was delayed). Dkt. 202, p. 2:4–6. Pursuant to SubV Trustee's request, the tentative ruling is to continue the fee applications to the date of the continued status conference (which is also the date of the hearing on Debtor's motion to dismiss) (see part "(2)(d)" of this tentative ruling, below).

(2) Dates/procedures. This case was filed on 1/24/23. On 6/2/23 this Court entered an order removing Debtor from possession and expanding the

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CONT...

Joseph Youshaei

Chapter 11

Subchapter V Trustee's powers. See dkt. 86.

(a) Bar date: 4/4/23 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. 12).

(b) Procedures Order: dkt. 6 (timely served, dkt. 10)

(c) AmPlan/Disclosure Statement: N/A

(d) Continued status conference: 7/30/24 at 1:00 p.m. (concurrent with Debtor's motion to dismiss this case (dkt. 198) and other matters)

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Joseph Youshaei

Represented By
Stella A Havkin
J. Bennett Friedman

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

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

Chapter 11

#14.00 Cont'd hrg re: Discovery Dispute re: Order Granting Omnibus Ex Parte Application for an Order Pursuant to Federal Rule of Bankruptcy Procedure 2004 Authorizing Secured Creditor PMF CA REIT, LLC to Issue a Subpoena Requiring the Production of Documents by (1) Banc of California, Inc.; (2) Ventura County Credit Union; (3) Goldman Sachs & Co., LLC; (4) Wells Fargo Bank, N.A. and (5) Portfolio Escrow Inc.
fr. 1/25/24, 2/6/24, 03/05/24, 4/9/24, 4/30/24, 6/11/24

Docket 69

Tentative Ruling:

Tentative Ruling for 7/16/24:

Please see the tentative ruling for the status conference (Calendar No. 15, 7/16/24 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

9301 Cherokee Lane, LLC, a

Represented By
Marc A Lieberman
Alan W Forsley

**United States Bankruptcy Court
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1:00 PM

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

Chapter 11

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

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Continued discovery dispute (see dkts. 67, 69, 88, 99-101, 114, 137, 148, 150, 197, & 219)

Based upon the status report filed on 6/4/24 (dkt. 219) and the information presented at the 6/4/24 status conference, it appears that the discovery issues might be consensually resolved, mooted by other developments, and/or not the focus of the parties' attentions at this time. The tentative ruling is to continue the hearing on the discovery dispute to the date of the continued status conference (see part "(2)(d)," below).

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

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

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

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

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CONT... **9301 Cherokee Lane, LLC, a Delaware Limited Liabil** **Chapter 11**
 Procedures Order.
(d) Continued status conference: 7/30/24 at 1:00 p.m. (concurrent with
 other matters). No written status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

9301 Cherokee Lane, LLC, a

Represented By
Marc A Lieberman
Alan W Forsley

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Hearing Room 1545

1:00 PM

2:24-12114 Patriot Linen Services LLC

Chapter 11

#16.00 Cont'd Status conference re: Chapter 11 case
fr. 4/4/24, 4/9/24, 5/15/24, 6/25/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Filing of an amended plan

Debtor is in the process of preparing an amended plan and amended disclosure statement to address issues identified at the 6/25/24 status conference. The tentative ruling is to continue the status conference as set forth in part "(2)(d)" below to provide Debtor time to prepare and file the amended plan and disclosure statement.

(2) Dates/procedures. This Subchapter V case was filed on 3/19/24.

(a) Bar date: 5/28/24 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 14).

(b) Procedures Order: dkt. 3 (belatedly served, dkt. 64)

(c) Plan/Disclosure Statement: file by 90 days after the petition date (per 11 U.S.C. 1189(b)) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 8/6/24 at 1:00 p.m. No written status

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CONT... Patriot Linen Services LLC
report required.

Chapter 11

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Patriot Linen Services LLC

Represented By
David Tran
Steven R Fox

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:24-13152 Mega Sunset, LLC

Chapter 11

#17.00 ***[Dismiss case with bar at hearing on 6/4/24]***

Cont'd Status conference re: Chapter 11 case
fr. 5/14/24, 6/11/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

This case has been dismissed. See Order (dkt. 56). This status conference was scheduled to provide parties in interest an opportunity to request any post-dismissal relief that might be relevant. No such requests have been made. The tentative ruling is to take this status conference off calendar, and to conduct no further status conferences in this case. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Mega Sunset, LLC

Represented By
Raymond H. Aver

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Hearing Room 1545

1:00 PM

2:24-14190 Davon Jermell White

Chapter 11

#18.00 Cont'd Status conference re: Chapter 11 case
fr. 6/25/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required.

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

(1) Current issues

(a) Debtor's disclosures

The tentative ruling is that Debtor's additional disclosures still have not sufficiently remediated the deficiencies discussed at the 6/25/24 status conference. The parties should be prepared to address that issue, and potential remedies.

(2) Dates/procedures. This case was filed on 5/28/24.

(a) Bar date: 8/6/24 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 12).

(b) Procedures Order: dkt. 6 (timely served, dkt. 10).

(c) Plan/Disclosure Statement: file by 90 days after the petition date (per 11 U.S.C. 1189(b)) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: *if* this case is not converted or dismissed, 7/30/24 at 1:00 p.m. No written status report is required.

Tentative Ruling for 6/25/24:

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CONT... Davon Jermell White

Chapter 11

Appearances required by counsel for Debtor and by Debtor(s) themselves
Debtor's principal.

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

(1) Current issues

(a) Creditor matrix

Debtor has revealed new creditors without paying the filing fee to add them to the creditor matrix. See Notice (dkt. 25). These new creditors are being deprived of critical notice of this bankruptcy case. Debtor is cautioned that this omission can go toward establishing a record of failing to appear in proper prosecution of this case and can lead to adverse consequences for Debtor. If Debtor has not **paid the filing fee by the time of this status conference** then Debtor is directed to address why not (at this status conference).

(b) Anticipated motions

Debtor's status report (dkt. 23) contemplates a motion for use of cash collateral, a budget motion, eight motions to avoid judicial liens, an application to employ an "Associate general counsel," and at least one more application to employ another professional - the particulars are unclear because of illegible type. See Stat.Rpt. (dkt. 23) p. 4. Debtor should have explained in detail in the Status Report why all of these things are appropriate or feasible. See Stat. Rpt. (dkt. 23, p. 2, item A.2.).

As discussed below, it appears that Debtor has \$100.00 in the bank, no net income, no prospects of any future net income for at least a year, and essentially no unencumbered assets with which to pay administrative expenses let alone creditors. This appears on its face to be a liquidating case in which Debtor has no realistic prospect of paying anyone, except himself through an asserted homestead exemption.

Again, all of these things should have been addressed in writing prior to this hearing, and Debtor's failure to address those things might be a waiver or forfeiture of any right to contest them. Alternatively, if Debtor is permitted

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CONT...

Davon Jermell White

Chapter 11

to address these issues orally, Debtor must address **why should this case not be immediately converted to chapter 7 or dismissed?** See 11 U.S.C. 1104 & 1112, *and* Procedures Order (dkt. 6).

(c) Income and assets

Debtor's bankruptcy schedules and Statement of Financial Affairs ("SOFA") are missing key information, as is his status report. They also appear to be inconsistent both internally and one to another.

Debtor reports that he is not employed; he has \$100.00 in the bank; he has closed a check cashing business and a luxury car rental/"Lifestyle consultant" business, his only remaining business is owning two over-encumbered rental properties (one directly and another, in which he lived until 5/23, indirectly), and his only other significant assets are (i) a third over-encumbered property to which he moved prepetition (and in which he now asserts a homestead exemption of \$699,421.00 (Sch. C, dkt. 22 at PDF p. 19)), and (ii) a Lamborghini with roughly \$20,000.00 in equity. See dkt. 22 at PDF pp. 12, 13, 15 19, 63 & 69 *and passim*. Debtor reports that he receives \$491.00 per month in food stamps and general assistance plus an estimated net income of \$1,753.00 per month from an unspecified business or property - presumably one or both rental properties. See Bankr. Sch. I (dkt. 22 at PDF p. 59).

First, the express instruction in bankruptcy Schedule I, line 8a, is to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income." *Id.* (emphasis added). No such statements are attached.

Second, Debtor is reminded that for all reporting purposes he must disclose affiliates' income and expenses (among other things). See Procedures Order (dkt. 6) p. 2:11-13. In other words, he must disclose the income and expenses of the rental property that he owns indirectly, not just the one that he owns directly.

Third, despite claiming to have no active businesses except two rental properties, Debtor apparently has multiple employees. See StatRpt (dkt. 23) p. 7 (stating that Debtor paid in cash his "workers" - plural). That appears to be inconsistent: why would rental properties need more than one employee? In fact, given that Debtor is not working and has not been working for a couple of years (per the SOFA), why has he not been fully managing the rental properties himself with no employees.

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CONT...

Davon Jermell White

Chapter 11

Fourth, Debtor's current and projected income appear to be minimal, and far less than his expenses. Debtor's historical reported gross income is under \$11,000.00 per year (SOFA, dkt. 22, at PDF pp. 63-64). Debtor's current reported gross income amounts to \$26,928.00 per year based on his bankruptcy Schedule I (*i.e.*, \$491.00 + \$1,753.00 = \$2,244.00/mo. x 12 = \$26,920.00). Debtor's Schedule I states that he does not expect any other changes within the coming year. Is Debtor proposing to remain unemployed for at least the next year, rent out two rental properties for minimal if any net income (it is unclear which properties are rented out and/or which generate any positive cash flow, but the current net income is far below his expenses), and do nothing else to pay creditors?

Fifth, how can Debtor suggest in his status report that he will have enough income for "refinancing" his alleged "primary residence"? See Stat.Rpt. (dkt. 23) p. 8. This is especially suspect because Debtor states under oath that he does not expect his income or expenses to change over the next year (dkt. 22 at PDF pp. 59 & 61) and he reports negative monthly net income: -\$11,640.00. In these circumstances, how is any refinance possible (what lender will extend a loan based on a large negative monthly income?); and even if it were possible (from some "hard money" lender), how would it be on terms that could be approved by this Court?

Sixth, given the above issues, how can creditors, the U.S. Trustee, the Subchapter V Trustee, or this Court have any confidence that there are not other matters (presently unknown) that should have been disclosed and addressed in Debtor's bankruptcy schedules, SOFA, and status report?

In sum, Debtor's "disclosures" appear to be wholly inadequate. They are (w) incomplete, (x) internally inconsistent, (y) so unrealistic that they make a mockery of the disclosures required by the bankruptcy rules, forms, and this Court's Procedures Order, and (z) predicated on proceeding under chapter 11 even though there is no apparent reason for proceeding in chapter 11 instead of chapter 7.

Of course, this Court recognizes that it has only a very limited record before it and, conceivably, there are plausible explanations for all of the foregoing issues. But the trouble is that any such explanations should have already been included in the Status Report (dkt. 23, p. 2, question A.2.), and/or in bankruptcy Schedules I and J, including in the space provided to explain any expected increase or decrease in income or expenses within the next year (dkt. 22 at PDF pp. 59 & 61).

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CONT...

Davon Jermell White

Chapter 11

If this case is not immediately converted to chapter 7 or dismissed - which, on the present record, it probably will be - the tentative ruling is to set a **deadline of 7/2/24** for Debtor to file:

- (A) an amended bankruptcy Schedule I with attached statements for each rental property or business and an attached explanation, under penalty of perjury, why Debtor does not expect any change in his income or expenses for the coming year,
- (B) an amended status report that explains how a refinance of his alleged principal residence is remotely feasible, or alternatively explains what steps he is taking toward an immediate sale of that property, and that states what Debtor intends to do with his rental properties and Lamborghini, and how all of that can make proper use of chapter 11, all supported by Debtor's declaration under penalty of perjury, and
- (C) whatever other amended or supplemental papers are necessary or appropriate to provide meaningful and full disclosures, all verified under oath.

Debtor is cautioned that, even if this case is not converted to chapter 7 or dismissed today - which it probably will be - the foregoing matters appear to be evidence of failing to appear in proper prosecution of this case, and can lead to other adverse consequences for Debtor.

(2) Dates/procedures. This case was filed on 5/28/24.

- (a) Bar date: 8/6/24 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 12).
- (b) Procedures Order: dkt. 6 (timely served, dkt. 10).
- (c) Plan/Disclosure Statement: file by 90 days after the petition date (per 11 U.S.C. 1189(b)) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: *if* this case is not converted or dismissed, 7/16/24 at 1:00 p.m. No written status report is required beyond the amended status report referenced above.

Party Information

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CONT... Davon Jermell White

Chapter 11

Debtor(s):

Davon Jermell White

Represented By
Stella A Havkin

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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2:24-14407 Maine Consulting, LLC

Chapter 11

#19.00 Cont'd Order directing debtor to appear and show cause why this case should not be dismissed, with concurrent 180-day and permanent bars against being a debtor in any future bankruptcy case, based upon debtor's history of bankruptcy filings and lack of representation by legal counsel fr. 7/9/24

Docket 10

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 20, 7/16/24 at 1:00 p.m.).

Party Information

Debtor(s):

Maine Consulting, LLC

Pro Se

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1:00 PM

2:24-14407 Maine Consulting, LLC

Chapter 11

#20.00 Cont'd Status Conference re: Chapter 11 Case
fr. 7/9/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Appearances required.

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

(1) Current issues

(a) Order Directing Debtor to Appear and Show Cause Why this Case Should Not be Dismissed, with Concurrent 180-day and Permanent Bars Against Being a Debtor in Any Future Bankruptcy Case, Based upon Debtor's History of Bankruptcy Filings and Lack of Representation by Legal Counsel (dkt. 10, the "OSC"), Notice to creditors of OSC (dkt. 12 & 19), Secured creditors' response to OSC (dkt. 29), No response by Debtor on file

At the hearing on 7/9/24 this Court was persuaded to grant this one week continuance so that Debtor and its newly retained counsel would have an opportunity to show immediate efforts to come into compliance on numerous unmet obligations. This Court intentionally did not set any deadline for Debtor to file any documents, and as of the preparation of this tentative ruling the docket does not reflect any additional documents filed by Debtor. This Court did caution Debtor that, despite the lack of a firm deadline to file documents, it is likely that, absent substantial progress with the United States Trustee ("UST") and with the concerns raised by this Court, this Court might dismiss this case (perhaps with a bar) or convert this case, or take other action.

The UST is requested to address whether Debtor has made progress toward coming into compliance with its reporting obligations, has rescheduled

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or appeared at an initial debtor interview ("IDI"), etc. To the extent Debtor has not made meaningful progress toward remediating the numerous omissions and deficiencies affecting this case, the parties should be prepared to address that issue, and potential remedies.

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

(a) Bar date: Not applicable

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

(c) Plan/Disclosure Statement: Not applicable

(d) Continued status conference: *if* this case is not converted or dismissed, 7/30/24 at 1:00 p.m. No written status report is

required.

Tentative Ruling for 7/9/24:

Dismiss case with concurrent 180-day and permanent re-filing bars against being a debtor in any future bankruptcy case, as set forth below.

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

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

(1) Current issues

(a) Order Directing Debtor to Appear and Show Cause Why this Case Should Not be Dismissed, with Concurrent 180-day and Permanent Bars Against Being a Debtor in Any Future Bankruptcy Case, Based upon Debtor's History of Bankruptcy Filings and Lack of Representation by Legal Counsel (dkt. 10, the "OSC"), Notice to creditors of OSC (dkt. 12 & 19), Secured creditors' response to OSC (dkt. 29), No response by Debtor on file

As a threshold matter, this Court notes that although United States Trustee's ("UST") motion to dismiss this case (dkt. 26, the "MTD") is not on for hearing today, it is appropriate for this Court to consider the representations made in that MTD in connection with this Principal Status Conference. See *generally* Procedures Order (dkt. 7) at ¶ 2 (explaining that

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"[w]ithout further notice this Court will automatically hold other status conferences at the same time as any other hearing in this case and may issue appropriate orders including on ... case disposition (e.g., appoint a trustee, conversion, dismissal, and imposing a bar against future bankruptcies – even if the case has already been dismissed") (emphasis in original).

As set forth in the OSC (dkt. 10), this is the second chapter 11 petition filed by Debtor without counsel, and the first such petition – Case No. 2:23-bk-14168-NB – was dismissed with a 180-day re-filing bar after Debtor failed to retain counsel, despite having been advised of the need to do so.

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

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

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

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

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

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(a) Bar date: Not applicable

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

(c) Plan/Disclosure Statement: Not applicable

(d) Continued status conference: Not applicable

Party Information

Debtor(s):

Maine Consulting, LLC

Pro Se

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2:24-12614 Boisson Inc.

Chapter 11

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

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Set deadlines pertaining to plan confirmation, as provided below.

Appearances required.

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

(1) Current issues

(a) Deadlines pertaining to plan confirmation

This Court has reviewed the Plan of Reorganization (dkt. 145, the "Plan") filed by Debtor on 7/12/24 and Debtor's related status report (dkt. 146). The tentative ruling is that the Plan contains sufficient disclosures, such that a separate disclosure statement is not necessary – and in fact would likely be counterproductive by requiring parties in interest to review an additional document.

On 7/1/24, this Court issued an Initial Scheduling Order (dkt. 137) setting July 12, 2024 as the deadline for parties in interest to file status reports. As of the preparation of this tentative ruling, that deadline has not yet expired. All rights are reserved for parties to address issues at this status conference.

Subject to review of any additional status reports, the tentative ruling is to anticipate a **Confirmation Hearing on 8/27/24 at 2:00 p.m.**, with the following associated schedule:

7/19/24 deadline for Debtor (A) to file notice with "redlined" copy of Plan showing any changes in response to issues raised at the

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status conference and (B) to lodge a proposed order setting the Confirmation Hearing and associated deadlines (the "Hearing Order"), substantially in the form posted on Judge Bason's portion of the Court's website (www.cacb.uscourts.gov);

7/23/24 anticipated deadline (in the Hearing Order) for Debtor to serve the voting package;

8/13/24 anticipated deadline (in the Hearing Order) for any Objections to the Plan to be filed and served and for ballots to be returned;

8/20/24 anticipated deadline (in the Hearing Order) for any Replies and a ballot summary.

Proposed order: 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)).

(b) Substance of Plan

The tentative ruling is that this Court is not aware of any "gating" issues that would be sufficient to delay the above schedule, but all rights are reserved to file and serve timely objections to confirmation. Notwithstanding the immediately preceding sentence, this Court provides the following informational items so that Debtor and other parties in interest can be prepared for the confirmation hearing.

This Court notes that the Plan provides for certain releases "[n]otwithstanding anything contained in the Plan **or Confirmation Order** to the contrary" Plan (dkt. 145) p. 34:22-23 (emphasis added). The tentative ruling for the confirmation hearing is that such language is not only impermissible but is offensive to the administration of justice, and that if in future counsel believe such language would *ever* be appropriate in any plan or other filed document they should take steps to highlight its existence for any presiding judge and all parties in interest.

This Court also notes that the proposed injunctions in the Plan (dkt. 145, pp. 36 et seq.) are somewhat ambiguous regarding any purported protection of co-obligors (*i.e.*, not just Debtor but any guarantors or other co-obligors). More generally, the scope of the proposed exculpations, releases, and injunctions is likely to be the subject of further analysis at the confirmation hearing.

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(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: see above.

(d) Continued status conference: Concurrent with confirmation hearing (see part "(1)(a)" of this tentative ruling, above).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

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2:23-16758 Clark Edward Parker

Chapter 11

#2.00 Cont'd hrg re: Motion to Appoint a Chapter 11 Trustee
fr. 3/12/24, 04/30/24, 5/7/24, 6/4/24

Docket 74

*** VACATED *** REASON: Cont'd to 8/27/24 at 2:00 p.m. per
stipulation (dkt. 112) and order thereon

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clark Edward Parker

Represented By
Leslie A Cohen

Movant(s):

California Department of Education

Represented By
Matthew C. Heyn

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2:23-16758 Clark Edward Parker

Chapter 11

#3.00 Cont'd hrg re: Motion to Extend Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement fr. 3/5/24, 3/12/24, 04/30/24, 5/7/24, 6/4/24

Docket 70

***** VACATED *** REASON: Cont'd to 8/27/24 at 2:00 p.m. per stipulation (dkt. 112) and order thereon**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clark Edward Parker

Represented By
Leslie A Cohen

Movant(s):

Clark Edward Parker

Represented By
Leslie A Cohen
Leslie A Cohen

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2:23-16758 Clark Edward Parker

Chapter 11

#4.00 Cont'd Status Conference re: Chapter 11 Case
fr. 11/14/23, 11/28/23, 12/5/23,12/19/23, 3/5/24,
3/12/24, 4/30/24, 6/4/24

Docket 1

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

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

(2) Dates/procedures. This case was filed on 10/16/23.

- (a) Bar date: 1/5/24 (dkt. 34) (timely served, dkt. 39)
- (b) Procedures Order: dkt. 6 (timely served, dkt. 10)
- (c) Plan/Disclosure Statement: TBD.
- (d) Continued status conference: 8/27/24 at 2:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

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Chapter 11

Debtor(s):

Clark Edward Parker

Represented By
Leslie A Cohen

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2:22-14320 Golden Sphinx Limited

Chapter 15

#5.00 Cont'd hrg re: Motion for relief from stay [NA]
[Garry Y. Itkin vs. Golden Sphinx Limited]
fr. 10/11/22, 11/8/22, 11/15/22, 2/7/23,
3/7/23, 5/30/23, 9/7/23, 12/5/23, 12/19/23, 3/5/24,
3/12/24, 4/9/24

GARRY Y. ITKIN
vs
DEBTOR

Docket 49

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
7/16/24 at 2:00 p.m.).

Party Information

Debtor(s):

Golden Sphinx Limited

Represented By
Kyle Ortiz
Kurt Ramlo

Movant(s):

Garry Y. Itkin

Represented By
Daniel J McCarthy
Boris Treyzon

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2:22-14320 Golden Sphinx Limited

Chapter 15

#6.00 Cont'd hrg re: Motion for relief from stay [NA]
[AFB P-Trading One, Inc. vs Garry Y. Itkin]
fr. 10/11/22, 11/8/22, 11/15/22, 2/7/23,
3/7/23, 5/30/23, 9/7/23, 12/5/23, 12/19/23, 3/5/24,
3/12/24, 4/9/24

GARRY Y. ITKIN
vs
DEBTOR

Docket 48

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
7/16/24 at 2:00 p.m.).

Party Information

Debtor(s):

Golden Sphinx Limited

Represented By
Kyle Ortiz
Kurt Ramlo

Movant(s):

Garry Y. Itkin

Represented By
Daniel J McCarthy
Boris Treyzon

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2:22-14320 Golden Sphinx Limited

Chapter 15

#7.00 Cont'd Status Conference
fr. 11/14/23, 12/5/23, 12/19/23, 3/5/24, 3/12/24,
4/9/24

Docket 116

Tentative Ruling:

Tentative Ruling for 7/16/24:

Continue as set forth below. Appearances are not required on 7/16/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

Reasons:

On 4/10/24, this Court directed Garry Y. Itkin to present to the Royal Court of Jersey (the "Royal Court") a letter from this Bankruptcy Court to the Royal Court issued pursuant to 11 U.S.C. 1525(b) (the "1525(b) Letter"). See Order (dkt. 144). The Royal Court obtained access to the 1525(b) Letter and an accompanying appendix of supporting pleadings and other orders on 5/14/24. Status Report (dkt. 144) at ¶ 1. The Royal Court has not yet acted upon the 1525(b) Letter. *Id.* at ¶ 2.

Pursuant to the request of Mr. Itkin and Messrs. Adam and Wood (the "Foreign Representatives"), the tentative ruling is to continue this status conference to **10/22/24 at 2:00 p.m.** Mr. Itkin and the Foreign Representatives are directed to each file brief written status reports by no later than 10/15/24. Alternatively, the parties may file a joint status report by the same deadline.

[PRIOR TENTATIVE RULINGS OMITTED]

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CONT... Golden Sphinx Limited

Chapter 15

Party Information

Debtor(s):

Golden Sphinx Limited

Represented By
Kyle Ortiz
Kurt Ramlo