

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

Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:20-11853 Laura Ann Zitouni

Chapter 13

#1.00 [CASE DISMISSED ON 7/31/20]

Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST CO
vs
DEBTOR

Docket 27

Tentative Ruling:

Grant as set forth below. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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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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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Laura Ann Zitouni

Represented By
Erika Luna

Movant(s):

Deutsche Bank National Trust

Represented By
Sean C Ferry

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:20-12492 Hilda Araceli Barrera

Chapter 13

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

DEUTSCHE BANK NATIONAL TRUST CO
vs
DEBTOR

Docket 34

Tentative Ruling:

Grant as set forth below. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(4).

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

Relief notwithstanding future bankruptcy cases.

Grant the following relief pursuant to 11 U.S.C. 362(d)(4) and the legal

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Hilda Araceli Barrera

Chapter 13

analysis in *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017), and/or *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31), as applicable:

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

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

Note: Per Judge Bason's posted procedures (available at www.cacb.uscourts.gov) this Court's order will state that the Court "does not make" a finding that Debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that Debtor was involved and Debtor is given clear notice that the movant seeks an express finding that Debtor was involved. The tentative ruling in this particular case is that there is sufficient evidence and notice.

Effective date of relief

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

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have 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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

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CONT... Hilda Araceli Barrera

Chapter 13

Debtor(s):

Hilda Araceli Barrera

Represented By
Peter M Lively

Movant(s):

Deutsche Bank National Trust

Represented By
Cassandra J Richey

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

2:19-14249 Aquita Winslow

Chapter 13

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

HSBC BANK USA, NA
vs
DEBTOR

Docket 37

Tentative Ruling:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

There is no tentative ruling, but the parties should be prepared to address the issues raised in Debtor's response (dkt. 40).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Aquita Winslow

Represented By
Elena Steers

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CONT... Aquita Winslow

Chapter 13

Movant(s):

HSBC BANK USA, N.A

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:19-22189 Harold Federick Link and Sarah Angelica Link

Chapter 13

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

DEUTSCHE BANK NATIONAL TRUST CO
VS
DEBTOR

Docket 36

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold Federick Link

Represented By
Bert Briones

Joint Debtor(s):

Sarah Angelica Link

Represented By
Bert Briones

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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Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:20-14612 Jorge Munoz

Chapter 7

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

BANK OF THE WEST
vs
DEBTOR

Docket 10

Tentative Ruling:

Grant as set forth below. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

Termination

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

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

Effective date of relief

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

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CONT... Jorge Munoz

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Jorge Munoz

Represented By
Michael D Luppi

Movant(s):

BANK OF THE WEST

Represented By
Mary Ellmann Tang

Trustee(s):

Timothy Yoo (TR)

Pro Se

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

Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:20-15285 Candice Latreece Wade

Chapter 7

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

SANTANDER CONSUMER USA INC.
vs
DEBTOR

Docket 9

Tentative Ruling:

Grant as set forth below. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

Termination

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

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

Effective date of relief

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

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CONT... Candice Latreece Wade

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Candice Latreece Wade

Represented By
Daniel King

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:20-16192 Robert Samson Fear

Chapter 13

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

Docket 9

Tentative Ruling:

Grant, subject to the following conditions. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

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

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

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

(2) Reasons. (a) It appears appropriate to impose the automatic

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CONT...

Robert Samson Fear

Chapter 13

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

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

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Robert Samson Fear

Represented By
Onyinye N Anyama

Movant(s):

Robert Samson Fear

Represented By
Onyinye N Anyama

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

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Hearing Room 1545

10:00 AM

2:20-16242 Magdalena Avila

Chapter 13

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

Docket 12

Tentative Ruling:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

This Court has reviewed the motion papers (dkt. 12), the opposition papers (dkt. 18, 19, 23) filed by BVV Profit Sharing Plan ("BVV"), Debtor's reply (dkt. 20), and other filed documents.

(1) Overview

The tentative ruling is that one strong statutory policy in favor of imposing the automatic stay, embodied in the statute, is to protect creditors (not just the debtor). For example, the automatic stay prevents one or more creditors from levying on assets before other creditors can discover and levy on those assets.

Although there is a statutory presumption that Debtor did not file this case in good faith, which Debtor can only rebut by clear and convincing evidence, the tentative ruling is that at this early stage of the current case, the documents filed by Debtor so far appear to reflect proper prosecution of this current case and the potential, with appropriate safeguards, to provide appropriate treatment for BVV and other creditors. Therefore, the tentative ruling is that, if Debtor consents to, and/or if this Court imposes, a "stay-

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Chapter 13

current" adequate protection order as set forth below, Debtor will have established "good faith" within the narrow meaning of 11 U.S.C. 362(c)(3).

(2) Governing law

The test for "good faith" under 11 U.S.C. 362(c)(3) is not entirely clear. Compare, e.g., *In re Villaneuva*, 274 B.R. 836, 841 (9th Cir. BAP 2002) ("good faith" for plan confirmation purposes), with, e.g., *In re Elliot-Cook*, 357 B.R. 811, 815 (Bankr. N.D. Cal. 2006) ("good faith" for purposes of section 362(c)(3)); *In re Ferguson*, 376 B.R. 109 (Bankr. E.D. Pa. 2009) (same). In general, the main considerations appear to be why the prior case failed, and what facts and circumstances suggest a different outcome in this case. See *Elliot-Cook*, 357 B.R. at 815.

By way of analogy, this Court notes that, in determining whether or not to dismiss a bankruptcy case for lack of good faith, there is authority that courts must consider the totality of the circumstances. See *In re Montoya*, 342 B.R. 312, 317 (Bankr. S.D. Cal. 2006). Some considerations in assessing the totality of the circumstances include (but are not limited to): "1) whether debtor misrepresented facts in the petition or the plan, unfairly manipulated the Code or otherwise filed the current chapter 13 plan or petition in an inequitable manner; 2) debtor's history of filings and dismissals; 3) whether debtor only intended to defeat state court litigation; and 4) whether egregious behavior is present." *Montoya*, 342 B.R. at 317 (citing *In re Leavitt*, 171 F.3d 1219, 1224 (9th Cir. 1999)). See also *Elliot-Cook*, 357 B.R. 811, 814-15 (similar considerations).

An additional circumstance, as explained above, is to consider how the application of the automatic stay may protect creditors from one another. This can foster equality of distribution while preventing a potentially destructive, "winner take all" race to collect.

Another analogy is to subsection (d) of section 362. The tentative ruling is that proceedings under section 362(c), like those under section 362(d), are intended to be "summary proceedings" rather a full trial. Among other things, a full trial at the inception of the case would defeat the purpose of the "breathing spell" that is one of the purposes of the automatic stay, and that would harm both debtors and creditors. Cf. *In re Veal*, 450 B.R. 897, 914 (9th Cir. BAP 2011) (citing authority that hearings under section 362(d) are "summary" proceedings); *In re Robbins*, 310 B.R. 626, 631 (9th Cir. BAP 2004) ("relief from stay hearings are limited in scope ... do not involve a full

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adjudication on the merits ..." and adjudicate claims only to the extent of determining "whether a creditor has a colorable claim") (citations omitted).

Similarly, because of the expedited time frame under section 362(c)(3), the limited issues to be decided, and the fact that the merits of any underlying disputes are not fully adjudicated, the tentative ruling is that any determination of "good faith" for purposes of section 362(c)(3) has very limited if any claim or issue preclusive effect. The tentative ruling is also that any party opposing the good faith determination need only show a "colorable" basis to establish that it has standing and is the real party in interest who has a right to be heard in opposition to any good faith determination. *Cf. Veal*, 450 B.R. 897, 914-15 ("stay relief litigation has very limited claim preclusion effect" and "[g]iven the limited nature of the relief obtained through a motion for relief from the stay, the expedited hearing schedule § 362(e) provides, and because final adjudication of the parties' rights and liabilities is yet to occur, ... a party seeking stay relief need only establish that it has a colorable claim to enforce a right against property of the estate.") (citations omitted); *and see generally In re M Capital Corp.*, 290 B.R. 743 (9th Cir. BAP 2003) (limitations on "good faith" findings when all facts and circumstances might not be established, in analogous context of 11 U.S.C. 363(m)).

To be clear, the tests for "good faith" under paragraphs (c)(3) and (c) (4) of section 362 are not the same as the tests of "good faith" for purposes of whether to dismiss a case, nor is the test under section 362(c)(3) or (4) the same as the test for determining whether to grant relief from the automatic stay under section 362(d). In all of these instances, the analysis may be informed by similar considerations, but there are differences.

For example, if a debtor proposes a plausible attempt to provide adequate protection, or a plausible outline of a possible financial reorganization, that may establish or go a long way toward establishing "good faith" under subsection (c) of section 362, even if the proposed protection of the creditor's interest turns out not to be "adequate" (11 U.S.C. 362(d)(1)) or if the debtor ultimately is unable to show that property is necessary to an "effective" reorganization (section 362(d)(2)(B)). The point is only that there are parallels in the analysis under subsections (c) and (d) of section 362 as well as the reported decisions involving dismissal of cases for lack of "good faith," and the tentative ruling is that each type of analysis of "good faith" informs the others.

Based on the foregoing, the tentative ruling is to consider the totality of

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Chapter 13

the circumstances, in a summary proceeding, with all parties in interest being heard, and with very limited if any preclusive effect on the "good faith" issue in any other contexts (although the same underlying evidence might be relevant in other contexts). With this framework, this Court turns to the merits.

(3) The tentative ruling is that Debtor will have rebutted the presumption of a lack of good faith, by clear and convincing evidence, if certain conditions are imposed

The tentative ruling is that (a) there is nothing in the record for this Court to conclude that Debtor has misrepresented facts in her petition or plan, unfairly manipulated the Code or otherwise filed the current chapter 13 plan or petition in an inequitable manner, (b) Debtor successfully confirmed a plan in her prior case and made approximately \$67,130.77 in plan payments prior to dismissal (dkt. 12, p.5, para. 4(a)(1)(B)), (c) this Court is not aware of any state court litigation motivating this bankruptcy filing, (d) Debtor's current plan proposes to pay creditors 100% of their claims (dkt. 2), (e) continuing the automatic stay in this case is in the best interest of creditors because the evidence is that Debtor has approximately \$441,705.60 in equity in the property, which serves both to protect creditors and to motivate Debtor to pay creditors if this case remains in chapter 13, but much of that equity might be lost or consumed by costs of foreclosure or administration if this case were dismissed or converted to chapter 7, (f) the evidence is that BVV's claim is adequately protected by an approximate 37% equity cushion, and (g) Debtor has provided a persuasive explanation why her circumstances have changed since her prior case. In these circumstances, the tentative ruling is that Debtor will have established "good faith" within the meaning of section 362(c) (3) if she agrees to a standard "stay current" adequate protection stipulation with BVV (14 days' notice of any missed payment, during which time Debtor can cure; with a maximum of three such cures). Alternatively, the tentative ruling is that this Court can impose such requirements as a condition of modification of the automatic stay.

(4) Evidentiary objections

The tentative ruling is that BVV's evidentiary objections (dkt. 19, 23), although somewhat persuasive, ultimately go to the weight rather than the admissibility of Debtor's evidence. For example, it is true that Debtor has not provided documentation showing the dollar amounts and timing of her alleged

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Chapter 13

expenditures for family purposes, including expenses associated with her brother's demise. But, first, the tentative ruling is that the other considerations listed above are more significant in terms of good faith. Second, although the lack of financial details makes Debtor's evidence of changed circumstances have less weight, the tentative ruling is that she is still competent to testify from her personal knowledge as to her own experiences and actions. Considering the *totality* of the facts and circumstances, the tentative ruling is that Debtor has shown her good faith by clear and convincing evidence.

(5) Form of order

Based on the foregoing, the tentative ruling is that after the hearing date two separate orders are appropriate: (a) an order continuing the automatic stay (which this Court will prepare), with a copy of this tentative ruling attached) and (b) an APO with BVV, which BVV is directed to prepare.

The tentative ruling is that this Court's order will include the following language:

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

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

(ii) Reasons. (A) It appears appropriate to impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, for the reasons set forth in this Court's adopted tentative ruling (attached hereto). (B) To prevent possible abuse, this Court provides the foregoing simple process for reconsideration.

(iii) Very limited ruling. This Court's tentative ruling to grant the foregoing relief is solely for purposes of this motion, and is not

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Tuesday, August 4, 2020

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10:00 AM

CONT...

Magdalena Avila

Chapter 13

intended to have any binding effect with respect to any future assertions by any party in interest regarding the existence or lack of existence of good faith in any other context.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Magdalena Avila

Represented By
Stephen S Smyth

Movant(s):

Magdalena Avila

Represented By
Stephen S Smyth

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:18-18060 Magdalena Avila

Chapter 13

#9.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/2/20

THE BANK OF NEW YORK MELLON
TRUST COMPANY
vs
DEBTOR

Docket 75

Tentative Ruling:

Tentative Ruling for 8/4/20:

Grant as set forth below. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

The automatic stay does not apply

This case has been dismissed, which terminates the automatic stay. See 11 U.S.C. 349(b)(3) & 362(c).

In the alternative and in addition, this court grants relief from the

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CONT... **Magdalena Avila**

Chapter 13

automatic stay as follows.

Note regarding mootness: Judge Bason's standard tentative ruling is as follows. For three reasons the above conclusion that there *is no stay* does not moot requests for relief from whatever stay might apply. First, such *alternative* rulings are appropriate because (i) the very nature of *tentative* rulings is that this Court could be persuaded to depart from any one of them, and (ii) a *final* ruling on any one issue could be reversed on appeal. Second, even if there is currently no stay, that could change - *e.g.*, if there is no stay because of dismissal, such dismissal could be vacated and that would reimpose the stay even if there is a lack of adequate protection, or other grounds why the stay should not apply, and therefore the movant will suffer cognizable harm unless the issues are addressed now (Judge Bason regularly vacates dismissals based on stipulations or other good cause). Third, any request for relief as to *past* acts (annulment) or *future* cases (*in rem* relief) is still at issue even if there is *currently* no stay. See *In re Aheong*, 276 B.R. 233 (9th Cir. BAP 2002). For all of these reasons, the tentative ruling is that it is appropriate to address the following issues.

Termination

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

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

Effective date of relief

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

Co-debtor stay

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

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances

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CONT... Magdalena Avila

Chapter 13

are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/2/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

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 the debtor's response, dkt. 78).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Magdalena Avila

Represented By
Stephen S Smyth
William J Smyth

Movant(s):

THE BANK OF NEW YORK

Represented By

**United States Bankruptcy Court
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Los Angeles
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CONT... Magdalena Avila

Chapter 13

Sean C Ferry
Theron S Covey
Eric P Enciso

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:19-23153 Juan Hernandez Contreras

Chapter 13

#10.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/19/20, 6/30/20

LAKEVIEW LOAN SERVICING, LLC
vs
DEBTOR

Docket 36

Tentative Ruling:

Tentative Ruling for 8/4/20:

Continue to 11/10/20 at 10:00 a.m., based on Movant's notice regarding forbearance (dkt.41). Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/30/20 [revised to reflect new CourtCall date]:

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Los Angeles
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CONT... Juan Hernandez Contreras
Appearances required.

Chapter 13

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED** until further notice. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through [8/31/20]. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

At the 5/19/20 hearing, this Court was persuaded to continue this matter for a possible adequate protection order. 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 the debtor's response, dkt. 38).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 5/19/20:

Grant as set forth below. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED** until further notice. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic

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CONT... **Juan Hernandez Contreras**
Instructions").

Chapter 13

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

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.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Juan Hernandez Contreras

Represented By
Juanita V Miller

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Erin M McCartney
Josephine E Salmon

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... Juan Hernandez Contreras

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:20-10555 Christopher Omotunde

Chapter 13

#11.00 Cont'd hrg re: Motion for relief from stay [RP]
fr.7/7/20

DEUTSCHE BANK NATIONAL TRUST CO
vs
DEBTOR

Docket 33

Tentative Ruling:

Tentative Ruling for 8/4/20:

Continue to 12/8/20 at 10:00 a.m., based on Movant's notice regarding forbearance (dkt.37). Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/7/20:

**United States Bankruptcy Court
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Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

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CONT... Christopher Omotunde
Appearances required.

Chapter 13

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED** until further notice. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

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 the debtor's response, dkt. 35).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Christopher Omotunde

Represented By
Stephen S Smyth

Movant(s):

Deutsche Bank National Trust

Represented By
Jennifer C Wong
Josephine E Salmon

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, August 4, 2020

Hearing Room 1545

10:00 AM

2:18-22896 William Moises Martinez and Maritza Del Pilar Martinez

Chapter 13

#12.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/30/20

NEWREZ, LLC
vs
DEBTOR

Docket 26

Tentative Ruling:

Tentative Ruling for 8/4/20:
Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED** until further notice. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

This matter was continued to this date to allow time for the parties to negotiate the terms of an adequate protection stipulation. There is no tentative ruling, but the parties should be prepared to provide this Court with an update on the status of those negotiations.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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10:00 AM

CONT... William Moises Martinez and Maritza Del Pilar Martinez

Chapter 13

Tentative Ruling for 6/30/20:
Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED** until further notice. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

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 the debtor's response, dkt. 28).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

William Moises Martinez

Represented By
Erika Luna

Joint Debtor(s):

Maritza Del Pilar Martinez

Represented By
Erika Luna

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Christopher Giacinto

**United States Bankruptcy Court
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10:00 AM

CONT...

**William Moises Martinez and Maritza Del Pilar Martinez
Cassandra J Richey**

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:20-12732 Parvin Jamali

Chapter 11

Adv#: 2:20-01068 Jamali et al v. U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE

#1.00 Hrg re: Motion by plaintiff's for leave to
file a first amended complaint

Docket 20

Tentative Ruling:

Please see the tentative ruling for the adversary status conference (Calendar No. 1.1, 8/4/20 at 11:00 a.m.).

Party Information

Debtor(s):

Parvin Jamali

Represented By
Michael R Totaro
Yevgeniya Lisitsa

Defendant(s):

U.S. BANK NATIONAL

Represented By
Olivier J Labarre
Kevin R Broersma

Plaintiff(s):

Mohsen Lotfimoghaddas

Represented By
Yevgeniya Lisitsa

Parvin Jamali

Represented By
Yevgeniya Lisitsa

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:20-12732 Parvin Jamali

Chapter 11

Adv#: 2:20-01068 Jamali v. U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE

- #1.10** Cont'd Status Conference re: 1) Cancellation and Rescission of Instrument; 2) Slander of Title; 3) Unfair Business Practices; 4) Elder Financial Abuse; 5) Violation of FCRA; 6) Accounting; 7) Declaratory Relief fr. 6/2/20, 7/28/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(A) Current Issues

(1) U.S Bank's Motion to dismiss (adv. dkt. 4, "MTD"), no opposition is on file

At a hearing on 7/28/20 at 2:00 p.m., this Court granted the MTD, but continued the matter to this date solely with respect to whether this Court should grant leave to amend. The tentative ruling is that, unless this Court is persuaded not to adopt the tentative ruling set forth below, the MTD is granted in its entirety - *i.e.*, without leave to amend.

(2) Debtor's Motion for leave to file first amended complaint (adv. dkt. 20, "Leave to Amend Motion"), U.S. Bank's opposition (adv. dkt. 22), Debtor's reply (adv. dkt. 23)

The tentative ruling is to deny the Leave to Amend Motion for the

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Hearing Room 1545

11:00 AM

CONT... Parvin Jamali

Chapter 11

reasons stated in U.S. Bank's opposition (adv. dkt. 22).

Proposed orders: U.S. Bank is directed to lodge proposed orders on each of the foregoing motions via LOU within 7 days after the hearing date and attach a copy of this tentative ruling, thereby adopting it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

(B) Standard requirements
[Same as prior tentative ruling]

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/28/20:

Appearances are not required on 7/28/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(A) Current Issues

(1) U.S Bank's Motion to dismiss (adv. dkt. 4, "MTD"), no opposition is on file

The tentative ruling is to grant the MTD (apart from the issue of whether or not to grant leave to amend) on the grounds that it is law of the

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

CONT... Parvin Jamali

Chapter 11

case that this Court has already ruled in connection with Debtor's motion to void lien filed in the main case that all of the grounds asserted in the MTD are persuasive. See 2:20-bk-12732-NB, dkt. 94.

Alternatively, even if it were not law of the case, this Court is still persuaded that on the merits, all of the arguments asserted in the MTD are persuasive.

Alternatively, and in addition, as of the preparation of this tentative ruling Debtor has not filed an opposition to the MTD, so any arguments in opposition to dismissal of this proceeding are deemed waived and forfeited.

(2) Whether to grant leave to amend

The tentative ruling is to continue the hearing on the MTD, solely with respect to whether this Court should grant leave to amend, so as to be concurrent with the hearing on Plaintiff/Debtor's motion for leave to amend (dkt.20), which is set for hearing on 8/4/20 at 11:00 a.m. The tentative ruling is that no written order is required until this Court has ruled on that remaining issue.

(B) 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.)

(1) Venue/jurisdiction/authority

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

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CONT... Parvin Jamali

Chapter 11

(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).

(2) Mediation: [Intentionally omitted]

(3) Deadlines

This adversary proceeding has been pending since 3/21/20. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings: N/A deadline.

Discovery cutoff (for completion of discovery): N/A

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: N/A

Joint Status Report: N/A

Continued status conference: 8/4/20 at 11:00 a.m., concurrent with other matters.

Lodge Joint Proposed Pre-Trial Order: N/A

Pretrial conference: N/A

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: N/A (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: N/A

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/2/20:

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

CONT... Parvin Jamali

Chapter 11

Continue to 6/16/20 at 2:00 p.m., concurrent with the hearing on Defendant's motion to dismiss. Appearances are not required on 6/2/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Parvin Jamali

Represented By
Michael R Totaro

Defendant(s):

U.S. BANK NATIONAL

Pro Se

Plaintiff(s):

Parvin Jamali

Represented By
Yevgeniya Lisitsa

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:20-12732 Parvin Jamali

Chapter 11

Adv#: 2:20-01068 Jamali v. U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE

#1.20 Cont'd hrg re: Defendant's Motion to Dismiss Adversary Proceeding
fr. 6/2/20, 6/16/20, 7/28/20

Docket 4

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see the tentative ruling for the adversary status conference (Calendar No. 1.1, 8/4/20 at 11:00 a.m.).

Tentative Ruling for 7/28/20:

Please see the tentative ruling for the adversary status conference (Calendar No. 9, 7/28/20 at 2:00 p.m.).

Party Information

Debtor(s):

Parvin Jamali

Represented By
Michael R Totaro
Yevgeniya Lisitsa

Defendant(s):

U.S. BANK NATIONAL

Represented By
Olivier J Labarre

Plaintiff(s):

Parvin Jamali

Represented By
Yevgeniya Lisitsa

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:19-14137 Zeta Graff

Chapter 7

#2.00 Hg re: Debtor's Motion for Authority to Refinance Real Property
Under LBR 3015-1

Docket 204

Tentative Ruling:

Deny for the reasons set forth in the oppositions (dkt. 217, 219, 220, 221). Debtor's reply (dkt. 234) argues that Debtor is proceeding in good faith, but that is not the issue: the issue is whether a chapter 7 debtor can obtain approval of a refinancing that has no assurance of paying disputed claims in full - she may not. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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11:00 AM

CONT... Zeta Graff

Chapter 7

Party Information

Debtor(s):

Zeta Graff

Represented By
Michael F Chekian

Trustee(s):

Sam S Leslie (TR)

Represented By
Elissa Miller

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:19-14137 Zeta Graff

Chapter 7

#3.00 Hrg re: Chapter 7 Trustee's Motion for Order (1) Compelling Debtor Zeta Graff and Those in Possession with Her to Turnover Property of the Estate; and (2) Authorizing Trustee to Utilize Services of the United States Marshals to Enforce Court Order

Docket 212

Tentative Ruling:

Grant as set forth below. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED** until further notice. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

Analysis:

(1) Background

On 7/8/20, the Chapter 7 Trustee filed a Motion For Order (1) Compelling Debtor Zeta Graff And Those In Possession With Her To Turnover Property Of The Estate; And (2) Authorizing Trustee To Utilize The Services Of The United States Marshals To Enforce Court Order (the "Turnover Motion," dkt. 212). On 7/14/20, Pensco Trust Company, FBO Elizabeth S. Boren, IRA filed its joinder in the Turnover Motion. Dkt. 226. On 7/23/20 Debtor filed her opposition (dkt.226), and on 7/23/20 and 7/24/20

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CONT... Zeta Graff

Chapter 7

Debtor filed her supplemental oppositions (dkt. 233, 240), . On 7/28/20, the Chapter 7 Trustee filed a reply (dkt. 242) and an objection to and request to strike Debtor's late filed oppositions (dkt. 243).

(2) Discussion

For the reasons set forth below, the tentative ruling is to grant the Turnover Motion.

(a) The tentative ruling is that Debtor's oppositions are untimely, contain inadmissible allegations, and should not be considered

LBR 9013-1(f)(1) (Local Bankruptcy Rule) provides that, except as set forth in inapplicable other LBRs, an interested party must file and serve their response to a motion on the moving party and the United States trustee "not later than 14 days before the date designated for hearing." LBR 9013-1(h) provides that, except as set forth in an inapplicable LBR, "if a party does not timely file and serve documents, the court may deem this to be consent to the granting or denial of the motion, as the case may be." The "Posted Procedures of Judge Bason" (available at www.cacb.uscourts.gov) provide that "if your opposition or reply papers are filed late, you must include a brief explanation (and a request to accept such papers)."

The Trustee argues that Debtor's oppositions should be stricken because they are not timely. Dkt. 243, p.4:19-23. In addition, the Trustee explains that he only had two business days to file his reply because of the late filings. *Id.* at p.4:15-17.

The tentative ruling is that the Trustee's argument is persuasive on this issue. First, Debtor's oppositions were untimely, without an excuse until Debtor's supplemental opposition, and then without admissible evidence sufficient to excuse such untimeliness. Second, the Trustee appears to have suffered harm due to the late filings – namely, a very short time to prepare and file a reply. Third, and finally, Debtor did not comply with the "Posted Procedures of Judge Bason" regarding providing an explanation for why papers were filed late, and a request that they be accepted.

Alternatively, the tentative ruling is to sustain the Trustee's objections to Debtor's declaration. See dkt.243. If Debtor's allegations are stricken, there is no evidence in opposition to the Turnover Motion. That is an alternative reason why the tentative ruling is to grant the Turnover Motion.

(b) In the alternative, on the merits, the tentative ruling is that Debtor's

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CONT... Zeta Graff

Chapter 7

oppositions are not persuasive

(i) Debtor's explanations do not refute the Trustee's arguments

11 U.S.C. 521(a) provides in relevant part

(a) The debtor shall –

...

(4) if a trustee is serving in the case ... surrender to the trustee all property of the estate and any recorded information, including books, documents, records, and papers, relating to property of the estate ... [11 U.S.C. 521(a)(4)]

11 U.S.C. 542 provides in relevant part

(a) ... an entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title ... shall deliver to the trustee, and account for, such property or the value of such property ... [11 U.S.C. 542(a)]

The Trustee alleges in the Turnover Motion that Debtor (i) has refused to allow the Trustee's broker to show the property and (ii) is not maintaining insurance. See dkt. 212, p.6:14-15. Debtor's oppositions assert that she has been acting in good faith. Dkt. 240, p.4:7. Debtor states that she denied access to the Trustee's real estate agent because she has been stricken with COVID-19, and it is not safe for the Trustee's real estate agent and prospective purchasers to be exposed to the virus. *Id.* at p.2:15-20. Debtor also states that she is attempting to get court approval to finance the home insurance premiums. *Id.* at p.4:7-8. In the reply, the Trustee asserts that "Debtor does not actually dispute the Trustee's allegations." Dkt. 242, p.4:4-5.

The tentative ruling is that the Trustee's argument is persuasive on this issue. Debtor does not appear to dispute the Trustee's allegations, but rather seeks to explain how the actions were either justifiable or are being resolved. It is very unfortunate that Debtor asserts she has COVID-19, and this Court appreciates that Debtor may be attempting to be responsible and attempting to social distance from others. But this development only further illustrates that granting the Turnover Motion is appropriate. It seems that the best way for Debtor and other persons to be safe, while allowing the Trustee to discharge his duties, is for Debtor to surrender the home to the Trustee and relocate. Of course, it is very unfortunate for anyone to have to leave their

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CONT...

Zeta Graff

Chapter 7

home; but most chapter 7 debtors must do so, and the Trustee has met his burden to establish that, in order to carry out his duties, turnover is necessary.

(ii) Rule 7070 (Fed. R. Bank. P.) is appropriate to apply in this contested matter

Rule 70 (Fed. R. Civ. P.), made applicable in adversary proceedings by Rule 7070 (Fed. R. Bankr. P.), provides in relevant part

(a) Party's Failure to Act; Ordering Another to Act. If a judgment requires a party to convey land, to deliver a deed or other document, or to perform any other specific act and the party fails to comply within the time specified, the court may order the act to be done – at the disobedient party's expense – by another person appointed by the court ...

...

(d) Obtaining a Writ of Execution or Assistance. On application by a party who obtains a judgment or order for possession, the clerk must issue a writ of execution or assistance. [Rule 70(a)&(d)]

Rule 9014(c) provides a list of Federal Rules of Bankruptcy Procedure, applicable to adversary proceedings, that "shall apply" and another list of rules that "shall not apply" in any contested matter, unless the court directs otherwise. Rule 7070 is not in either list. Rule 9014(c) further provides that "the court may at any stage in a particular matter direct that one or more" of the rules applicable to adversary proceedings "shall apply." Lastly, Rule 9014(c) states that the "court shall give the parties notice of any order issued under this paragraph ..."

The Trustee argues that application of Rule 7070 is appropriate and requests a court order applying Rule 7070. See dkt. 212, pp.15:23-16:2. Debtor argues that the Turnover Motion should be denied because "it is based on Bankruptcy Rule 7070 which only applies in adversary proceedings ..." dkt. 240, p.3:22-23.

The tentative ruling is that the Trustee's argument is persuasive on this issue. First, the Trustee's basis for seeking turnover is not Rule 7070, but 11 U.S.C. 521 and 542. Second, it appears to be appropriate to implement those turnover requirements by issuing an order applying Rule 7070. This is the Trustee's second turnover motion, and the Trustee has presented uncontested evidence that Debtor has not maintained insurance and that

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CONT... Zeta Graff

Chapter 7

turnove is otherwise necessary. Moreover, even if this Court were to disregard that evidence (and this Court is not aware of any reason to do so), a court order applying Rule 7070 provides the Trustee with the tools necessary to compel turnover, which is required by the Bankruptcy Code and appropriate under 11 U.S.C. 105.

(3) Conclusion

For the reasons set forth above, the tentative ruling is (a) to strike Debtor's oppositions as untimely, and alternatively as not being supported by any competent evidence, and therefore grant the Turnover Motion as unopposed, (b) alternatively, to grant the Turnover Motion on the merits, and (c) to apply Rule 7070 to implement the Bankruptcy Code's turnover requirements.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Zeta Graff

Represented By
Michael F Chekian

Trustee(s):

Sam S Leslie (TR)

Represented By
Elissa Miller

**United States Bankruptcy Court
Central District of California
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:18-24507 Rima Adam Nano

Chapter 7

Adv#: 2:19-01181 Elissa D. Miller, Chapter 7 Trustee v. NANO

- #4.00** Cont'd Status Conference re: Complaint for (1) Avoidance of Actual Fraudulent Transfer [11 U.S.C. section 548(a)(1)(A)]; (2) Avoidance of Constructive Fraudulent Transfer [11 U.S.C. section 548(a)(1)(B)]; (3) Recovery of Avoided Transfer [11 U.S.C. section 550]; (4) Declaratory Relief; and (5) Turnover [11 U.S.C. section 542] fr. 8/20/19, 10/29/19, 1/28/20, 03/31/20, 6/2/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Continue to 12/8/20 at 11:00 a.m., for the reasons set forth in the Defendant's status report (adv.dkt.11). Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/2/20:

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11:00 AM

CONT... Rima Adam Nano

Chapter 7

Continue to 8/4/20 at 11:00 a.m., to provide the parties time to finalize their settlement (see adv.dkt.10) and, if necessary or appropriate, obtain approval under Rule 9019 (Fed. R. Bankr. P.). Appearances are not required on 6/2/20.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Rima Adam Nano

Represented By
G Marshall Hann

Defendant(s):

ADMON NANO

Represented By
Gary A Starre

Plaintiff(s):

Elissa D. Miller, Chapter 7 Trustee

Represented By
Jeremy Faith
Noreen A Madoyan

**United States Bankruptcy Court
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11:00 AM

CONT... Rima Adam Nano

Chapter 7

Anna Landa

Trustee(s):

Elissa Miller (TR)

Represented By
Noreen A Madoyan
Anna Landa

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:17-19548 Layfield & Barrett, APC

Chapter 11

#5.00 Cont'd Status Conference re: Chapter 11 Case
fr. 9/19/17, 10/17/17, 4/17/18, 5/1/18, 7/10/18, 9/18/18,
10/26/18, 12/6/18, 12/18/18, 2/5/19, 03/05/19, 04/02/19
04/30/19, 06/04/19, 7/30/19, 9/10/19, 10/1/19, 10/15/19,
11/12/19, 12/10/19, 12/17/19, 2/18/20, 3/3/20, 03/31/20

Docket 323

Tentative Ruling:

Tentative Ruling for 8/4/20:

Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current matters

(a) Combined Status Conference

This Status Conference involves two related bankruptcy cases and associated matters: (a) *In re Layfield & Barrett, APC*, Case No. 2:17-bk-19548-NB ("L&B"); (b) *In re Layfield*, Case No. 2:18-bk-15829-NB ("Lay-Invol."); (c) *Pimentel v. Layfield et al*, Case No. 2:19-ap-01069-NB ("Pimentel Adv."), (d) *Hickey v. Layfield*, Case No. 2:19-ap-01070-NB ("Hickey Adv."), (e) *Pachulski v. Layfield*, Case No. 2:19-ap-01071-NB ("Pachulski Adv.").

(b) L&B, status conference

Continue as set forth in part "(2)" of this tentative ruling, below.

(c) Lay-Invol, status conference

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11:00 AM

CONT...

Layfield & Barrett, APC

Chapter 11

Continue as set forth in part "(2)" of this tentative ruling, below.

(d) Pimentel Adv.

(i) Status conference

Continue as set forth in part "(2)" of this tentative ruling, below.

(e) Hickey Adv.

(i) Status conference

On 4/29/20, the parties stipulated to dismiss this proceeding with prejudice (adv. dkt. 24). Plaintiff is directed to lodge a proposed order approving the stipulation and dismissing the adversary proceeding within 7 days after the hearing date.

(f) Pachulski Adv.

(i) Status conference

Continue as set forth in part "(2)" of this tentative ruling, below.

(2) Deadlines/dates. The L&B case was filed as an involuntary chapter 7 on 8/3/17 and converted to chapter 11 on 8/11/17 (L&B dkt. 25). The Lay-Invol case was filed as an involuntary chapter 7 case on 5/21/18 and an order for relief was entered on 12/12/18 (Lay-Invol dkt. 160, 161).

(a) L&B Bar date: 2/5/18 (timely served, L&B dkt. 133, 157)

(b) Lay-Invol Bar date: 4/12/19 (timely served, Lay-Invol dkt.180)

(c) L&B Plan/Disclosure Statement*: TBD. Do not file or serve until further order of this court.

(d) Continued status conferences (L&B, Lay-Invol., Pimentel Adv., & Pachulski Adv.) Continue status conferences to 12/8/20 at 11:00 a.m., provided that, prior to that hearing (and after this Court has established hearing dates for 2021), this Court anticipates posting a tentative ruling further continuing the status conferences into 2021.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at

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CONT... Layfield & Barrett, APC

Chapter 11

www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Layfield & Barrett, APC	Pro Se
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Movant(s):

Layfield & Barrett, APC	Pro Se
-------------------------	--------

Trustee(s):

Richard Pachulski (TR)	Represented By Malhar S Pagay James KT Hunter
------------------------	---

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:18-15829 Philip James Layfield

Chapter 7

#6.00 Cont'd Status Conference re: Chapter 7 Involuntary
fr. 07/17/18, 08/14/18, 09/04/18, 09/18/18, 10/26/18,
12/6/18, 12/18/18, 02/05/19, 03/05/19, 04/02/19,
04/30/19, 06/04/19, 7/30/19, 10/1/19, 10/15/19, 11/12/19,
12/10/19, 02/18/20, 3/3/20, 03/31/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see tentative ruling for status conference in the *Layfield & Barrett*
case, calendar no. 5 (8/4/20 at 11:00 a.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Philip James Layfield

Represented By
Anthony M Solis

Trustee(s):

Wesley H Avery (TR)

Represented By
Jeffrey I Golden
Faye C Rasch
Beth Gaschen
Ryan W Beall

**United States Bankruptcy Court
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:18-15829 Philip James Layfield

Chapter 7

Adv#: 2:19-01069 Pimentel v. Layfield et al

#7.00 [Notice of Dismissal of Deft., Wesley H. Avery, Tr.]

Cont'd Status Conference re: Complaint Against Dischargeability
1) Declaratory Relief and 2) Fraudulent Transfer / Concealment
fr. 5/21/19, 06/04/19, 7/30/19, 10/1/19, 03/31/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see tentative ruling for status conference in the *Layfield & Barrett* case, calendar no. 5 (8/4/20 at 11:00 a.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Philip James Layfield

Represented By
Anthony M Solis

Defendant(s):

Philip J Layfield

Pro Se

WESLEY Howard AVERY

Pro Se

Affeld Grivakes LLP

Represented By
Damion Robinson

Plaintiff(s):

Rodney A Pimentel

Represented By
Yana G Henriks

Trustee(s):

Wesley H Avery (TR)

Represented By

**United States Bankruptcy Court
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

CONT...

Philip James Layfield

Chapter 7

Jeffrey I Golden
Faye C Rasch
Beth Gaschen
Ryan W Beall

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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

2:18-15829 Philip James Layfield

Chapter 7

Adv#: 2:19-01070 Hickey v. Layfield

#8.00 Cont'd Status Conference re: Complaint for: 1) Determination of Dischargeability of Debt [11 U.S.C. Section 523(a)(2)]; 2) Determination of Dischargeability of Debt [11 U.S.C. Section 523(a)(4)]; 3) Determination of Dischargeability of Debt [11 U.S.C. Section 523(a)(6)] fr. 05/21/19, 10/15/19, 03/31/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see tentative ruling for status conference in the *Layfield & Barrett* case, calendar no. 5 (8/4/20 at 11:00 a.m.).

Tentative Ruling for 3/31/20:

Continue to 8/4/20 at 11:00 a.m., pending the outcome of Mr. Layfield's criminal proceedings and appeal of this Court's order denying his motion for judgment on the pleadings (adv. dkt. 12, 14). Joint status report due 7/21/20. Appearances are not required on 3/31/20.

If you wish to dispute the tentative ruling you must notify opposing counsel of your intent to appear telephonically. Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately

**United States Bankruptcy Court
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Judge Neil Bason, Presiding
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Tuesday, August 4, 2020

Hearing Room 1545

11:00 AM

CONT... Philip James Layfield Chapter 7

resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 5/21/19:

Continue to 11/5/19 at 11:00 a.m. based on the Joint Status Report (dkt. 5).
Appearances are not required on 5/21/19.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Philip James Layfield

Represented By
Anthony M Solis

Defendant(s):

Philip J Layfield

Pro Se

Plaintiff(s):

Fred A. Hickey

Represented By
Derrick F Coleman

Trustee(s):

Wesley H Avery (TR)

Represented By
Jeffrey I Golden
Faye C Rasch
Beth Gaschen
Ryan W Beall

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

11:00 AM

2:18-15829 Philip James Layfield

Chapter 7

Adv#: 2:19-01071 Richard M. Pachulski, Chapter 11 Trustee of the Ba v. Layfield

- #9.00** Cont'd Status Conference re: Complaint to Determine the Non-Dischargeability of Certain Debts Owed by Philip James Layfield to Richard M. Pachulski, Chapter 11 Trustee of the Bankruptcy Estate of Layfield & Barrett, APC.
fr. 05/21/19, 11/5/19, 03/31/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see tentative ruling for status conference in the *Layfield & Barrett* case, calendar no. 5 (8/4/20 at 11:00 a.m.).

Tentative Ruling for 3/31/20:

Continue to 8/4/20 at 11:00 a.m. based on the Joint Status Report (adv. dkt. 27).

Appearances are not required on 3/31/20.

If you wish to dispute the tentative ruling you must notify opposing counsel of your intent to appear telephonically. Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 4/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard

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CONT... Philip James Layfield

Chapter 7

on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 5/21/19:

Continue to 11/5/19 at 11:00 a.m. based on the Joint Status Report (dkt. 5).
Appearances are not required on 5/21/19.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Philip James Layfield

Represented By
Anthony M Solis

Defendant(s):

Philip James Layfield

Pro Se

Plaintiff(s):

Richard M. Pachulski, Chapter 11

Represented By
James KT Hunter

Trustee(s):

Wesley H Avery (TR)

Represented By
Jeffrey I Golden
Faye C Rasch
Beth Gaschen

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:18-12429 Dana Hollister

Chapter 11

#1.00 Hrg re: Motion for order disallowing claim
of Jena Choi and Kurt Goodwin

Docket 1211

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 3,
8/4/20 at 1:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:18-12429 Dana Hollister

Chapter 11

#2.00 Hrg re: Motion for order disallowing
claim of Odysseus Investment Group, LLC

Docket 1213

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 3,
8/4/20 at 1:00 p.m.)

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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

Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:18-12429 Dana Hollister

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/9/18, 3/20/18, 3/21/18, 4/17/18, 5/3/18, 5/7/18,
6/12/18, 6/22/18, 7/16/18, 8/3/18, 9/4/18, 11/6/18,
01/15/19, 1/29/19, 2/26/19, 3/26/19, 4/16/19;
04/29/19, 05/21/19, 5/28/19, 6/18/19, 7/2/19; 08/06/19,
10/15/19, 11/12/19, 11/21/19, 01/14/20, 3/3/20, 3/10/20,
04/07/20, 5/19/20, 6/16/20, 6/30/20, 7/14/20, 7/28/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Motion For Order Disallowing Claim Of Jena Choi And Kurt Goodwin (dkt. 1211, 1212)

Sustain the objection and disallow the claim in full.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(b) Motion For Order Disallowing Claim Of Odysseus Investment Group, LLC (dkt. 1213, 1214)

Sustain the objection and disallow the claim in full.

Proposed order: Movant is directed to lodge a proposed order via LOU

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CONT... Dana Hollister

Chapter 11

within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(c) Bobs LLC Motion For Relief From The Automatic Stay (dkt. 936)

Continue to the same date and time as the continued status conference.

(2) Deadlines/dates.

This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served per dkt. 383)

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 9/15/20 at 1:00 p.m. No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

(d) Limited Notice: A "Core Service List" has been established (see dkt.97, p.3:4-17, dkt.195), as modified by any updates (contact Debtor for latest list).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/28/20:

Appearances are not required on 7/28/20. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic

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CONT... Dana Hollister
Instructions").

Chapter 11

(1) Current issues

(a) Motion For Order Approving Plan Treatment Stipulation (dkt. 1207)
Grant.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(b) Bobs LLC Motion For Relief From The Automatic Stay (dkt. 936)

Continue to the same date and time as the continued status conference.

(2) Deadlines/dates.

This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served per dkt. 383)

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 8/4/20 at 1:00 p.m. to be concurrent with other matters. No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

(d) Limited Notice: A "Core Service List" has been established (see dkt.97, p.3:4-17, dkt.195), as modified by any updates (contact Debtor for latest list).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Dana Hollister

Represented By

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

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1:00 PM

CONT...

Dana Hollister

David A Tilem
Mark A Kressel
Alan M Insul

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:18-12429 Dana Hollister

Chapter 11

#3.10 Cont'd hrg re: Motion for relief from stay [RP]
fr. 10/1/19, 11/12/19, 11/21/19, 01/14/20, 03/03/20,
04/07/20, 5/19/20, 7/14/20, 7/28/20

BOBS, LLC
vs
DEBTOR

Docket 936

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see the tentative ruling for the status conference (calendar no. 3, 8/4/20 at 1:00 p.m.)

Tentative Ruling for 7/28/20:

Please see the tentative ruling for the status conference (calendar no. 2, 7/28/20 at 2:00 p.m.)

Tentative Ruling for 11/21/19:

Please see the tentative ruling for the status conference (calendar no. 3, 11/21/19 at 2:00 p.m.)

Tentative Ruling for 10/1/19:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (1) a proposed timeline, and sequence, for discovery and court proceedings regarding the value of the Paramour and whether Bobs, LLC's second loan is secured or unsecured, and (2) whether this Court should set an evidentiary hearing regarding the value of the Paramour, or whether other procedures are appropriate, such as using a third party appraiser, selected jointly by the parties' own appraisers, who would be either appointed as this Court's own expert witness to assist this Court in assessing the parties' appraisals and testimony of their appraisers, or, alternatively, whose determination would be binding. See Motion (dkt.936), Opposition

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CONT... Dana Hollister

Chapter 11

papers (dkt.948, 949, 950, 951, 952), and Reply papers (dkt.958, 959).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

Movant(s):

Bobs, LLC

Represented By
David I Brownstein
Gerrick Warrington

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:20-14672 Truemetrics

Chapter 11

#4.00 Cont'd Status Conference re: Chapter 11 Case
fr. 6/2/20, 6/30/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Debtor's Subchapter V Plan (dkt. 40) and Disclosure Statement (dkt. 41), no opposition is on file

The tentative ruling is to set a deadline of 8/11/20 for Debtor to do the following.

(i) Amended Plan

Debtor must file an amended Plan corrects the error values reflected in the current version. See dkt.40, Ex.A & A-1, at PDF pp.2-4.

(ii) Amended Disclosure Statement

Debtor must file an amended Disclosure Statement that reproduces the financial projections in Attachment 4 in a more user-friendly format (the existing text is miniature, and although that text can be enlarged when viewed in PDF format, it should be legible when printed and mailed to creditors). In addition, the tentative ruling is that the Disclosure Statement must include a declaration providing (i) a brief summary of Debtor's background and exit strategy, along the lines of what was included in Debtor's initial status report (dkt.29 at PDF p.13, "Part I - 2") and (ii) sufficient support for Debtor's

**United States Bankruptcy Court
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1:00 PM

CONT...

Truemetrics

Chapter 11

financial projections.

(iii) Proposed order

Debtor must lodge a proposed order, substantially in the form of the order posted on Judge Bason's portion of the Court's website (www.cacb.uscourts.gov), authorizing the service of a voting package and setting a combined hearing on final approval of the Disclosure Statement and confirmation of the Plan for the same time as the continued state conference (see below).

(2) Deadlines/dates. This case was filed on 5/21/20.

(a) Bar date: 7/30/20 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.7 (served one day late, dkt. 14)

(c) Plan/Disclosure Statement*: see above.

(d) Continued status conference: 10/6/20 at 1:00 p.m. No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Truemetrics

Represented By
Ryan A. Stubbe

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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CONT... Truemetrics

Chapter 11

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1:00 PM

2:19-20000 9469 BEVERLY CREST LLC

Chapter 11

#5.00 Cont'd Status Conference re: Chapter 11 Case
fr. 9/24/19, 11/5/19, 12/10/19, 1/28/20, 03/31/20,
4/7/20, 6/2/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Continue as set forth below. Appearances are not required. If you wish to dispute the tentative ruling you must notify other parties of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED** until further notice. Please contact CourtCall at (888) 882-6878 to make arrangements. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

This Court has nothing to raise *sua sponte*.

(2) Deadlines/dates. This case was filed on 8/26/19.

(a) Bar date: 11/25/19 (dkt. 29; timely served, dkt. 31).

(b) Procedures order: dkt. 11 (timely served, dkt. 24)

(c) Plan/Disclosure Statement*: file by 10/14/20 using the forms required by Judge Bason, unless excused (DO NOT SERVE yet, except on the U.S. Trustee - this Court will set a deadline and procedures at a later time).

(d) Continued status conference: 10/6/20 at 1:00 p.m. *Brief* status report due 9/22/20.

*Warning: special procedures apply (see order setting initial status conference).

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CONT... 9469 BEVERLY CREST LLC

Chapter 11

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

9469 BEVERLY CREST LLC

Represented By
John N Tedford IV
George E Schulman

**United States Bankruptcy Court
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Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:15-11029 R&J Limited Partnership and JRJ Limited Partnership

Chapter 11

#6.00 Cont'd Status Conference re: Chapter 11 Case
fr. 03/03/15, 03/31/15, 04/28/15, 05/26/15, 06/09/15,
07/07/15, 07/28/15, 09/01/15, 09/22/15, 11/17/15, 12/15/15,
01/19/16, 02/23/16, 03/22/16, 05/31/16, 07/19/16, 09/27/16,
11/29/16, 01/10/17, 04/25/17, 06/20/17, 10/17/17, 01/30/18,
04/10/18, 05/08/18, 06/07/18, 07/10/18, 08/07/18, 9/4/18,
10/9/18, 11/6/18, 01/08/19, 3/26/19, 05/21/19, 8/20/19, 11/26/19,
12/10/19, 4/7/20

Docket 9

Tentative Ruling:

Tentative Ruling for 8/4/20:

Continue to 12/8/20 at 1:00 p.m., with a *brief* status report due 11/24/20.
Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify opposing counsel of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

This Court has reviewed the Debtor's latest filed documents, including its Monthly Operating Reports (dkt. 392, 394, 395, 396) and Status Report (dkt. 397). This Court is not aware of issues that would warrant a status conference at this time.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at

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CONT... R&J Limited Partnership and JRJ Limited Partnership Chapter 11

www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

R&J Limited Partnership

Represented By
Vanessa M Haberbush
David R Haberbush

JRJ Limited Partnership

Represented By
Vanessa M Haberbush
David R Haberbush

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Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:19-19999 Kim Gordon McNulty and Melissa Amanda McNulty

Chapter 11

#7.00 Status Conference re: Post confirmation
fr. 9/24/19, 11/12/19, 1/14/20, 3/10/20, 04/21/20,
6/2/20, 7/14/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:

Continue to 12/8/20 at 1:00 p.m., with a *brief* status report due 11/24/20.
Appearances are not required on 8/4/20. If you wish to dispute the tentative ruling you must notify opposing counsel of your intent to appear telephonically.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice**. Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

This Court has reviewed the Debtor's latest filed documents, including its Monthly Operating Reports (dkt. 101, 102) and Status Report (dkt. 103). This Court is not aware of issues that would warrant a status conference at this time.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

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1:00 PM

CONT... Kim Gordon McNulty and Melissa Amanda McNulty

Chapter 11

Party Information

Debtor(s):

Kim Gordon McNulty

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Joint Debtor(s):

Melissa Amanda McNulty

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

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

Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:19-11809 Schaefer Ambulance Service, Inc

Chapter 11

#8.00 Status Conference re: Post confirmation
fr. 02/28/19, 03/12/19, 03/26/19, 04/09/19, 5/21/19,
05/21/19, 06/04/19, 6/18/19, 7/30/19; 08/06/19,
8/20/19, 9/24/19, 10/15/19, 11/5/19, 12/10/19, 12/17/19,
1/14/20, 1/28/20, 02/18/20, 3/10/20, 03/31/20, 4/21/20,
5/5/20

Docket 1

***** VACATED *** REASON: Cont'd to 11/10/20 at 1:00 p.m. [per ruling
on 7/28/20]**

Tentative Ruling:

Party Information

Debtor(s):

Schaefer Ambulance Service, Inc

Represented By
Craig G Margulies
Monserrat Morales

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

Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:19-14078 Angel Rodriguez Lara and Angelica Soto Calva

Chapter 11

#9.00 Cont'd hrg re: Second motion for order determining value of collateral [11 U.S.C. section 506(a), FRBP 3012] fr. 7/14/20

Docket 172

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 10, 8/4/20 at 1:00 p.m.).

Party Information

Debtor(s):

Angel Rodriguez Lara

Represented By
Joanne P Sanchez
Anthony Obehi Egbase

Joint Debtor(s):

Angelica Soto Calva

Represented By
Joanne P Sanchez
Anthony Obehi Egbase

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

Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:19-14078 Angel Rodriguez Lara and Angelica Soto Calva

Chapter 11

#10.00 Cont'd Status Conference re: Chapter 11 Case
fr. 7/30/19, 8/20/19, 9/17/19, 10/1/19, 10/29/19,
11/5/19, 12/10/19, 1/28/20, 2/18/20, 3/10/20,
4/21/20, 6/30/20, 7/28/20

Docket 42

Tentative Ruling:

Tentative Ruling for 8/4/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 9/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Amended disclosure statement (dkt. 153, 155) and amended plan of reorganization (dkt. 154), Order setting combined hearing on (1) disclosure statement approval and (2) plan confirmation, and related deadlines (dkt. 159), proof of service of voting package (dkt 166), Mission Hen's objection (dkt. 169), no reply or ballot summary is on file

There is no tentative ruling. The outcome of the Amended Valuation Motion could affect whether Debtors' amended plan is confirmable. This Court will defer setting new deadlines for submission of Debtors' reply in support of confirmation and a ballot summary until that matter has been resolved.

(b) Debtors' second motion for order determining value of collateral (dkt. 172, "Amended Valuation Motion") and request for judicial notice (dkt. 173), stipulation & order continuing hearing (dkt. 175, 177), Mission Hen's

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

CONT... **Angel Rodriguez Lara and Angelica Soto Calva** Chapter 11
opposition (dkt. 187), Debtor's supplemental appraiser declaration (dkt. 189)

There is no tentative ruling. The parties should be prepared to address how they seek to resolve their valuation disputes: e.g., (i) with an evidentiary hearing (see the sample order regarding video hearings, posted on Judge Bason's portion of this Court's website, at www.cacb.uscourts.gov); (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own exper under FRE 706.

(2) Deadlines/dates. This case was filed on 4/10/19 and converted from chapter 13 on 6/18/19.

- (a) Bar date: 6/19/19, and supplemental bar date of 8/28/19 after conversion to chapter 11, notice timely served (see dkt. 66, 67)
- (b) Procedures order: dkt. 41 (timely served, dkt. 46)
- (c) Amended Plan/Amended Disclosure Statement*: TBD, after the pending valuation issues are resolved.
- (d) Continued status conference: 9/15/20 at 1:00 p.m. *Brief* status report due 9/1/20.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Angel Rodriguez Lara

Represented By

Joanne P Sanchez

Anthony Obehi Egbase

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

Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

CONT... Angel Rodriguez Lara and Angelica Soto Calva

Chapter 11

Joint Debtor(s):

Angelica Soto Calva

Represented By
Joanne P Sanchez
Anthony Obehi Egbase

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

Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:19-14078 Angel Rodriguez Lara and Angelica Soto Calva

Chapter 11

#11.00 Combined hrg re: Approval of Disclosure Statement
and Confirmation of Chapter 11 Plan
fr. 6/30/20

Docket 159

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see the tentative ruling for the status conference (Calendar no. 10,
8/4/20 at 1:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Angel Rodriguez Lara

Represented By
Joanne P Sanchez
Anthony Obehi Egbase

Joint Debtor(s):

Angelica Soto Calva

Represented By
Joanne P Sanchez
Anthony Obehi Egbase

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

Tuesday, August 4, 2020

Hearing Room 1545

1:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#12.00 Hrg re: Application to Employ Law Office of Mainak D'Attaray as Special Litigation Counsel Debtors Application for Order Authorizing Employment of Law Office of Mainak DAttaray as Special Litigation Counsel

Docket 273

***** VACATED *** REASON: This matter is scheduled to be heard at a different time. See # 2 at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr
Rika Kido

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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

Tuesday, August 4, 2020

Hearing Room 1545

2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#1.00 Hrg re: Consider Approval of the Debtor's Chapter 11 Disclosure Statement

Docket 281

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 5, 8/4/20 at 2:00 p.m.).

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr
Rika Kido

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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

Tuesday, August 4, 2020

Hearing Room 1545

2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#2.00 Hrg re: Application to Employ Law Office of Mainak D'Attaray as Special Litigation Counsel Debtors Application for Order Authorizing Employment of Law Office of Mainak DAttaray as Special Litigation Counsel

Docket 273

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 5, 8/4/20 at 2:00 p.m.).

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr
Rika Kido

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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

Tuesday, August 4, 2020

Hearing Room 1545

2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#3.00 Cont'd hrg re: U.S. Trustee's Motion to Dismiss or Convert Case
fr. 10/15/19, 10/29/19, 12/10/19, 1/14/20, 03/31/20, 4/7/20,
4/21/20, 5/5/20, 6/16/20, 6/30/20

Docket 65

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see the tentative ruling for the status conference (Calendar no. 5,
8/4/20 at 2:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
Michael R Totaro

Movant(s):

United States Trustee (LA)

Represented By
Dare Law
Alvin Mar
Ron Maroko

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#4.00 Cont'd hrg re: Application to Employ Asset Recovery Association dba CLaimX as Public Adjuster representing debtor and debtor in possession on insurance claims related to damage to her Bel Air Rd property fr. 4/7/20, 4/21/20, 5/5/20, 6/16/20, 6/30/20

Docket 167

Tentative Ruling:

Tentative Ruling for 8/4/20:

Please see the tentative ruling for the status conference (Calendar no. 5, 8/4/20 at 2:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
Michael R Totaro

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

Tuesday, August 4, 2020

Hearing Room 1545

2:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#5.00 Cont'd Status Conference re: Chapter 11 Case
fr. 8/20/19, 9/24/19, 10/4/19, 10/15/19, 10/29/19,
11/12/19, 12/10/19, 1/14/20, 03/31/20, 4/7/20,
4/21/20, 5/5/20, 6/16/20, 6/30/20

Docket 1

Tentative Ruling:

Tentative Ruling for 8/4/20:
Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 8/31/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Motion of the U.S. Trustee ("UST") to dismiss (dkt. 65, "MTD"), debtor's opposition (dkt. 86), UST's reply (dkt. 168, 170), debtor's response (dkt. 179), debtor's status report (dkt. 180), stipulation and order re pre-petition bank account (dkt. 212, 221)

Continue concurrent with the continued status conference (see below).

(b) Application to employ public adjuster Asset Recovery Association dba ClaimsXP (dkt. 167, "Application"); opposition of Wilmington Savings Fund Society ("Wilmington") (dkt. 181, 182); notice of hearing (dkt. 184); Debtor's reply (dkt. 192), statement of disinterestedness (dkt. 217), Debtor's supplement (dkt. 241)

Continue concurrent with the continued status conference (see below).

(c) Debtor's Amended disclosure statement (dkt. 281, 289) and redline

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Hearing Room 1545

2:00 PM

CONT... Ashley Susan Aarons

Chapter 11

version (dkt. 282), Amended plan (dkt. 283), and redline version (dkt. 284), notice of hearing (dkt. 285, dkt. 293), objection of Shiv and Saroj Gupta (the "Guptas," dkt. 295), joinder of Andrea Freidlander (dkt. 297), and Debtor's reply (dkt.299)

The tentative ruling is to approve the Disclosure Statement, subject to the proposed amendments to the Plan and Disclosure Statement attached to Debtor's reply (dkt.299), and further subject to (i) amending the certification at the end of the Plan and end of the Disclosure Statement to cross-reference the changes to the local forms reflected in Debtor's redlines and (ii) correcting the phrase "working as a legal assistance" (dkt.299 at PDF p.46, para. "(4)") to "working as a legal assistant." The tentative ruling is to set a deadline of 8/7/20 for Debtor to file those amended documents and lodge a proposed order setting a confirmation hearing concurrent with the continued status conference (see below), and setting deadlines for service of the voting package, objections, etc. The order should be substantially in the form of the order posted on Judge Bason's portion of the Court's website (www.cacb.uscourts.gov) (except that the hearing is not a combined hearing on the Disclosure Statement and the Plan - it is only on whether or not to confirm the Plan).

(d) Debtor's application to employ Law Offices of Mainak D'Attaray as special litigation counsel (dkt. 273, 274), UST's opposition (dkt. 277), notice of hearing (dkt. 290), Debtor's reply (dkt. 291)

Continue concurrent with the continued status conference (see below)/hearing on whether to confirm Debtor's proposed Plan. The tentative ruling is that, if the Plan were to be confirmed, then it would be appropriate to grant the application, effective as of the date proposed therein, subject to (i) consideration of any further objection(s) by the UST at the hearings, (ii) the modifications set forth in Debtor's reply (dkt. 291) regarding waiver of the 10% late payment penalty and arbitration provision, and (iii) the standard employment terms set forth in the "Posted Procedures of Judge Bason" (available at www.cacb.uscourts.gov).

(2) Deadlines/dates. This case was filed on 7/17/19.

- (a) Bar date: 12/20/19, dkt. 116 (timely served, dkt. 120)
- (b) Procedures order: dkt.9 (timely served, dkt.18)
- (c) AmPlan/AmDisclosure Statement*: See above.

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Hearing Room 1545

2:00 PM

CONT...

Ashley Susan Aarons

Chapter 11

(d) Continued status conference: 9/29/20 at 2:00 p.m. No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/30/20:

Appearances required.

Pursuant to Judge Bason's COVID19 Procedures, **ONLY TELEPHONIC APPEARANCES WILL BE PERMITTED until further notice.** Please contact CourtCall at (888) 882-6878 to make arrangements for any telephonic appearance. There is no need to contact the Court for permission. Parties who are not represented by an attorney will be able to use CourtCall for free through 6/30/20. Attorneys will receive a 25% discount (for more information, see www.cacb.uscourts.gov, "Judges," "Bason, N.," "Telephonic Instructions").

(1) Current issues

(a) Motion of the U.S. Trustee ("UST") to dismiss (dkt. 65, "MTD"), debtor's opposition (dkt. 86), UST's reply (dkt. 168, 170), debtor's response (dkt. 179), debtor's status report (dkt. 180), stipulation and order re pre-petition bank account (dkt. 212, 221)

There is no tentative ruling.

(b) Application to employ public adjuster Asset Recovery Association dba ClaimsXP (dkt. 167, "Application"); opposition of Wilmington Savings Fund Society ("Wilmington") (dkt. 181, 182); notice of hearing (dkt. 184); Debtor's reply (dkt. 192), statement of disinterestedness (dkt. 217), Debtor's supplement (dkt. 241)

**United States Bankruptcy Court
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Los Angeles
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Tuesday, August 4, 2020

Hearing Room 1545

2:00 PM

CONT...

Ashley Susan Aarons

Chapter 11

There is no tentative ruling.

(c) Debtor's disclosure statement (dkt. 253) and chapter 11 plan of reorganization ("Plan," dkt. 252), and objection of United States Trustee ("UST," dkt.264), Amended Schedules (dkt.232) and Amended MORs (dkt.247, 256, 261, 263, 265)

Debtor is racing against time to propose and obtain confirmation of a plan before her secured creditors can foreclose and/or before her tentative arrangements with creditors expire. As set forth in numerous tentative rulings posted since this inception of this case (which this Court will memorialize on the docket), Debtor frequently has been out of compliance with her obligations and this Court's directions. Her latest proposed Plan is a last-minute, desperate attempt to make this attempted reorganization work.

There is no tentative ruling regarding the proposed Plan and proposed disclosure statement. Debtor is directed to address the issues raised in the UST's objection including but not limited to issues regarding (i) her feasibility analysis, (ii) her historical income and expenses as reflected in her filed documents in this case, (iii) the adequacy of her disclosure of historical and projected revenues and expenses, and (iv) any "new value" issues.

If Debtor can make sufficient arguments and offers of proof to warrant the following relief, the tentative ruling is to set a **deadline of 7/3/20** for Debtor to file, and serve only on the parties appearing at today's hearing, her supplemental/amended documents on the foregoing issues and a proposed order setting a combined hearing, concurrent with the continued status conference as set forth in part "(2)" below, on confirmation of a plan and final approval of a disclosure statement. Any such proposed order must be in the form posted on Judge Bason's portion of the Court's website, at www.cacb.uscourts.gov.

(2) Deadlines/dates. This case was filed on 7/17/19.

(a) Bar date: 12/20/19, dkt. 116 (timely served, dkt. 120)

(b) Procedures order: dkt.9 (timely served, dkt.18)

(c) Plan/Disclosure Statement*: See above.

(d) Continued status conference: 7/28/20 at 2:00 p.m. No written status report required.

*Warning: special procedures apply (see order setting initial status conference).

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

2:00 PM

CONT... Ashley Susan Aarons

Chapter 11

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear telephonically without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
Michael R Totaro