

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:14-13024 Jose Francisco Santos

Chapter 13

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

DEUTSCHE BANK NATIONAL TRUST CO
vs
DEBTOR

Docket 49

***** VACATED *** REASON: Continue to 11/6/18 at 10:00 a.m. per parties' stipulation (dkt. 54) and order thereon.**

Tentative Ruling:

Party Information

Debtor(s):

Jose Francisco Santos

Represented By
Sanaz S Bereliani

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
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:14-26701 Marilee Peterson Chappell

Chapter 13

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

BANK OF THE WEST
vs
DEBTOR

Docket 46

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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) in view of the relief already granted to the first lienholder.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Marilee Peterson Chappell

Chapter 13

Debtor(s):

Marilee Peterson Chappell

Represented By
Nicholas M Wajda

Movant(s):

Bank of the West

Represented By
Nicholas M Wajda
Mary Ellmann Tang

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:14-27139 Celia Lucia Velazquez

Chapter 13

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

BANK OF AMERICA, NA
vs
DEBTOR

Docket 34

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Celia Lucia Velazquez

Chapter 13

Debtor(s):

Celia Lucia Velazquez

Pro Se

Movant(s):

Bank Of America, N.A.

Represented By
Gagan G Vaideeswaran
Robert T Phifer
Essa Gye
Asya Landa
Melissa A Vermillion
Bonni S Mantovani

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:14-28686 Jose Favela, Jr and Joyce Favela

Chapter 13

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

LAKEVIEW LOAN SERVICING, LLC
vs
DEBTOR

Docket 57

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Jose Favela, Jr and Joyce Favela

Chapter 13

Debtor(s):

Jose Favela Jr

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Joyce Favela

Represented By
Rebecca Tomilowitz

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Christina J O

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:15-10438 Tiffany Ringo

Chapter 13

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

BANK OF AMERICA, NA
vs
DEBTOR

Docket 38

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Tiffany Ringo

Chapter 13

Debtor(s):

Tiffany Ringo

Represented By
William J Smyth

Movant(s):

BANK OF AMERICA, N.A.

Represented By
Merdaud Jafarnia
Luisa M Amador
Bonni S Mantovani
Asya Landa
Diana Torres-Brito

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:15-26893 Michael Walker Kerr

Chapter 13

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

WELLS FARGO BANK, NA
vs
DEBTOR

Docket 111

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Michael Walker Kerr

Chapter 13

Debtor(s):

Michael Walker Kerr

Represented By
Thomas B Ure

Movant(s):

Wells Fargo Bank, N.A. as Trustee

Represented By
Daniel K Fujimoto
Caren J Castle

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:16-19645 Gerald Paul Asher

Chapter 13

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

JPMORGAN CHASE BANK, NA
vs
DEBTOR

Docket 28

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Gerald Paul Asher

Chapter 13

Debtor(s):

Gerald Paul Asher

Represented By
Julie J Villalobos

Movant(s):

JPMORGAN CHASE BANK, N.A.

Represented By
Merdaud Jafarnia

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:16-21902 Jose Alberto Ramos and Vanessa Ramos

Chapter 13

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

OCWEN LOAN SERVICING, LLC
vs
DEBTOR

Docket 60

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Jose Alberto Ramos and Vanessa Ramos

Chapter 13

Debtor(s):

Jose Alberto Ramos

Represented By
Claudia C Osuna

Joint Debtor(s):

Vanessa Ramos

Represented By
Claudia C Osuna

Movant(s):

Ocwen Loan Servicing, LLC

Represented By
Seth Greenhill
Keith Labell
Theron S Covey
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, September 04, 2018

Hearing Room 1545

10:00 AM

2:16-26574 Victor H Muro and Elizabeth Muro

Chapter 13

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

U.S. BANK NATIONAL ASSOC
vs
DEBTOR

Docket 43

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor H Muro

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Elizabeth Muro

Represented By
James Geoffrey Beirne

Movant(s):

U.S. Bank National Association

Represented By
Cassandra J Richey

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-10019 Summer Joy Lake

Chapter 7

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

CALIFORNIA PLACE HOMEOWNERS ASSOC
vs
DEBTOR

Docket 188

Tentative Ruling:

Grant as provided below. Appearances are not required.

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. See LBR 9021-1(b)(1)(B).

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

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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 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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT...

Summer Joy Lake

Chapter 7

exclusive possession of such property shall not be stayed. Any additional request for relief applicable to future bankruptcy cases is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of sufficient factual or legal grounds presented in support of such relief.

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 the debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that the debtor was involved and the debtor is given clear notice that the movant seeks an express finding that the debtor was involved. The tentative ruling in this particular case is that there is insufficient evidence and notice.

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

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):

Summer Joy Lake

Represented By
Veronica T Barton

Movant(s):

California Place Homeowners

Represented By
Lisa A Tashjian

Trustee(s):

Wesley H Avery (TR)

Represented By
David M Goodrich
Howard M Ehrenberg

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Summer Joy Lake

Chapter 7

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-10487 Jessica E Meza

Chapter 13

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

BANK OF AMERICA, NA
vs
DEBTOR

Docket 27

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Jessica E Meza

Chapter 13

Debtor(s):

Jessica E Meza

Represented By
Peter L Lago

Movant(s):

Bank of America, N.A.

Represented By
William F McDonald III
Theron S Covey
James Edward McDaniel
Diana Torres-Brito

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-15388 Olivia Pino

Chapter 13

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

WELLS FARGO BANK NATIONAL ASSOC
vs
DEBTOR

Docket 30

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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).

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):

Olivia Pino

Represented By
James D. Hornbuckle

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Olivia Pino

Chapter 13

Movant(s):

Wells Fargo Bank National

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-16995 Yvonne M Vargas

Chapter 7

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

FEDERAL HOME LOAN MORTGAGE CORP
vs
DEBTOR

Docket 56

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Yvonne M Vargas

Chapter 7

Debtor(s):

Yvonne M Vargas

Represented By
Julie J Villalobos

Movant(s):

Federal Home Loan Mortgage

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

John J Menchaca (TR)

Pro Se

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-22854 Robert Noel Barr

Chapter 13

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

WELLS FARGO BANK, NA
vs
DEBTOR

Docket 45

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Robert Noel Barr

Chapter 13

Debtor(s):

Robert Noel Barr

Represented By
Thomas B Ure

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Dane W Exnowski
Michelle Jones

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-23312 Deepak Sagar

Chapter 13

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

BAYVIEW LOAN SERVICING, LLC
vs
DEBTOR

Docket 33

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Deepak Sagar

Chapter 13

Debtor(s):

Deepak Sagar

Represented By
Madhu Kalra

Movant(s):

Bayview Loan Servicing, LLC., as

Represented By
Kelsey X Luu

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-11843 Gerald Edward Young

Chapter 13

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

US BANK NATIONAL ASSOC
vs
DEBTOR

Docket 60

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerald Edward Young

Represented By
Erika Luna

Movant(s):

US Bank National Association

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-15496 Carlos M Lara

Chapter 7

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

DEUTSCHE BANK NATIONAL TRUST
vs
DEBTOR

Docket 25

Tentative Ruling:

Grant as provided below. Appearances are not required.

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. See LBR 9021-1(b)(1)(B).

Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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 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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT...

Carlos M Lara

Chapter 7

exclusive possession of such property shall not be stayed. Any additional request for relief applicable to future bankruptcy cases is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of sufficient factual or legal grounds presented in support of such relief.

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 the debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that the debtor was involved and the debtor is given clear notice that the movant seeks an express finding that the 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).

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):

Carlos M Lara

Pro Se

Movant(s):

Deutsche Bank National Trust, as

Represented By
Merdaud Jafarnia

Trustee(s):

Carolyn A Dye (TR)

Pro Se

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-15947 Miguel A Bustamante and Rosa M Bustamante

Chapter 13

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

2nd CHANCE MORTGAGES, INC.
vs
DEBTOR

Docket 19

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Miguel A Bustamante and Rosa M Bustamante

Chapter 13

Debtor(s):

Miguel A Bustamante

Represented By
Stuart R Simone

Joint Debtor(s):

Rosa M Bustamante

Represented By
Stuart R Simone

Movant(s):

2nd Chance Mortgages Inc.

Represented By
Henry D Paloci

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-17111 Andrew Green

Chapter 13

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

HSBC BANK USA, NATIONAL ASSOC
vs
DEBTOR

Docket 16

Tentative Ruling:

Grant as provided below. Appearances are not required.

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. 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 automatic stay as follows.

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

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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 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,

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT...

Andrew Green

Chapter 13

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. Any additional request for relief applicable to future bankruptcy cases is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of sufficient factual or legal grounds presented in support of such relief.

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 the debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that the debtor was involved and the debtor is given clear notice that the movant seeks an express finding that the debtor was involved. The tentative ruling in this particular case is that there is insufficient evidence and notice.

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

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):

Andrew Green

Pro Se

Movant(s):

BANK OF AMERICA, N.A.

Represented By
Kelsey X Luu

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Andrew Green

Chapter 13

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-17111 Andrew Green

Chapter 13

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

BANK OF AMERICA, NA
vs
DEBTOR

Docket 10

Tentative Ruling:

Grant as provided below. Appearances are not required.

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. 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 automatic stay as follows.

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

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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 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,

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT...

Andrew Green

Chapter 13

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. Any additional request for relief applicable to future bankruptcy cases is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of sufficient factual or legal grounds presented in support of such relief.

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 the debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that the debtor was involved and the debtor is given clear notice that the movant seeks an express finding that the debtor was involved. The tentative ruling in this particular case is that there is insufficient evidence and notice.

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

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):

Andrew Green

Pro Se

Movant(s):

BANK OF AMERICA, N.A.

Represented By
Kelsey X Luu

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Andrew Green

Chapter 13

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-17619 Eugene Winters

Chapter 13

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

LONG BEACH CITY EMPLOYEES
FEDERAL CREDIT UNION
vs
DEBTOR

Docket 13

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 20, and the movant's reply, dkt. 21).

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):

Eugene Winters

Represented By
William G Cort

Movant(s):

Long Beach City Employees Federal

Represented By
A. Lysa Simon

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, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Eugene Winters

Chapter 13

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-18149 Roxanna Jeanneth Zamora

Chapter 13

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

DEUTSCHE BANK NATIONAL TRUST CO
vs
DEBTOR

Docket 10

Tentative Ruling:

Grant as provided below. Appearances are not required.

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. 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).

Grant the motion under 11 U.S.C. 362(c)(3) and (j): there is no automatic stay because (a) the debtor's prior case (#9:17-bk-12010-DS) was dismissed (on 5/24/18) within one year before this case was filed (on 7/17/18), (b) that dismissal was not under 11 U.S.C. 707(b), and (c) no finding of good faith was timely sought and obtained. The automatic stay has terminated both as to the debtor *in personam* and as to property of the debtor. See *In re Hernandez & Jiminez*, Case No. 2:11-bk-53730-NB, Dkt 40.

In the alternative and in addition, this court grants relief from the automatic stay as follows.

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

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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).

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Roxanna Jeanneth Zamora

Chapter 13

Relief notwithstanding *future* bankruptcy cases.

Grant the following relief pursuant to 11 U.S.C. 362(d)(4) and the legal 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. Any additional request for relief applicable to future bankruptcy cases is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of sufficient factual or legal grounds presented in support of such relief.

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 the debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that the debtor was involved and the debtor is given clear notice that the movant seeks an express finding that the debtor was involved. The tentative ruling in this particular case is that there is insufficient evidence and notice.

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

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Roxanna Jeanneth Zamora

Chapter 13

Debtor(s):

Roxanna Jeanneth Zamora

Pro Se

Movant(s):

Deutsche Bank National Trust

Represented By
Merdaud Jafarnia

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-18256 SHAMINICIA T BUTLER

Chapter 7

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

MILESTONME FINANCIAL, LLC
vs
DEBTOR

Docket 10

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... SHAMINICIA T BUTLER

Chapter 7

Debtor(s):

SHAMINICIA T BUTLER

Represented By
Renee E Sanders

Movant(s):

Milestone Financial, LLC

Represented By
Harris L Cohen

Trustee(s):

Carolyn A Dye (TR)

Pro Se

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:16-15092 Arturo Panganiban Maglinao and Marilene Abad Maglinao

Chapter 13

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

BMW BANK OF NORTH AMERICA
vs
DEBTOR

Docket 39

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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).

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Arturo Panganiban Maglinao and Marilene Abad Maglinao

Chapter 13

Debtor(s):

Arturo Panganiban Maglinao

Represented By
Maria C Hehr

Joint Debtor(s):

Marilene Abad Maglinao

Represented By
Maria C Hehr

Movant(s):

BMW Bank of North America

Represented By
Marian Garza
Cheryl A Skigin

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-23931 Valerie Campbell

Chapter 13

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

EXETER FINANCE, LLC
vs
DEBTOR

Docket 40

***** VACATED *** REASON: Stipulation (dkt. 42)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Valerie Campbell

Represented By
Guy R Bayley

Movant(s):

Exeter Finance, LLC

Represented By
Cheryl A Skigin

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-10036 Jose Arevalo

Chapter 13

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

PASADENA SERVICE FEDERAL CREDIT UNION
VS
DEBTOR

Docket 21

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Arevalo

Represented By
Julie J Villalobos

Movant(s):

Pasadena Service Federal Credit

Represented By
Bruce P. Needleman

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-11744 B&B Liquidating, LLC

Chapter 11

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

SIENA LENDING GROUP, LLC
vs
DEBTOR

Docket 205

Tentative Ruling:

Grant as provided below. Appearances are not required.

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 (except to the extent, if any, of any changes at the hearing). See LBR 9021-1(b)(1)(B).

Key documents reviewed (in addition to motion papers at dkt. 205-06): (i) The Forbes Company Response (dkt. 211), (ii) Official Committee of Unsecured Creditors Opposition (dkt. 212), (iii) GGP, Inc. and The Taubman Company, LLC Response (dkt. 214), (iv) Debtor's Response (dkt. 215), and the movant Siena Lending Group, LLC's reply (dkt. 217).

Analysis. Subject to the provisions set forth below, the tentative ruling is to terminate the automatic stay under 11 U.S.C. 362(d)(2) as to all collateral, except any claims that the debtor has standing to assert against Great American Group, LLC or Tiger Capital, LLC (the "Liquidation Consultants"). That limitation is without prejudice to any future request by movant Siena for relief from the automatic stay regarding any claims against the Litigation Consultants that constitute part of the collateral of the movant Siena. The tentative ruling is also to grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

(1) Landlords issues - prior to termination of automatic stay. The tentative ruling is that any relief from the automatic stay (11 U.S.C. 362(a)) should be conditioned on the movant Siena first paying any outstanding postpetition lease obligations to the objecting landlords, through the earlier of

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CONT... B&B Liquidating, LLC

Chapter 11

(a) the date when the premises have been surrendered to the applicable landlord or (b) the date on which the automatic stay is terminated. See dkt. 212, p.2:14 (asserting unpaid obligations of \$41,130.03), *and* dkt. 214, p.3:6-8 (preserving rights). As to any disputed amounts, the tentative ruling is that they must be paid into a blocked account to be held by the debtor (or as otherwise agreed between the landlords and the movant Siena) pending resolution of those disputes. (None of the foregoing should be interpreted as affecting any dispute that might exist between the movant Siena and any non-objecting landlord - that is an issue that is not presently before this Court.)

In setting forth the above condition this Court recognizes that the only issues for relief under 11 U.S.C. 362(d)(2) are whether there is any equity in the property and whether the property is necessary to an effective reorganization, as movant Siena argues. Dkt. 217, p.2:7-14. But the statute gives this Court discretion regarding what type of relief to grant - whether to terminate the stay, or condition it, or grant some other form of relief. The tentative ruling is that the conditions set forth herein are appropriate in the exercise of this Court's discretion.

(2) Landlords issues - after termination of stay. The tentative ruling is that if the movant Siena wishes to remove or liquidate inventory prior to 9/14/18 then it may do so without interference from the landlords, provided that it pays ongoing rent on the same terms as currently exist, for the following reasons. *Cf.* dkt. 214, p.3:24-4:3 (landlord asserting that movant Siena has no right to occupy premises before (as well as after) deemed rejection on 9/14/18).

The reasoning is as follows: (a) until the lease is rejected the debtor continues to have a right to occupy the premises (subject to paying the rent), (b) terminating the automatic stay does not operate as a rejection of the lease or an ouster of the debtor - it merely permits the movant Siena to exercise its nonbankruptcy remedies, and (c) the debtor has obligations not only to unsecured creditors but also to the movant Siena, and those obligations require cooperation even after termination of the automatic stay, including not causing waste of the inventory and coordinating with the movant Siena regarding liquidation or removal of the inventory.

But if the movant Siena provides written notice to the landlord that it elects not to use the premises for liquidation or removal of inventory (and instead decides to abandon any remaining inventory) then this Court is not aware of any bankruptcy law, rule, or discretionary condition that should

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CONT... B&B Liquidating, LLC

Chapter 11

require the movant Siena to pay lease obligations after the later of (a) such notice or (b) termination of the automatic stay. Nor does the oral agreement of movant Siena to pay rent directly (rather than advance funds to the debtor to pay rent) create any obligation to continue paying rent. See Tr. 2/22/18 (dkt. 67) at pp. 37:11-40:3; dkt. 36 p.3:15-16. (This Court expresses no opinion about any nonbankruptcy law that might govern any rights and duties as between the landlords and the movant Siena.) Cf. dkt. 214, p.3:8-10 (landlord questioning whether movant Siena intends that termination of automatic stay should cut off obligation to pay lease obligations).

As for removal of fixtures (dkt. 211, p.2:19-27), the tentative ruling is to agree with the movant Siena that this issue should be left to nonbankruptcy law. Dkt. 217, p.6:1-6. This does not appear to be an issue that this Court should address, at least at this time, if ever.

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):

B&B Liquidating, LLC

Represented By
Brian L Davidoff

Movant(s):

Siena Lending Group, LLC

Represented By
Leo D Plotkin

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-13742 Fredy Gilman Bautista

Chapter 13

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

WELLS FARGO BANK, NA
vs
DEBTOR

Docket 20

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

Tentative Ruling:

Party Information

Debtor(s):

Fredy Gilman Bautista

Represented By
Jeffrey N Wishman

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jennifer H Wang

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-18340 Andreas Baku

Chapter 7

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

DAIMLER TRUST
vs
DEBTOR

Docket 7

Tentative Ruling:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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).

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

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10:00 AM

CONT... Andreas Baku

Chapter 7

Debtor(s):

Andreas Baku

Represented By
Lindsey B Green

Movant(s):

Daimler Trust

Represented By
Jennifer H Wang

Trustee(s):

John J Menchaca (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-18765 Duck Soon Lee

Chapter 13

#30.00 ***[Debtor dismissed 8/20/18]***

Hrg re: Motion for relief from stay [UD]

6th VIRGIL, LLC

VS

DEBTOR

Docket 8

*** VACATED *** REASON: Withdrawal filed on 8/30/18 [dkt. 13]

Tentative Ruling:

Party Information

Debtor(s):

Duck Soon Lee

Pro Se

Movant(s):

6th Virgil, LLC

Represented By
Linda T Hollenbeck

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-19398 Hyang Seo

Chapter 13

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

SUNG UM
vs
DEBTOR

Docket 8

Tentative Ruling:

Grant in part and continue in part to 9/18/18 at 10:00 a.m. as set forth below.
Appearances are not required on 9/4/18.

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. See LBR 9021-1(b)(1)(B).

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

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Relief notwithstanding future bankruptcy cases.

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

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CONT... Hyang Seo

Chapter 13

generally). In this matter, such persons appear to include: Hyang Seo, Junh Hee Kim, Yongnam Lee or "Yong" Lee, Misoon Kim, Choi Taejin, Se Hyong, Hyang Seo, So Hee, Soon Choi, Da Sol Choi, and Da Wit Choi.

Option for shortened time: This court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant (i) serving, on *the day after the current hearing date*, the motion papers and notice of the continued hearing date, and (ii) filing that notice and a proof of service no later than the next day. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

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

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

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):

Hyang Seo

Pro Se

Movant(s):

Lorraine Anderson

Represented By
Lorraine Anderson

Sung Um

Represented By
Lorraine Anderson

**United States Bankruptcy Court
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CONT... Hyang Seo

Chapter 13

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-17950 Rodolfo Luna

Chapter 13

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

4645 LIVE OAK LLC
vs
DEBTOR

Docket 18

***** VACATED *** REASON: Withdrawal filed on 8/31/18 [dkt. 24]**

Tentative Ruling:

Grant as provided below. Appearances are not required.

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. See LBR 9021-1(b)(1)(B).

The automatic stay does not apply. First, this case has been dismissed, which terminates the automatic stay. See 11 U.S.C. 349(b)(3) & 362(c).

Second, and alternatively, the movant obtained a prepetition eviction judgment and writ of possession. See *In re Perl*, 811 F.3d 1120, 1127-28 (9th Cir. 2016) ("We conclude that under California law, entry of judgment and a writ of possession following unlawful detainer proceedings extinguishes all other legal and equitable possessory interests in the real property at issue.").

In the alternative and in addition, this court grants relief from the automatic stay as follows.

Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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).

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CONT... Rodolfo Luna

Chapter 13

Relief notwithstanding *future* bankruptcy cases.

Grant the following relief pursuant to 11 U.S.C. 362(d)(4) and the legal 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. Any additional request for relief applicable to future bankruptcy cases is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of sufficient factual or legal grounds presented in support of such relief.

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 the debtor was involved in the "scheme" referenced in section 362(d)(4), unless there is sufficient evidence that the debtor was involved and the debtor is given clear notice that the movant seeks an express finding that the 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).

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

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Central District of California
Los Angeles
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Hearing Room 1545

10:00 AM

CONT... Rodolfo Luna

Chapter 13

Debtor(s):

Rodolfo Luna

Pro Se

Movant(s):

4645 Live Oak LLC

Represented By
Helen G Long

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-19020 Eduardo Alvarez

Chapter 13

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

Docket 10

Tentative Ruling:

Grant, subject to (1) any opposition (due 8/30/18) and (2) the following conditions. Appearances required.

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 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.

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... Eduardo Alvarez

Chapter 13

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):

Eduardo Alvarez

Represented By
William G Cort

Movant(s):

Eduardo Alvarez

Represented By
William G Cort

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-19093 Rodney Albert Gabriel, Jr

Chapter 13

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

Docket 15

Tentative Ruling:

Grant, subject to the following conditions. Appearances are not required.

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 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.

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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Central District of California
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10:00 AM

CONT... Rodney Albert Gabriel, Jr

Chapter 13

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):

Rodney Albert Gabriel Jr

Represented By
Julie J Villalobos

Movant(s):

Rodney Albert Gabriel Jr

Represented By
Julie J Villalobos

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-19326 Kathleen Elizabeth Watkins

Chapter 13

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

Docket 11

Tentative Ruling:

Grant, subject to the following conditions. Appearances are not required.

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 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.

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... Kathleen Elizabeth Watkins

Chapter 13

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):

Kathleen Elizabeth Watkins

Represented By
Gregory M Shanfeld

Movant(s):

Kathleen Elizabeth Watkins

Represented By
Gregory M Shanfeld

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-11435 Okorie C Okorochoa

Chapter 13

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

MATIAN LAW FIRM, P.C.
vs
DEBTOR

Docket 37

Tentative Ruling:

Grant as provided below. Appearances are not required.

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. See LBR 9021-1(b)(1)(B).

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

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Retroactive relief. Grant the request for retroactive annulment of the stay to the extent, if any, that is applies. See *In re Fjeldsted*, 293 B.R. 12 (9th Cir. BAP 2003).

Relief notwithstanding future bankruptcy cases.

Grant the following relief pursuant to the legal analysis in *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017):

If this order is duly recorded in compliance with applicable State laws governing the filing of interests or liens in any real or personal property of the debtor, 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

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CONT...

Okorie C Okorochoa

Chapter 13

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. Any additional request for relief applicable to future bankruptcy cases is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of sufficient factual or legal grounds presented in support of such relief.

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

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):

Okorie C Okorochoa

Represented By
Michael Poole

Movant(s):

Shawn Matian

Represented By
Daren M Schlecter

Matian Law Firm, P.C.

Represented By
Daren M Schlecter

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-14876 Judith L. Tallarico

Chapter 11

#37.00 Hrg re: Motion of Debtor and Allstar Financial Services, Inc.
to Approve Stipulation Granting In Rem Relief from the Automatic
Stay with Respect to Debtor's Real Property Commonly Known as
1126 Chantilly Road Los Angeles CA 90077

Docket 33

Tentative Ruling:

Grant. Appearances are not required.

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).

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):

Judith L. Tallarico

Represented By
Lewis R Landau

Movant(s):

Allstar Financial Services, Inc.

Represented By
Alan F Broidy

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:15-10113 Viridiana Gutierrez

Chapter 13

#38.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/8/18, 6/12/18, 8/7/18

PARAMOUNT RESIDENTIAL MORTGAGE GROUP
VS
DEBTOR

Docket 57

Tentative Ruling:

Tentative Ruling for 9/4/18 (same as for 8/7/18):

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

At the 8/7/18, 6/12/18 and 5/8/18 hearings, this Court continued the matter at the parties' request for more time to negotiate the terms of an adequate protection order. There is no tentative ruling, but the parties should be prepared to address 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 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 6/12/18:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

At the 5/8/18 hearing, this court continued the matter at the parties' request for more time to negotiate the terms of an adequate protection order. There

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Viridiana Gutierrez

Chapter 13

is no tentative ruling, but the parties should be prepared to address 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 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 5/8/18:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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.

Tentative Ruling for 6/12/18:

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Viridiana Gutierrez

Chapter 13

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

At the 5/8/18 hearing, this court continued the matter at the parties' request for more time to negotiate the terms of an adequate protection order. There is no tentative ruling, but the parties should be prepared to address 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 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 5/8/18:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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.

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

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Viridiana Gutierrez

Chapter 13

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):

Viridiana Gutierrez

Represented By
William G Cort

Movant(s):

Paramount Residential Mortgage

Represented By
Jason A Savlov
Jason C Kolbe
Robert P Zahradka

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:16-12679 Michael R Totaro

Chapter 11

#39.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 05/01/18, 06/12/18, 08/07/18, 08/14/18

CITIMORTGAGE, INC.
vs
DEBTOR

Docket 274

***** VACATED *** REASON: Voluntary dismissal of motion filed on
8/29/18 [dkt. 299]**

Tentative Ruling:

Party Information

Debtor(s):

Michael R Totaro

Represented By
Martina A Slocomb

Movant(s):

CitiMortgage, Inc.

Represented By
Todd S Garan

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

2:16-18976 Alfredo Herrera Holguin and Diana Herrera

Chapter 13

#40.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 08/14/18

PENNYMAC LOAN SERVICES, LLC
VS
DEBTOR

Docket 42

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

Tentative Ruling:

Party Information

Debtor(s):

Alfredo Herrera Holguin

Represented By
Jeffrey B Smith

Joint Debtor(s):

Diana Herrera

Represented By
Jeffrey B Smith

Movant(s):

PennyMac Loan Services, LLC

Represented By
William F McDonald III
Theron S Covey
Robert P Zahradka

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:16-21666 Daniel Lee Martinez

Chapter 13

#41.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 07/17/18, 08/14/18

U.S. BANK NATIONAL ASSOCIATION
VS
DEBTOR

Docket 25

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

Tentative Ruling:

Party Information

Debtor(s):

Daniel Lee Martinez

Represented By
Michael E Clark
Barry E Borowitz

Movant(s):

U.S. Bank National Association, as

Represented By
Tyneia Merritt

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-10159 Santiago Corral and Annayelli Marquina

Chapter 13

#42.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 08/07/18

HSBC Bank USA, N.A.
vs
DEBTOR(S)

Docket 81

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

Tentative Ruling:

Party Information

Debtor(s):

Santiago Corral

Represented By
Luis G Torres

Joint Debtor(s):

Annayelli Marquina

Represented By
Luis G Torres

Movant(s):

HSBC Bank USA, National

Represented By
Angie M Marth
Kelsey X Luu

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-15086 Anthony Edison Dawson

Chapter 13

#43.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 1/23/18, 2/27/18, 5/1/18, 07/17/18

PACIFIC UNION FINANCIAL, LLC
vs
DEBTOR

Docket 33

***** VACATED *** REASON: Dismissal of motion filed on 8/30/18 [dkt. 61]**

Tentative Ruling:

Party Information

Debtor(s):

Anthony Edison Dawson

Represented By
Michael E Clark
Barry E Borowitz

Movant(s):

Pacific Union Financial, LLC

Represented By
Brandye N Foreman
Darlene C Vigil
John D Schlotter

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-19817 Max Roman Betancourt

Chapter 13

#44.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 08/14/18

ROUNDPOINT MORTGAGE SERVICING CORP
vs
DEBTOR

Docket 32

Tentative Ruling:

Tentative Ruling for 9/4/18:

Grant as provided in the tentative ruling for 8/14/18 (reproduced below), and for the additional reason that this case has been dismissed, which terminates the automatic stay. See 11 U.S.C. 349(b)(3) & 362(c). Although counsel for the debtor appeared at the hearing on 8/14/18 and suggested that this matter might be resolved through a loan modification and/or other procedures, the docket does not reflect any such resolution. In addition, although this Court orally directed counsel for the debtor to provide notice of this continued hearing, the docket does not reflect any such notice. Appearances are not required.

Tentative Ruling for 8/14/18:

Grant as provided below. Appearances are not required.

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).

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). 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).

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Max Roman Betancourt

Chapter 13

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.

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):

Max Roman Betancourt

Represented By
James D. Hornbuckle

Movant(s):

RoundPoint Mortgage Servicing

Represented By
Christina J O

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:17-24273 Beverly Lee Monroe

Chapter 13

#45.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 7/10/18

REDIGER INVESTMENT MORTGAGE FUND, LLP
vs
DEBTOR

Docket 38

Tentative Ruling:

Tentative Ruling for 9/4/18:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

At the 7/10/18 hearing, this Court continued the matter at the debtor's request for more time to seek a refinancing or sale (see the debtor's response, dkt. 42). There is no tentative ruling, but the parties should be prepared to address the status of this matter.

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.

Tentative Ruling for 7/10/18:

Appearances required. There is no tentative ruling, but the parties should be prepared to address whether they will agree to a continuance for refinancing as requested by the debtor (see the debtor's response, dkt. 42).

If appearances are not required at the start of this tentative ruling but you

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Beverly Lee Monroe

Chapter 13

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):

Beverly Lee Monroe

Represented By
Stephen S Smyth

Movant(s):

Rediger Investment Mortgage Fund

Represented By
Misty A Perry Isaacson

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:18-11351 Quiana Marcella Dunbar

Chapter 13

#46.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 08/14/18

NATIONSTAR MORTGAGE LLC
VS
DEBTOR

Docket 31

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

Tentative Ruling:

Party Information

Debtor(s):

Quiana Marcella Dunbar

Represented By
Kahlil J McAlpin

Movant(s):

Citibank, N.A., as Trustee for

Represented By
Kelsey X Luu
Merdaud Jafarnia

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:14-32758 Leon J Barnes

Chapter 13

#47.00 Cont'd hrg re: Motion for relief from stay [PP]
fr. 08/07/18

AMERICAN FINANCIAL SERVICES, INC.
VS
DEBTOR

Docket 38

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

Tentative Ruling:

Party Information

Debtor(s):

Leon J Barnes

Represented By
Scott Kosner

Movant(s):

Americredit Financial Services, Inc.,

Represented By
Jennifer H Wang

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:14-11279 Edgar A Gonzalez and Maria F Gonzalez

Chapter 13

#48.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 07/10/18, 08/14/18

DEUTSCHE BANK NATIONAL TRUST COMPANY
vs
DEBTOR(S)

Docket 62

Tentative Ruling:

Tentative Ruling for 9/4/18:

Deny for lack of prosecution. At the hearing on 8/14/18 there were no appearances. Appearances are not required on 9/4/18. This Court will prepare the order, with a caution to counsel for the movant that unless appearances are excused or the motion is properly withdrawn, appearances are required.

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. 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 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 8/14/18:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Stipulation, dkt. 64).

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

Tuesday, September 04, 2018

Hearing Room 1545

10:00 AM

CONT... Edgar A Gonzalez and Maria F Gonzalez

Chapter 13

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):

Edgar A Gonzalez

Represented By

Rene Lopez De Arenosa Jr

Joint Debtor(s):

Maria F Gonzalez

Represented By

Rene Lopez De Arenosa Jr

Movant(s):

Deutsche Bank Trust Company

Represented By

April Harriott

Diana Torres-Brito

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, September 04, 2018

Hearing Room 1545

10:00 AM

2:14-21817 Gilbert Alcantara

Chapter 13

#49.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/26/18, 07/17/18

NATIONSTAR MORTGAGE, LLC
VS
DEBTOR

Docket 39

***** VACATED *** REASON: Dismissal of movant's motion filed on
8/30/18 [dtk. 46]**

Tentative Ruling:

Party Information

Debtor(s):

Gilbert Alcantara

Represented By
Dina Farhat

Movant(s):

Nationstar Mortgage LLC as

Represented By
Merdaud Jafarnia

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, September 04, 2018

Hearing Room 1545

11:00 AM

2:15-17615 Virginia Naranjo

Chapter 13

Adv#: 2:17-01365 Naranjo v. Moisa et al

#1.00 Hrg re: Motion for Default Judgment

Docket 47

Tentative Ruling:

Grant. Appearances are not required.

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).

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):

Virginia Naranjo

Represented By
David R Chase

Defendant(s):

Rosa Moisa

Pro Se

Edward Trevino Moisa

Pro Se

Plaintiff(s):

Virginia Naranjo

Represented By
David R Chase

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, September 04, 2018

Hearing Room 1545

11:00 AM

CONT... Virginia Naranjo

Chapter 13

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

Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

2:17-25639 Douglas Lawrance DeCoster

Chapter 7

Adv#: 2:18-01212 Graner et al v. DeCoster et al

#2.00 Status conference re: Complaint to determine dischargeability of debt pursuant to sections 523 and 727 of the United States Bankruptcy Code

Docket 1

Tentative Ruling:

Appearances required. The court has reviewed the filed documents and records in this adversary proceeding. 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 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) (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. Is there is any reason why this court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a deadline of 9/10/18 for the parties to lodge a proposed

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

Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

CONT... Douglas Lawrance DeCoster

Chapter 7

mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will chose among them, or issue his own order).

(3) Deadlines: This adversary proceeding has been pending since 6/22/18. 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.

Discovery cutoff (for *completion* of discovery): 11/27/18.

Expert(s) - deadline for reports: 12/4/18

Expert(s) - discovery cutoff (if different from above): 12/11/18

Dispositive motions to be heard no later than: 12/18/18.

Joint Status Report: n/a

Continued status conference: 10/9/18 at 11:00 a.m.

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):

Douglas Lawrance DeCoster

Represented By
Charles J Brash

Defendant(s):

Douglas Lawrance DeCoster

Pro Se

Elsa Diane DeCoster

Pro Se

Joint Debtor(s):

Elsa Diane DeCoster

Represented By

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

Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

CONT... Douglas Lawrance DeCoster

Chapter 7

Charles J Brash

Plaintiff(s):

Kieran Graner

Represented By
Stephen B Goldberg

Sharon Graner

Represented By
Stephen B Goldberg

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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

Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

2:18-10469 Sang Chyun

Chapter 7

Adv#: 2:18-01218 John R. Lobherr, Incorporated v. Chyun

#3.00 Status conference re: Complaint 1) To determine non-dischargeability of debt pursuant to 11 U.S.C. section 523(a)(2)(A); 2) For denial of discharge pursuant to 11 U.S.C. section 727(a)(2)(A); 3) For denial of discharge pursuant to 11 U.S.C. section 727(a)(4)(A); 4) For denial of discharge pursuant to 11 U.S.C. section 727(a)(5); and 5) For denial of discharge pursuant to 11 U.S.C. section 727(a)(8)

Docket 1

***** VACATED *** REASON: Stipulation (dkt. 9) and order thereon, to continue this matter to 9/18/18 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sang Chyun

Represented By
Donald E Iwuchuku

Defendant(s):

Sang Chyun

Pro Se

Plaintiff(s):

John R. Lobherr, Incorporated

Represented By
Stephen P Reider
Robert P Goe

Trustee(s):

Elissa Miller (TR)

Pro Se

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

Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

2:18-14621 Daniel A Weston

Chapter 7

#4.00 Hrg re: Application to Employ Barbara M. Perez
and Coldwell Banker George as Real Estate Broker

Docket 30

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address the issues raised in the opposition (dkt. 34) and reply (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 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):

Daniel A Weston

Represented By
Stella A Havkin

Trustee(s):

Wesley H Avery (TR)

Represented By
Stella A Havkin

**United States Bankruptcy Court
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Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

2:18-14621 Daniel A Weston

Chapter 7

#5.00 Hrg re: Application to Employ Stella Havkin and
Havkin & Shrago as Special Counsel for the Trustee

Docket 28

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address the issues raised in the opposition (dkt. 34) and reply (dkt.37).

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):

Daniel A Weston

Represented By
Stella A Havkin

Trustee(s):

Wesley H Avery (TR)

Represented By
Stella A Havkin

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

Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

2:18-16759 Mark Beckett and Shirin Beckett

Chapter 7

#6.00 Hrg re: Motion to compel trustee to abandon interest in property of estate Motion For Order Compelling The Abandonment Of The Estates Interest In Real Property Located At 924 Reed Drive, Claremont, California 91711 And Personal Property Pursuant to 11 U.S.C. § 554(b)

Docket 12

Tentative Ruling:

Grant, as to both the debtors' residence and their personal property, for the reasons set forth below. Appearances are not required.

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 a final ruling. See LBR 9021-1(b)(1)(B).

Key documents reviewed (in addition to motion papers): Creditor La Verne Village LLC's opposition papers (dkt. 16, 17, 18) and the debtors' reply (dkt. 24).

Reasons

(1) Background

The debtors assert that the fair market value of their homestead at 924 Reed Drive, Claremont, California is \$650,000 and that it is encumbered by liens and subject to a \$175,000 homestead exemption aggregating just under \$645,000 (as of the petition date). They argued that the property should be abandoned because it is of "inconsequential" value and benefit to the estate (11 U.S.C. 554) or, put differently, it will not result in a "meaningful" distribution to general unsecured creditors. *In re KVN Corp.*, 514 B.R. 1, 6-9 (9th Cir. BAP 2014) (quoting US Trustee handbook).

Creditor La Verne Village, LLC ("La Verne") argues that the abandonment motion is "moot and unnecessary" because La Verne made an offer to purchase the property for \$680,000, with no real estate brokers involved, and that offer was accepted by the chapter 7 trustee. Dkt. 17, p.2:8. La Verne also argues that the debtor's valuation of \$650,000 is not supported

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CONT... Mark Beckett and Shirin Beckett

Chapter 7

by any admissible evidence. La Verne alleges that its \$680,000 purchase price will result in approximately \$25,000 inuring to the benefit of the estate. *Id.* p.5:7-8.

The debtors reply that even if there were \$25,000 in net proceeds to the estate, the Chapter 7 Trustee's commission alone would amount to \$28,500, thereby making the sale worthless to the estate. In addition, there would be fees for the Trustee's counsel and other administrative costs - *i.e.*, to the extent those things are attributable to the sale, they would further reduce any net benefit to the estate.

(The debtors' motion also seeks abandonment of personal property, and as the debtors point out, no party in interest has objected to that portion of their motion.)

(2) Analysis

This Court is not persuaded by La Verne's argument that the abandonment motion is moot and unnecessary in view of the Chapter 7 Trustee's agreement to sell the property to La Verne. Any agreement by a bankruptcy trustee to sell property is always subject to the other requirements of the Bankruptcy Code and Rules, including the debtors' ability to seek to compel abandonment and the requirement that any sale be approved or disapproved by the Bankruptcy Court, after notice and an opportunity for a hearing on any objections. *See In re Mickey Thompson Entm't Group, Inc.*, 292 B.R. 415, 421 (B.A.P. 9th Cir. 2003). In other words, any agreement by the chapter 7 trustee has no binding or preclusive effect that would bar the debtors from prosecuting their motion to compel abandonment.

As for the merits of abandonment, the debtors have argued persuasively that there would be no net benefit at all to the bankruptcy estate, let alone a "meaningful" benefit to unsecured creditors. *KVN Corp.*, 514 B.R. 1. In these circumstances, it is appropriate to compel abandonment.

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.

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11:00 AM

CONT... Mark Beckett and Shirin Beckett

Chapter 7

Debtor(s):

Mark Beckett

Represented By
Robert P Goe

Joint Debtor(s):

Shirin Beckett

Represented By
Robert P Goe

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

2:15-17615 Virginia Naranjo

Chapter 13

Adv#: 2:17-01365 Naranjo v. Moisa et al

#7.00 Cont'd Status Conference re: Complaint for (1) Quiet Title;
(2) Declaratory Relief
fr. 10/03/17, 11/17/17, 12/5/17, 4/17/18, 5/29/18, 7/10/18,
08/07/18

Docket 1

Tentative Ruling:

Tentative Ruling for 9/4/18:

Continue to 11/6/18 at 11:00 a.m., with the expectation that the status conference will go off calendar after entry of a judgment (see calendar no. 1, 9/4/18 at 11:00 a.m.). Appearances are not required on 9/4/18.

Tentative Ruling for 8/7/18:

Continue to 9/4/18 at 11:00 a.m. to be concurrent with the hearing on the motion for a default judgment. See dkt. 47-52. Appearances are not required on 8/7/18.

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.

Tentative Ruling for 7/10/18:

Continue to 8/7/18 at 11:00 a.m. (no written status report required). Plaintiff is encouraged to file and serve a motion for a default judgment (the "Default Judgment Motion") for the same date and time.

Reasons: Plaintiff has obtained Clerk's defaults (dkt. 43, 44) on the amended complaint (dkt. 37) against the defendants Rosa Moisa and Edward Trevino

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CONT... Virginia Naranjo

Chapter 13

Moisa. The tentative ruling is that any Default Judgment Motion must include the following.

(1) Evidence. The Default Judgment Motion must be supported by a declaration showing evidence to support the assertion that the property description in the prayer for relief (dkt. 37 at PDF pp. 8:21-9:6) is correct (and the existing property descriptions are wrong (see dkt. 37, p.2 at para.3&5 & Ex.A&B at PDF pp. 12&15). For example, it appears that an authenticated copy of the recorded grant deed by which the defendant(s) acquired her (or their) interest(s) in the property might show the correct property description.

(2) Service. Pursuant to Rule 55(b)(2) (Fed. R. Civ. P., incorporated by Rule 7055, Fed. R. Bankr. P.), the tentative ruling is that any Default Judgment Motion must be served only on Mr. Edward Trevino Moisa, not on the (deceased) defendant Ms. Rosa Moisa.

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.

Tentative Ruling for 4/17/18:

Grant the motion for an order allowing service of process via publication (dkt. 27), as supplemented (dkt. 34), for the reasons stated at the hearing on 12/5/17 (see dkt. 33). Continue the status conference in this adversary proceeding to 5/29/18 at 11:00 a.m. (no written status report required). Appearances are not required on 4/17/18.

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. 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

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CONT... Virginia Naranjo

Chapter 13

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.

Tentative Ruling for 12/5/17:

Appearances required. The tentative rulings are as follows.

(1) No relief against unnamed defendants. At the initial status conference on 10/13/17, and in the tentative ruling for that status conference (reproduced below), this court questioned how quiet title relief could be granted against persons who are not named as defendants. The motion for a default judgment does not address that issue, and yet it seeks to quiet title as against all persons, whether or not they are named as defendants. The tentative ruling is to deny that relief.

(2) No relief against decedent whose estate has not been properly served. In addition, the plaintiff appears to be seeking a default judgment against a decedent, Ms. Rosa Moisa, without having served anyone who could properly accept service for the decedent. In fact, in preparing for this hearing this court noticed that the plaintiff had the complaint served on herself as administrator of Mr. Moisa's estate (see adv. dkt. 5 at PDF p.4). How is that proper?

To make matters worse, it appears that she is not actually the administrator: she declares that she is currently seeking to be appointed as the administrator of the decedent's estate. See adv. dkt. 21, Plaintiff Decl., p.4, para. 14.

How could counsel for the debtor seek a default judgment on this foundation?

(3) No relief against persons with whom there is no actual case or controversy. The plaintiff also seeks relief against Mr. Edward Trevino Moisa (the son of the decedent Ms. Moisa). The plaintiff alleges that there is an actual case or controversy involving him (and Ms. Moisa), but the plaintiff also alleges that after his mother transferred the property to Mr. Moisa he voluntarily transferred the subject property to the plaintiff via grant deed (dkt. 21, Plaintiff Decl., p.2, para. 5-6), and that Mr. Moisa "takes no position" and has not responded to the complaint (*id.* p.5:3). How is there an actual case or

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CONT... Virginia Naranjo

Chapter 13

controversy involving Mr. Moisa (or his mother)?

(4) Possible real party in interest? It is unclear from the filed papers, but the party against whom the plaintiff might really be seeking relief is the county of Los Angeles. She alleges that when she attempted to refinance the property "the Title Company for the future Lender noticed the discrepancy in the Grant Deeds (regarding Legal Description), that LA County changed the designation back to Rosa Moisa as the current owner." *Id.*, p.4, para. 13 (emphasis added.) But it is not clear what this means - did LA County commit an error in indexing? Did it improperly alter the text of some grant deed? Or did LA County allegedly do something else to "change the designation" in some document or record?

Nor does the plaintiff point to any document that reflects any such confusion. It is not this court's role to scour the record to try to figure out what the plaintiff means.

(5) Conclusion. This court is very empathetic to the plaintiff (the debtor), who alleges that she purchased the property when it had no equity, and made payments to save the property from foreclosure, and yet, although she has obtained this court's approval to refinance the property, she has been unable to do so because of some sort of discrepancy in the real estate records regarding her title to the property. But the papers filed by the debtor's counsel fail to explain the actual issue, and in any event appear to be wholly inadequate to address whatever the issue might be.

In addition, this court is very troubled that the filed papers appear to violate basic legal principles and ethical obligations. It appears that counsel for the debtor has sought a default judgment based on (i) the plaintiff/debtor serving herself, (ii) as the purported administrator of the estate of a decedent/defendant, even though she has not yet been appointed in that role, and (iii) with whom there does not appear to have been any actual case or controversy. This appears to be an attempted fraud on the court, intended to obtain a default judgment in the hope of binding other persons who have not been named as defendants.

Is there any reason why this court should not issue an order to show cause why sanctions should not be imposed? Meanwhile, what can be done to address whatever is the actual issue that is holding up the debtor's refinance of her real property?

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11:00 AM

CONT... Virginia Naranjo

Chapter 13

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.

Tentative Ruling for 11/7/17:

Continue to 12/5/17 at 11:00 a.m. to heard concurrently with the motion for a default judgment. Appearances are not required on 11/7/17.

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

Tentative Ruling for 10/3/17:

Appearances required.

There is no tentative ruling, but the plaintiff should be prepared to address the exact nature of the relief sought, and how this court can grant relief as against persons who are not named as defendants.

If you do not appear, and the matter is not adequately resolved 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):

Virginia Naranjo

Represented By
David R Chase

**United States Bankruptcy Court
Central District of California
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Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

CONT... Virginia Naranjo

Chapter 13

Defendant(s):

Rosa Moisa

Pro Se

Edward Trevino Moisa

Pro Se

Plaintiff(s):

Virginia Naranjo

Represented By
David R Chase

Trustee(s):

Kathy A Dockery (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 04, 2018

Hearing Room 1545

11:00 AM

2:18-15829 Philip James Layfield

Chapter 7

#8.00 Cont'd Status Conference re: Chapter 7 Involuntary
fr. 07/17/18, 08/14/18

Docket 1

*** VACATED *** REASON: Alias summons issued on 8/23/18; reset to
9/18/18 at 11:00 a.m.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip James Layfield

Pro Se

Trustee(s):

Wesley H Avery (TR)

Pro Se

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

Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:18-18709 Acquiplied Assets, B.T.

Chapter 11

#1.00 Status Conference re: Chapter 11 Case

Docket 1

Tentative Ruling:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues

(a) Failure to serve order. This Court's status conference order (dkt. 9, para.5, bolded text) directed counsel for the debtor to serve all creditors with a copy of the order. Why was it not served?

(b) Failure to comply with requirements for professionals. The debtor's status report (dkt. 45, p.4) states that neither the debtor's attorney nor any other professional intend to apply for employment because they do not intend to seek compensation during the case. That is not the test. They are required to apply for employment under 11 U.S.C. 327. In addition, the United States Trustee ("UST") has objected in its motion to dismiss (dkt. 39) that the person who claims to be acting as the debtor's bankruptcy attorney, Robert A. Brown, Esq., is also the debtor's CEO and General Counsel. The parties should be prepared to address the conflicts issues.

(c) Failure to comply with Chapter 11 requirements. See the UST's motion to dismiss (dkt. 39).

(d) Failure to comply with procedures for plan (dkt. 38) and disclosure statement (dkt. 37). As stated in this Court's status conferences order (dkt. 9), Judge Bason's posted procedures (available at www.cacb.uscourts.gov) establish procedures for any draft plan and disclosure statement. Counsel for the debtor has violated those procedures by mailing a copy of the drafts to creditors before this Court has approved such mailing.

In addition, those documents omit any meaningful liquidation analysis or disclosure of what could be paid to general unsecured creditors, instead opting for a flat 12% promised distribution (dkt. 38, at PDF pp.13-14). In addition, from the summary of assets and liabilities (dkt. 19) it appears that the debtor might have enough equity in property to pay far more than 12%, depending on the total amount of unsecured claims.

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CONT...

Acquiplied Assets, B.T.

Chapter 11

(e) Opaque "disclosures". The debtor's references to a sale of the "Marsh" property is not adequately explained. In addition, although the debtor's bankruptcy Schedule H (dkt. 1) asserts that there are no co-debtors, this Court questions whether that is so because business organizations typically have individual guarantors on any major debts.

(2) Deadlines/dates. This case was filed on 7/30/18.

(a) Bar date: 11/7/18 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement: TBD.

(c) Continued status conference: 10/9/18 at 1:00 p.m. No written status report is 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 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):

Acquiplied Assets, B.T.

Represented By
Robert A Brown

**United States Bankruptcy Court
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Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:18-18727 Harry Hildibrand LLC

Chapter 11

#2.00 Status Conference re: Chapter 11 Case

Docket 2

Tentative Ruling:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues

(a) Failure to serve order. This Court's status conference order (dkt. 2, para.5, bolded text) directed counsel for the debtor to serve all creditors with a copy of the order. Why was it not served?

(b) Failure to file status report. This Court's status conference order also directed the debtor to file a status report. None has been filed.

(c) Failure to comply with Chapter 11 requirements. See the UST's motion to dismiss or convert (dkt. 12).

(2) Deadlines/dates. This case was filed on 7/30/18.

(a) Bar date: 11/7/18 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 10/9/18 at 1:00 p.m. Status Report due 9/25/18.

*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.

Party Information

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CONT... Harry Hildibrand LLC

Chapter 11

Debtor(s):

Harry Hildibrand LLC

Represented By
James P Lezie

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Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:18-18929 Newark Special Technologies, Inc. Dba Magorien Hon

Chapter 11

#3.00 Status conference re: Chapter 11 case

Docket 14

Tentative Ruling:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues. This Court has no issues to raise sua sponte.

(2) Deadlines/dates. This case was filed on 8/2/18.

(a) Bar date: 11/9/18 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 12/23/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 10/9/18 at 1:00 p.m. No written status report is 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 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):

Newark Special Technologies, Inc.

Represented By
Joseph L Pittera

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:18-16153 Nandini Mariwala Savin

Chapter 11

#4.00 Status Conference re: Chapter 11 Case

Docket 30

Tentative Ruling:

Tentative Ruling for 9/4/18:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues. This Court has no issues to raise sua sponte.

(2) Deadlines/dates. This case was filed on 5/29/18 and converted from chapter 13 on 8/8/18.

(a) Bar date: 11/9/18 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 12/23/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 10/9/18 at 1:00 p.m. No written status report is 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 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 8/7/18:

Grant application for hearing on shortened time (see evidence of service, dkt. 31, 33). There is no tentative ruling on the motion to vacate dismissal of this

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CONT... Nandini Mariwala Savin

Chapter 11

chapter 13 case with a 180-day bar, so as to permit the debtor to pursue chapter 11 relief either in this case or by filing a new case. The parties should be prepared to address any opposition at the hearing. See Order Shortening Time (dkt. 28). Appearances required.

Key documents reviewed (in addition to motion papers): Application for order shortening time (dkt. 26) and evidence of service (dkt. 31, 33).

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):

Nandini Mariwala Savin

Represented By
Alla Tenina

Movant(s):

Nandini Mariwala Savin

Represented By
Alla Tenina

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, September 04, 2018

Hearing Room 1545

1:00 PM

2:17-22648 Checkmate King Co., LTD and Radiology Solutions Corp.

Chapter 11

#5.00 Hrg re: Motion to Convert Case From Chapter 11 to 7

Docket 185

***** VACATED *** REASON: This matter is scheduled to be heard at a
different time. See #5 at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Checkmate King Co., LTD

Represented By
Robert M Aronson

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:17-22660 Yuichiro Sakurai and Akemi Sakurai

Chapter 11

#6.00 Hrg re: Motion by Fresco International Corporation and
Tsuneo Hisanaga to Convert Case From Chapter 11 to Chapter 7

Docket 199

***** VACATED *** REASON: This matter is scheduled to be heard at a
different time. See # 8 at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yuichiro Sakurai

Represented By
Nicholas W Gebelt

Joint Debtor(s):

Akemi Sakurai

Represented By
Nicholas W Gebelt

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Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:17-22660 Yuichiro Sakurai and Akemi Sakurai

Chapter 11

#7.00 Hrg re: Motion for approval to employ KW Commercial
Inland Empire as real estate broker

Docket 197

***** VACATED *** REASON: This matter is scheduled to be heard at a
different time. See # 9 at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yuichiro Sakurai

Represented By
Nicholas W Gebelt

Joint Debtor(s):

Akemi Sakurai

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
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Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:18-12429 Dana Hollister

Chapter 11

#8.00 Hrg re: Motion for Order Authorizing Use of Estate
Property Not in the Ordinary Course of Business to
Cause Oh Happy Day, LLC to Dissolve

Docket 544

***** VACATED *** REASON: This matter is scheduled to be heard at a
different time. See # 1 at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel

United States Bankruptcy Court
Central District of California
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Judge Neil Bason, Presiding
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Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:18-12429 Dana Hollister

Chapter 11

#9.00 Hrg re: Application to Employ Eric C. Schwettmann as Special Counsel

Docket 490

*** 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):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel

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Central District of California
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Tuesday, September 04, 2018

Hearing Room 1545

1:00 PM

2:18-11714 Teresa Dominguez Aguilar

Chapter 11

#10.00 Combined hrg re: Approval of disclosure statement
and Plan Confirmation

Docket 1

Tentative Ruling:

Please see the tentative ruling for the status conference (calendar no. 11,
9/4/18 at 1:00 p.m.).

Party Information

Debtor(s):

Teresa Dominguez Aguilar

Represented By
Onyinye N Anyama

Movant(s):

Teresa Dominguez Aguilar

Represented By
Onyinye N Anyama

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1:00 PM

2:18-11714 Teresa Dominguez Aguilar

Chapter 11

#11.00 Cont'd status conference re: Chapter 11 Case
fr. 3/20/18, 5/1/18, 7/10/18

Docket 6

Tentative Ruling:

Tentative Ruling for 9/4/18:

Appearances required.

Proposed order: If this Court is persuaded to adopt the following tentative ruling - i.e. to approve the Amended Disclosure Statement on a final basis and confirm the debtor's Amended Plan - then the debtor is directed to lodge via LOU, within 7 days after the hearing date, (1) a proposed order approving the Amended Disclosure Statement and (2) a proposed order confirming the Amended Plan, and attach to the latter proposed order a copy of this tentative ruling, thereby incorporating it as this Court's final ruling. See LBR 9021-1(b)(1)(B).

(1) Current issues. This Court has reviewed the debtor's Amended Disclosure Statement (dkt. 61), Amended Plan (dkt. 62), Ballot Summary (dkt. 69), and other relevant pleadings.

(a) Debtor's Amended Plan requires cramdown pursuant to 1129(b).

The debtor's amended plan identifies three impaired classes: 2A, 2B, and 4A. To avoid cramdown, all three classes must vote to accept the plan (11 U.S.C. 1129(a)(8)). Based on a review of the debtor's Ballot Summary (dkt. 69), the votes were as follows:

(i) Classes that voted to accepted the AmPI: 2B, 4A

(ii) Classes that voted to reject the AmPI: n/a

(iii) Classes that did not vote and are deemed to reject the

AmPI: 2A

Therefore, the debtor's plan can only be confirmed if it satisfies the cramdown requirements of 1129(b) as to Class 2A.

(b) The Amended Plan is "fair and equitable" and does not "unfairly discriminate" with respect to Class 2A. Section 1129(b)(1) states, in relevant part "...if all of the applicable requirements of subsection (a) of this section

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Teresa Dominguez Aguilar

Chapter 11

other than paragraph (8) [acceptance by every impaired, voting class] are met with respect to a plan, the court, on request of the proponent of the plan, shall confirm the plan notwithstanding the requirements of such paragraph if the plan does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the plan." (Emphasis added.)

(i) Secured Creditor Class 2A. First, the debtor appropriately classified Planet Home Lending, Inc.'s ("PLH") first priority secured claim into its own category and has not otherwise discriminated unfairly with respect to Class 2A. Second, the debtor proposes to pay PLH 100% of its claim for a period of 180 months with 3% apr. PLH has not objected to the interest rate on the basis that it does not provide present value and PLH will retain its lien and receive deferred cash payments. Therefore, the amended plan satisfies 11 U.S.C. 1129(b)(2)(A)(i)(I) and (II). In addition, PLH will receive payment in full, so the absolute priority rule (11 U.S.C. 1129(b)(2)(B)(ii)) is satisfied with respect to this class. Finally, in all other respects the amended plan appears to be fair and equitable with respect to Class 2A. Therefore, the amended plan satisfies the requirements for cramdown with respect to Class 2A.

(2) Deadlines/dates. This case was filed on 2/16/18.

(a) Bar date: 5/25/18 (timely served dkt. 24, 29).

(b) AmPlan/AmDisclosure Statement (dkt. 61, 62)*: The tentative ruling is to approve the amended disclosure statement on a final basis and confirm debtor's amended plan pursuant to 1129(b).

(c) Post-Confirmation status conference: 11/27/18 at 1:00 p.m. *Brief* written post-confirmation status report due 11/13/18.

*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.

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CONT... Teresa Dominguez Aguilar

Chapter 11

Tentative Ruling for 7/10/18:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues. This Court has reviewed the debtor's status report (dkt. 54) and other relevant pleadings.

(a) Plan/Disclosure Statement (dkt. 51, 52). It appears that the differences between the stipulation with JP Morgan Chase Bank, NA (dkt. 55, 58) and the proposed plan (dkt. 52, Ex.A, Class 2B) are immaterial (a very minor increase in the claim amount and monthly amortizing payment amount). This court has no issues to raise *sua sponte*.

(2) Deadlines/dates. This case was filed on 2/16/18.

(a) Bar date: 5/25/18 (timely served dkt. 24, 29).

(b) Plan/Disclosure Statement (dkt. 51, 52)*: 7/17/18 deadline to file (NOT SERVE - except on the U.S. Trustee) any redlined revisions to be discussed at the status conference and lodge Judge Bason's form of order authorizing service of the voting package, setting deadlines, and setting a combined hearing on final approval of the Disclosure Statement and confirmation of the Plan for the same time as the continued status conference.

(c) Continued status conference: 9/4/18 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 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 5/1/18:

Appearances required by counsel for the debtor but telephonic appearances

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CONT... Teresa Dominguez Aguilar

Chapter 11

are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Cash Collateral Motion (dkt. 12). The tentative ruling is to grant the motion on a final basis and authorize the use of cash collateral as modified by the amended budget (dkt. 35).

(b) Budget Motion (dkt 13). The tentative ruling is to grant the motion on a final basis as modified by the amended budget (dkt. 35) (see also dkt. 18, 21, 22, 28).

(c) Proposed Orders. The debtor is directed to serve and lodge proposed orders on the foregoing motions via this court's "LOU" system within 7 days after the hearing date.

(d) Status Report. This Court's prior tentative ruling set a deadline of 4/17/18 to file a brief status report. As of the preparation of this tentative ruling, the debtor has not filed a status report. Why not?

(e) Untimely Filings.

(i) This Court directed the debtor to serve Chase with the Budget Motion and Cash Collateral Motion by 3/22/18, but the Debtor's proof of service reflects service on 3/23/18.

(ii) This Court also directed the debtor to file a supplemental declaration in support of the Budget Motion by 3/30/18, but the Debtor did not file her declaration until 4/5/18.

The debtor's counsel is cautioned that continued failure to abide by the deadlines this court sets may result in adverse consequences.

(2) Deadlines/dates. This case was filed on 2/16/18.

(a) Bar date: 5/25/18 (timely served dkt. 24, 29).

(b) Plan/Disclosure Statement*: file by 6/12/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when

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Chapter 11

deadline(s) for such objections are established).

(c) Continued status conference: 7/10/18 at 1:00 p.m., *brief* status report due 6/26/18.

*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.

Tentative Ruling for 3/20/18:

Appearances required by counsel for the debtor and by the debtor herself.

(1) Current issues.

(a) Cash Collateral Motion (dkt. 12). See the separate tentative ruling for that motion (calendar no. 4, 3/20/18 at 1:00 p.m.).

(b) Budget Motion (dkt 13).

(i) Service is inadequate. The proof of service (dkt. 13, pp. 5-6) fails to comply with the rules for service. Chase was not served via certified mail or to the attention of an officer as required by Rule 7004(b)(3) & (h) (Fed. R. Bankr. P.) (incorporated by Rule 9014(b), Fed. R. Bankr. P.).

(ii) Unexplained Inconsistencies between Schedule J & Proposed Budget. The debtor should be prepared to address the issues raised in the United States Trustee's opposition (dkt.18).

(c) Notice of continued hearings. **If** the court grants the budget and cash collateral motions on an *interim* basis, the tentative is to set a deadline of 4/3/18 for the debtor to file and serve a notice of the final hearing on both motions, and to set the same date for the debtor to file any supplement or amendments to such motions, with deadlines of 4/10/18 for any opposition and 4/17/18 for any reply.

(2) Deadlines/dates. This case was filed on 2/16/18.

(a) Bar date: 5/25/18 (DO NOT SERVE notice yet - court will prepare

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Chapter 11

an order after the status conference).

- (b) Plan/Disclosure Statement*: file by 6/12/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

- (c) Continued status conference: 5/1/18 at 1:00 p.m. (to be concurrent with the hearings on cash collateral and budget motions), *brief* status report due 4/17/18.

*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.

Party Information

Debtor(s):

Teresa Dominguez Aguilar

Represented By
Onyinye N Anyama

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

Chapter 11

#12.00 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

Docket 9

Tentative Ruling:

Tentative Ruling for 9/4/18:

Continue to 10/9/18 at 1:00 p.m., with a brief status report due by 9/25/18.
Appearances are not required on 9/4/18.

This Court has reviewed the debtor's latest filed documents, including its Monthly Operating Report (dkt. 329) and Status Report (dkt. 330). 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 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 8/7/18:

Continue to 9/4/18 at 1:00 p.m., with a brief status report due by 8/21/18.
Appearances are not required on 8/7/18.

This Court has reviewed the debtor's latest filed documents, including its Monthly Operating Report (dkt. 325) and Status Report (dkt. 326). 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

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

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.

Tentative Ruling for 7/10/18:

Continue to 8/7/18 at 1:00 p.m. Appearances are not required on 7/10/18.

This Court has reviewed the debtor's latest filed documents, including its Monthly Operating Report (dkt. 322) and Status Report (dkt. 324). 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 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 6/7/18:

Continue to 7/10/18 at 1:00 p.m. Appearances are not required on 6/7/18.

This Court has reviewed the debtor's latest filed documents regarding its cash flow and sale of property (dkt. 316, 317, 319, 320). 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 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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CONT... R&J Limited Partnership and JRJ Limited Partnership

Chapter 11

Tentative Ruling for 5/8/18:

Continue to 6/7/18 at 1:00 p.m. Appearances are not required on 5/8/18.

This Court has reviewed the debtor's status report (dkt. 313), notice of pending sale for the Broadway property (dkt. 314), and latest monthly operating report (dkt. 312). 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 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 4/10/18:

Continue to 5/8/18 at 1:00 p.m. Appearances are not required on 4/10/18.

This court has reviewed the debtor's status report (dkt. 311) and monthly operating reports (dkt. 309, 310), and this court is not aware of other 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 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 1/30/18:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

This court has reviewed the debtor's status report (dkt. 304) and the notice

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

(dkt. 307) filed by Bayview Loan Servicing, LLC ("Bayview"). The parties should be prepared to address the issues raised by those papers.

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.

Tentative Ruling for 10/17/17:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

This court has reviewed the debtor's post-confirmation status report (dkt. 298) and has no issues to raise sua sponte at this time. The tentative ruling is to continue this status conference to 1/30/18 at 1:00 p.m.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/20/17:

Continue to 10/17/17 at 1:00 p.m. in view of the debtors' status report (dkt. 292). Appearances are not required on 6/20/17.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 4/25/17:

Continue to 6/20/17 at 2:00 p.m., to provide the debtors with time to seek entry of a final decree in this case, or such other remedies as may be necessary or appropriate, in view of the confirmed Joint Chapter 11 Plan (dkt. 270) and the unopposed motions to approve the compromise with Butler

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CONT... **R&J Limited Partnership and JRJ Limited Partnership** **Chapter 11**
Capital (dkt. 277-80). Appearances are not required on 4/25/17.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov, "Judges," "Bason, N.," "Instructions/Procedures," "Procedures;" see the section labeled "Tentative rulings").

[PRE-CONFIRMATION 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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2:18-12453 Abelino Mariscal Gonzalez

Chapter 11

#13.00 Cont'd Status Conference re: Chapter 11 Case
fr. 4/10/18, 5/1/18, 6/12/18, 08/07/18

Docket 7

Tentative Ruling:

Tentative Ruling for 9/4/18:

Appearances required.

(1) Current issues. This Court has reviewed the debtor's draft plan (dkt. 47) and disclosure statement (dkt. 46) and this Court has no issues to raise sua sponte. Has the debtor had any negotiations with secured creditors? Is it more appropriate to allow additional time for such negotiations, or to authorize the debtor to mail a voting package to all parties in interest and set a combined hearing on final approval of the disclosure statement and confirmation of the plan for the same time and date as the continued status conference set forth below?

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 6/15/18 (dkt. 23). Timely served (dkt. 41).

(b) Plan/Disclosure Statement (dkt. 46, 47)*: See above.

(c) Continued status conference: 10/16/18 at 1:00 p.m. No written status report is 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 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 8/7/18:

Continue as set forth below. Appearances are not required on 8/7/18.

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CONT... Abelino Mariscal Gonzalez

Chapter 11

- (1) Current issues. This Court has no issues to raise sua sponte.
- (2) Deadlines/dates. This case was filed on 3/6/18.
- (a) Bar date: 6/15/18 (dkt. 23). Timely served (dkt. 41).
 - (b) Plan/Disclosure Statement*: file by 8/24/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).
 - (c) Continued status conference: 9/4/18 at 1:00 p.m. No written status report is 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 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 6/12/18:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

- (1) Current issues. The debtor's proofs of service continue to be defective. Elizabeth Cruz declares that she has served the "PROOF OF SERVICE" itself, not the underlying orders. See dkt. 20 at PDF p.2 and dkt. 31 at PDF p.2.

At the hearing counsel is directed to explain why the proofs of service are defective, and what steps will be taken to correct this issue so that it no longer occurs. The deadline is 6/19/18 to file further amended proofs of service of both orders (the order setting principal status conference etc. at dkt. 6, and the bar date order at dkt. 23).

- (2) Deadlines/dates. This case was filed on 3/6/18.

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1:00 PM

CONT...

Abelino Mariscal Gonzalez

Chapter 11

- (a) Bar date: 6/15/18 (Order, dkt. 23). See above.
 - (b) Plan/Disclosure Statement*: file by 8/24/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).
 - (c) Continued status conference: 8/7/18 at 1:00 p.m. No written status report is 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 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 5/1/18:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

- (a) Budget motion (dkt. 13). Counsel must address:
 - (i) Income as of petition date or current? The debtor has filed an amended bankruptcy Schedule I (dkt. 30). Is that actually intended to be a decaration of postpetition income, or a correction of the debtor's income as of the petition date?
 - (ii) Amended budget motion? Should an amended budget motion needs to be filed and served, or is such notice unnecessary and should the budget be deemed amended, in view of what appears to be an increase of approximately \$168 in the debtor's monthly income (compare dkt. 13 at PDF p.8, debtor's personal income of \$2,800, with dkt. 30, line 7, debtor's personal income of \$2,968)?
- (b) Cash collateral motion (dkt. 12). Grant on a final basis, on the same terms as the interim order (dkt.24).

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Chapter 11

- (2) Deadlines/dates. This case was filed on 3/6/18.
- (a) Bar date: 6/15/18 (Order, dkt. 23). **Note**: Timely served? Per the proof of service (dkt. 26, the "POS") the debtor served the POS itself on creditors. Presumably the debtor means that she served the order on creditors (not the POS), but the debtor is directed to file an amended POS saying so, no later than 5/3/18.
 - (b) Plan/Disclosure Statement*: file by 8/24/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).
 - (c) Continued status conference: 6/12/18 at 1:00 p.m. No written status report is 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 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 4/10/18:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

- (a) Failure to serve order. This Court's order setting this status conference (dkt. 6) directed the debtor to serve a copy of that order on all parties in interest no later than 14 days prior to this status conference. No proof of service appears on the docket. The tentative ruling is to set a deadline of 4/11/18 for the debtor to effect such service, with a caution to counsel that in future such failure may result in sanctions.
- (b) Budget motion (dkt. 13). Grant on an interim basis, with a final hearing on the same date at the continued status conference set forth below.

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CONT... Abelino Mariscal Gonzalez

Chapter 11

- (2) Deadlines/dates. This case was filed on 3/6/18.
- (a) Bar date: 6/15/18 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
 - (b) Plan/Disclosure Statement*: file by 8/24/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).
 - (c) Continued status conference: 5/1/18 at 1:00 p.m. No written status report is 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 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):

Abelino Mariscal Gonzalez

Represented By
Onyinye N Anyama

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2:17-12335 Charles Elvin Lamay and Silvana Marie LaMay

Chapter 11

#14.00 Status Conference re: Post confirmation
fr. 6/13/17, 6/20/17, 9/19/17, 11/7/17, 1/23/18,
02/13/18, 4/10/18, 07/17/18

Docket 1

Tentative Ruling:

Tentative Ruling for 9/4/18:

Continue as set forth below. Appearances are not required on 9/4/18.

This Court has reviewed the debtors' latest filed documents, including the Status Report (dkt. 163) filed 7/10/18 in which debtors anticipated (i) completing payments by 8/9/18 and (ii) filing a motion for discharge thereafter. This Court is not aware of issues that would warrant a status conference at this time, but the Court is setting a deadline for the filing of a status report, as set forth below, for the debtors to apprise the Court of any other developments regarding this case and its final disposition.

(1) Deadlines/dates. This case was filed on 2/27/17 and converted from chapter 13 on 4/28/17.

- (a) Bar date: 8/24/2017 (dkt. 77, timely served dkt. 84).
- (b) Plan (dkt. 135)/Disclosure Statement (dkt. 134). See above.
- (c) Post-confirmation status conference: 10/9/18 at 1:00 p.m., *brief* status report due by 9/25/18.

*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.

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Tentative Ruling for 7/17/18:

Continue as set forth below. Appearances are not required on 7/17/18.

(1) Current issues. This Court has no issues to raise sua sponte.

(2) Deadlines/dates. This case was filed on 2/27/17 and converted from chapter 13 on 4/28/17.

(a) Bar date: 8/24/2017 (dkt. 77, timely served dkt. 84).

(b) Plan (dkt. 135)/Disclosure Statement (dkt. 134). See above.

(c) Post-confirmation status conference: 9/4/18 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 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 4/10/18:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Service of voting package. The proof of service (dkt. 140) states that the voting package has been served on "Secured and Twenty Largest Unsecured Creditors." (Emphasis added.) The voting package should have been served on all creditors. Is the proof of service in error? If so, the tentative ruling is to set a deadline of 4/11/18 for the debtor to file a corrected proof of service. If not, counsel for the debtor should be prepared to address (i) the dates and procedures for re-balloting and a continued hearing and (ii) not charging attorney fees for correcting this issue.

(b) Disclosure statement (dkt. 134) and plan (dkt. 135), and motion to

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modify plan (dkt. 142). The debtor has not filed any ballot summary. If sufficient ballots have been received to vote in favor of confirmation by the requisite majorities then the tentative ruling is to approve the disclosure statement on a final basis, grant the motion to modify the plan, and confirm the plan as modified. All of the foregoing is contingent, however, on the debtor filing a sufficient ballot summary no later than 4/11/18.

(2) Deadlines/dates. This case was filed on 2/27/17 and converted from chapter 13 on 4/28/17.

- (a) Bar date: 8/24/2017 (dkt. 77, timely served dkt. 84).
- (b) Plan (dkt. 135)/Disclosure Statement (dkt. 134). See above.
- (c) Post-confirmation status conference: 7/17/18 at 1:00 p.m. Status report due 7/9/18.

*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.

Tentative Ruling for 2/13/18:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

- (a) Plan (dkt. 127) and Disclosure Statement (dkt. 126).
 - (i) Impairment - Class 2B. The Plan lists Class 2B as unimpaired - is it?
 - (ii) Impairment - Class 4A. The Plan does not specify whether Class 4A is impaired.
 - (iii) DIP Financing. Class 2C appears to consist of the debtor's contemplated postpetition DIP borrowing (dkt. 111, 121). First, classes under

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the Plan are reserved for prepetition debts, whereas repayment of postpetition DIP financing should be reflected in cash flow projections (Ex.C) (this is not just an academic issue: for example, Classes vote; DIP lenders do not).

Second, Endnote 2C (in Ex.H) appears to relate to this "Class" of DIP financing, and it appears to state that the terms of that financing are unknown ("Debtors will have full and accurate loan information as the loan is processed"). The debtors' counsel must address at the hearing whether there is any reason why the Plan cannot be updated to reflect the actual financing terms, which would eliminate the need for any such Endnote.

(iv) Stipulation with US Bank. The Plan should attach a copy of the Stipulation (dkt. 124) with creditor U.S. Bank N.A. (as trustee); Wells Fargo Home Mortgage as servicer (collectively, "US Bank"), as it may be modified (see below re possible amendments to that Stipulation). See dkt. 129 (limited objection of US Bank).

(b) US Bank's concerns (dkt. 129). This Court's posted procedures (available at www.cacb.uscourts.gov, under Judge Bason) provide in part: § 362: Automatic Stay. (1) Stipulations. Generally, the judge will not approve a stipulation for relief from stay/adequate protection order ("APO") that purports to be automatically effective ... because there might be equity in the property [Emphasis altered.]

Consistent with this limitation, US Bank agreed to an Adequate Protection Order ("APO") which does not provide for any automatic termination of the automatic stay. Instead it provides (in the APO attachment, at paragraph 6.b.) that in the event of a default:

[US Bank] may file and serve a declaration under penalty of perjury specifying the default, together with a proposed order terminating the stay, which the court may grant without further notice or hearing.

More recently, however, US Bank entered into its Stipulation with the debtors (dkt. 124) which not only includes the above-quoted language about what will happen in the event of a pre-confirmation default but goes on to add another clause. It states:

5. ... [US Bank] may file and serve a declaration under penalty of perjury specifying the default, together with a proposed order Terminating the Automatic Stay, which the Court may grant without

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further notice or hearing, **and Creditor (and/or its servicer) may commence any and all action necessary to obtain complete possession of the Subject Property ... without further notice, order, or proceeding of this Court.** [Emphasis added.]

US Bank argues (dkt. 129, p.6:3-12) that this language in the Stipulation was "taken from" the APO (para. 6.b.), but this is not quite accurate: the emphasized language has been added. Does that additional language mean anything? US Bank now appears to argue that it means nothing - that "the intent was simply to maintain the status quo like it is under the APO" (dkt. 129, p.6:6).

This Court agrees: the emphasized language appears to be surplusage; but unfortunately it is arguably subject to a different interpretation. Because it is unusual for parties to add meaningless language to their stipulations, the emphasized language arguably could be read to mean that US Bank could "commence" all actions necessary to foreclose without any order of this court.

Because of this (and other) ambiguities in the Stipulation this Court added the following caveat in its order approving the Stipulation:

... notwithstanding anything in the Stipulation to the contrary, the automatic stay will not *automatically* terminate upon a default or conversion of this case except as to Debtors (*i.e.*, no automatic termination as to the bankruptcy estate, so as to preserve any equity that might then exist in the property for the benefit of other creditors) [Dkt. 128, p.2:5-8, emphasis in original]

US Bank now requests "that the Order [approving the Stipulation] be amended to clarify that any pre-confirmation default shall be in accordance with the [Stipulation] at paragraph 5, or in the alternative, pursuant to the existing APO, paragraph 6(b)." Dkt. 129, p.6:10-12. This Court believes the simpler solution - both in this case and in all future cases - would be to delete the surplus language in paragraph 5 of the Stipulation. US Bank's counsel should be prepared to address whether they will agree to delete the surplus language in paragraph 5 of the Stipulation in this case and in all future stipulations in any case before this Court.

Similarly, paragraph 13 of the Stipulation ends by stating that in the event the debtors' case is dismissed or converted then not only shall US Bank retain its lien securing the full dollar amount it is owed (less any payments received) but also **"the Automatic Stay shall be terminated without further**

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notice, order or proceeding of the Court." (Emphasis added.) US Bank has now agreed to delete this emphasized language. See dkt. 129, pp.5:26-6:2. Again, US Bank's counsel should be prepared to address whether they will delete this language in all future stipulations in cases before this Court.

Another concern raised by US Bank is that this Court's language in the order approving the Stipulation (quoted above) appears to limit paragraph 6 of the Stipulation, which provides that upon confirmation of debtors' chapter 11 plan "the Automatic Stay shall be deemed terminated as to the Debtors and the estate" and US Bank can pursue its contractual remedies under the loan documents "without further notice, order, or proceeding of this Court." Dkt. 124, p.4:12-18. This Court did not intend to override that provision - the tentative ruling is that upon confirmation of a chapter 11 plan it is entirely appropriate to provide that the automatic stay no longer applies because then the parties have a revised contractual relationship - so US Bank is correct that the order approving the Stipulation is overbroad to the extent that the language added by this Court affects paragraph 6 of the Stipulation.

Based on all of the foregoing, the tentative ruling is that if US Bank will agree to amend its Stipulation in paragraphs 5 and 13 as set forth above (to delete the language about automatic termination of the automatic stay), and leave paragraph 6 unchanged, this Court will approve that Stipulation without the modification that is included in the current order approving the Stipulation. The debtor will need to attach the amended Stipulation to the Plan.

Note: The parties might wish to take the opportunity to review the Stipulation for any other provisions that would benefit from revision. For example, this Court notes that paragraph 13 of the Stipulation starts by providing that "[t]he terms of this Stipulation are contingent upon Debtors' confirming a Chapter 11 Plan." Dkt. 124, p.6:8-8. Read literally this would mean that the Stipulation's terms regarding pre-confirmation defaults (para. 5) are contingent upon confirmation, which makes no sense. Other provisions similarly do not appear to be intended to be contingent on confirmation (but it is up to the parties to decide if they wish to clarify such issues).

(2) Deadlines/dates. This case was filed on 2/27/17 and converted from chapter 13 on 4/28/17.

(a) Bar date: 8/24/2017 (dkt. 77, timely served dkt. 84).

(b) Plan (dkt. 127)/Disclosure Statement (dkt. 126)*: 2/27/18 deadline

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to file (NOT SERVE - except on the U.S. Trustee) any redlined revisions to be discussed at the status conference, with a revised stipulation with US Bank attached, and lodge Judge Bason's form of order authorizing service of the voting package, setting deadlines, and setting a combined hearing on final approval of the Disclosure Statement and confirmation of the Plan for the same time as the continued status conference.

(c) Continued status conference: 4/10/18 at 1:00 p.m. No written status report is 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 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 1/23/18:

Continue this status conference to 2/13/18 at 1:00 p.m. Appearances are not required on 1/23/18.

Reasons: (a) the debtors' apparent need to amend the proposed plan in view of the recent withdrawal of their objection to the prior claim of the Internal Revenue Service ("IRS") in view of the IRS' amended claim (see dkt. 119);

(b) the debtor's failure to file a brief status report (due 1/16/18 per the adopted tentative ruling for the 11/7/17 hearing, reproduced below); and

(c) the inability of the Office of the United States Trustee ("UST") to appear (or perhaps even to analyze whether it should appear) because of the shutdown of much of the federal government.

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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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.

Tentative Ruling for 11/7/17:

Continue to 1/23/18 at 1:00 p.m. to address the following issues.

Appearances are not required on 11/7/17.

Reasons: This court is continuing the hearing in light of the response filed by the IRS (dkt. 105) and because (1) if the dollar amount owed to the IRS changes then changes also will be needed to the amended plan (dkt. 107) and amended disclosure statement (dkt. 106) and (2) although the debtor correctly deleted Endnotes 2, 2A, 2B and 2C from Exhibit H, the debtor forgot to delete the references to those (non-existent) endnotes on Exhibits A and E. No later than 1/16/18 the debtor is directed to file an amended plan to cure these issues, if possible, or alternatively a very brief status report (e.g., one or two sentence).

If you wish to dispute the above 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".

Tentative Ruling for 9/19/17:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Monthly Operating Report (dkt. 94). What is the \$700 transfer for 8/31/17 (at p.4) entitled "money owed"? The debtor reports one missed payment to Wells Fargo in the amount of \$2,167.68 (at p.10), as against only \$2,398.12 in her rental property account (p.11) and \$1,404.57 in her personal account. Is the debtor losing money? Can the debtor propose a feasible plan of reorganization?

(b) Plan (dkt.92) /Disclosure Statement (dkt. 91). (i) These documents are not signed by the debtors ("/s/" typed signatures are only permitted for

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limited categories of persons, such as registered CM/ECF users). (ii) The Disclosure Statement contemplates claim objections (dkt. 91, Ex.H, Endnotes 1-2). Why have these issues not been resolved by now? (iii) The Disclosure Statement's Endnotes 2A, 2B, 2C and 5 repeat (and/or misstate) the terms of the Plan. Those endnotes should be deleted. (iv) The Disclosure Statement's Ex.C (income/expenses) is divided into two periods, but the income and expenses appear to be identical in each period. Why should this not be a single period?

(2) Deadlines/dates. This case was filed on 2/27/17 and converted from chapter 13 on 4/28/17.

(a) Bar date: 8/24/2017 (dkt. 77, timely served dkt. 84).

(b) Plan (dkt.92) /Disclosure Statement (dkt. 91)*: 10/24/17 deadline to file amended documents.

(c) Continued status conference: 11/7/17 at 1:00 p.m. No written status report is required.

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

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/20/17:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Status Report. The debtor is using an outdated form. The current version is Local Form F 2081-1.1.CH11.STATUS.RPT.

(b) Cash collateral motion (dkt. 30). Grant on a final basis, on the same terms as in the interim order (dkt. 58).

(2) Deadlines/dates. This case was filed on 2/27/17 and converted from chapter 13 on 4/28/17.

(a) Bar date: 8/24/2017 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

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Charles Elvin Lamay and Silvana Marie LaMay

Chapter 11

(b) Plan/Disclosure Statement*: file by 9/5/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee).

(c) Continued status conference: 9/19/17 at 1:00 p.m. No written status report is required.

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

If you do not appear, and the matter is not adequately resolved 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):

Charles Elvin Lamay

Represented By
Onyinye N Anyama

Joint Debtor(s):

Silvana Marie LaMay

Represented By
Onyinye N Anyama

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2:18-12429 Dana Hollister

Chapter 11

#1.00 Hrg re: Motion for Order Authorizing Use of Estate
Property Not in the Ordinary Course of Business to
Cause Oh Happy Day, LLC to Dissolve

Docket 544

Tentative Ruling:

Tentative Ruling for 9/4/18:

Please see the tentative ruling for the status conference (calendar no. 4,
9/4/18 at 2:00 p.m.).

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel

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2:18-12429 Dana Hollister

Chapter 11

#2.00 Hrg re: Application to Employ Eric C. Schwettmann as Special Counsel

Docket 490

Tentative Ruling:

Tentative Ruling for 9/4/18:

Please see the tentative ruling for the status conference (calendar no. 4, 9/4/18 at 2:00 p.m.).

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel

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2:18-12429 Dana Hollister

Chapter 11

#3.00 Cont'd hrg re: Motion for Order Expanding Scope of Employment
for Special Counsel Robins Kaplan, LLP
fr. 8/3/18

Docket 461

Tentative Ruling:

Tentative Ruling for 9/4/18:

Please see the tentative ruling for the status conference (calendar no. 4,
9/4/18 at 2:00 p.m.).

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem

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2:18-12429 Dana Hollister

Chapter 11

#4.00 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

Docket 1

Tentative Ruling:

Tentative Ruling for 9/4/18:

Appearances are not required on 9/4/18.

(1) Current issues.

(a) Dissolution of "Oh Happy Day" (dkt. 544, 579, 583, 602). Grant, provided that all assets (tangible or intangible) in which Oh Happy Day, LLC currently has an interest must continue, after dissolution of that entity, to be administered by the Agent (to the full extent of any interest the debtor has in such assets). See Term Sheet (dkt. 547), section 6 (defining Agent Assets).

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

(b) Employment of Ballard, Rosenberg firm/Schwettmann as Special Counsel (dkt. 490, 532, 533, 546, 582). Continue to the same date and time as the continued status conference (set forth below), for the reasons set forth in the responses (dkt. 546, 582). In addition, no later than 10/2/18 the debtor is directed to file a supplement clarifying whether the proposed employment is of Mr. Schwettmann individually or his firm.

(c) Expand Kaplan Employment (dkt. 461, 480, 497, 505, 534, 575, 576). Continue to the same date and time as the continued status conference (set forth below), for the reasons set forth in the latest documents (dkt. 575, 576).

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement*: TBD.

(c) Continued status conference: 10/16/18, with a *brief* status report due 10/9/18.

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

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conference).

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Tentative Ruling for 9/4/18:

This court anticipates issuing or posting a tentative ruling at a later time.

Tentative Ruling for 8/3/18:

Appearances required. The tentative rulings are set forth below. In addition, the tentative ruling is to set a continued status conference on 8/16/18 at 10:00 a.m., or such alternative time as may be ordered at the hearing.

(1) Current issues.

(a) Motion to Confirm Dean Rallis as Agent (dkt. 536). Grant (approve the appointment of Dean Rallis, Esq. as Agent) under the Term Sheet, as amended (see below), and subject to the provisions of this Court's order approving the settlement (dkt. 528, paragraphs 3, 4, and 6-8). The tentative ruling to grant this motion is based on the representation in the motion (dkt. 536, p.9:5-9) that the parties who objected/reserved their rights to object have now consented to the appointment of Mr. Ralis. (This Court disregards the invective, *id.* n.3 & accompanying text.) If that is incorrect then this tentative ruling is subject to any opposition at the hearing (see OST, dkt. 538). This tentative ruling is also based on this Court's review of the other relevant documents. See dkt. 495 (selection of proposed agent), 528 (order approving settlement), 531 (objection), 535 (Committee support), 536 (motion), Application for Order Shortening Time (dkt. 537, 540) and evidence of service (dkt. 541).

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

(b) 9019 Motion (see Term Sheet, dkt. 445, 528). This Court's Order (dkt. 528) approving Settlement directed the parties to prepare, sign and file a

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final version of the "Term Sheet" reflecting certain modifications. This Court notes that the debtor appears to have circulated a revised Term Sheet (dkt. 536, Ex.A) that incorporates the changes discussed on the record, although that revised Term Sheet is not "redlined" and this Court has not engaged in any line-by-line review of its terms. In any event, the parties are directed to provide a status report on when a declaration will be filed with this Court memorializing the fully executed final Term Sheet.

(c) Motion to Extend Time to Assume or Reject Lease (dkt. 457). The tentative ruling is to continue this motion to the date and time of the continued status conference, for the authorized Agent to consider and take a position on the merits of this motion.

Analysis: Although the debtor argues (e.g., in dkt. 534) that she is prejudiced by any lack of immediate decision on pending matters, the tentative ruling is that the debtor has not established undue prejudice because of (i) the debtor's own delay in selecting a nominee to be the Agent, (ii) the debtor's ability to engage in numerous other activities to attempt to turn around her finances without having to wait for those particular pending matters to be resolved, and (iii) the fact that, as this Court interprets the deadlines in the Term Sheet, "Approval" of the settlement did not occur until "entry" of an order approving the settlement (see dkt. 474, Ex.C, section 1, 1st paragraph, penultimate sentence), and the oral ruling was not entered on the docket, only the written order (dkt. 528) was entered, so the time of Approval (which commences the time for the debtor to perform various tasks under the Term Sheet) did not commence until entry of that written order on 7/25/18.

(d) Motion to Assume and Assign 1629 Griffith Lease (Presbytery) (dkt. 351). Continue to the date and time of the continued status conference, for the authorized Agent to consider the merits of this motion, for the same reasons as stated in section (1)(c) of this tentative ruling, above.

(e) Motion to Expand Scope of Kaplan Employment (dkt. 461, 480, 497, 505, 534). Continue to the date and time of the continued status conference, for the authorized Agent to consider the merits of this motion, for the same reasons as stated in section (1)(c) of this tentative ruling, above.

(f) Scheduling Conference re: Evidentiary Hearing on Motion to Assume 1356 Palmetto Lease (Bridge Tavern/Villain's) (dkt. 187). At the 7/18/18 hearing, this Court was informed that the proposed assignee/buyer had withdrawn. This Court subsequently issued an Order (dkt. 501) deeming

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the portion of the motion that sought to assign the lease moot and withdrawn, and continuing the portion of the motion that seeks to assume the least to this hearing solely for scheduling further proceedings on this motion. The parties should be prepared to address a schedule for this motion and/or whether to continue the scheduling matters so that the Agent can determine whether or not to pursue this motion and related matters.

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement*: TBD.

(c) Continued status conference: Date and time set forth at the start of this tentative ruling. No written status report is 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 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 7/16/18:

Appearances required. The tentative rulings are set forth below. In addition, the tentative ruling is to set a continued status conference on 7/27/18 at 9:00 a.m., or such alternative time as may be ordered at the hearing.

(1) Current issues.

(a) 9019 Motion (see Term Sheet, dkt. 445). This Court will address the objections filed by Mr. Casanova (dkt. 465, 466) and The Presbytery of the Pacific (the "Presbytery") (dkt. 467) and the replies filed by the debtor (dkt. 472) and by the Archbishop/Institute and the Bird Nest (dkt. 474).

Among other things, this Court will address whether the Term Sheet can be approved without the further documentation that is contemplated by the settling parties. In that regard, the parties should address the proposed amendment to paragraph 6 of the Term Sheet. See dkt. 474, Ex.C.

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This Court expresses no present opinion on those issues. This Court is intentionally withholding any further tentative ruling on those matters so as not to disrupt potential settlement discussions among those parties, but if the parties have not agreed to the proposed amendment to paragraph 6 (or some other resolution) then this Court intends to provide a tentative ruling at the commencement of the hearing.

The parties are encouraged to meet and confer about the foregoing issues. If, at the end of the hearing, there are issues that remain to be addressed, then the parties should be prepared to address whether this Court should set a continued hearing on the date and time specified at the start of this tentative ruling or some other date.

(b) Stay relief motion (appellate litigation with Bird Nest and Archbishop/Institute) (dkt. 68). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(c) Exclusivity motion (dkt. 308, 348, 422). Continue to the date and time set forth at the start of this tentative ruling, and meanwhile extend exclusivity for the same amount of time, on the same terms and conditions as this Court's Prior Order (dkt. 422) - *i.e.*, no incurring of fees or expenses for plan-related work. This Court calculates that the extensions would be as follows: (i) The 120-day period specified in section 1121(c)(2) and (d)(1) (deadline for filing a plan) will be further extended from 8/15/18 (see dkt. 422) to and including 9/19/18, and (ii) the 180-day period specified in section 1121(c)(3) and (d)(1) (deadline for acceptance of plan by impaired classes) will be further extended from 10/15/18 (see dkt. 422) to and including 11/19/18.

(d) Cash Collateral motion (dkt. 5). Continue to the date and time set forth at the start of this tentative ruling, and meanwhile extend the interim authorized use of cash collateral through and including the conclusion of the continued hearing subject to the same terms and conditions as previously authorized by this Court (see dkt. 29, 79, 239, 244, 347, 413), if this motion is not mooted by the disposition of the settlement motion.

(e) Bridge Tavern, LLC asset sale motion (dkt. 112). Continue to the date and time set forth at the start of this tentative ruling.

(f) Villain's Tavern reopening motion (dkt. 214). 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).

(g) Trustee appointment motion (dkt. 332). Continue to the date and

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time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(h) Security Deposit refund motion (dkt. 350). 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).

(i) Budget motion (dkt. 96). Extend the interim authorization through and including the date of the continued hearing and meanwhile approve the budget subject to the same terms and conditions as previously authorized by the Court (see dkt. 340), if this motion is not mooted by the disposition of the settlement motion.

(j) Claim objection (Bird Nest) (dkt. 292). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(k) Claim objection (Institute) (dkt. 296). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(l) Claim objection (Archbishop) (dkt. 294). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(m) Vehicle refinance motion (dkt. 216). Continue to the date and time set forth at the start of this tentative ruling, if this motion is not mooted by the disposition of the settlement motion.

(n) Vehicle relief from Stay motion (dkt. 349). The hearing on this motion has been vacated, and this matter is off calendar (see Adequate Protection Order, dkt. 444).

(o) Motion to Assume and Assign 1629 Griffith Lease (dkt. 351). Continue to the date and time set forth at the start of this tentative ruling.

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement*: TBD.

(c) Continued status conference: Date and time set forth at the start of this tentative ruling. No written status report is 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

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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.

Tentative Ruling for 6/22/18:
Appearances required.

(1) Current issues.

(a) Urbanlime/Haro employment (dkt. 93, 253), Bridge Tavern (Villain's) Reopening Motion (dkt. 214, previously granted, dkt. 339, but rescheduled per dkt.369 para. 4.5), Sale Motion (dkt. 112, temporarily denied, dkt. 369, 385) and Lease Assignment Motion (dkt. 187, re-set for hearing, dkt. 388). The parties should be prepared to address the issues set forth in this Court's orders (dkt. 369, 378, 385, 388) setting this hearing.

(b) Motion to extend exclusivity (dkt. 308, 312, 333, 348). The tentative ruling is to preserve the status quo by:

(i) prohibiting the estate from incurring any fees or expenses relative to any contemplated plan between time this tentative ruling is posted and the conclusion of the hearing on the motion to appoint a trustee (dkt. 332, the "Trustee Motion"), currently scheduled for 7/10/18 at 2:00 p.m;

(ii) if the Trustee Motion is denied, then extending exclusivity through at least 8/14/18 (any further extension will be addressed at the hearing on 7/10/18 at 2:00 p.m.), so that Mr. Tilem will have the time he has stated he would need to draft a plan (approximately 30 days); and

(iii) if the Trustee motion is granted, then terminate exclusivity.

(c) Cash collateral motion (dkt. 5, 14, 15, 29, 74, 151, 152, 163, 164, 167, 168, 171, 172, 176, 185, 244). The tentative ruling is to continue this matter to 7/10/18 at 2:00 p.m., and meanwhile authorize the continued use of cash collateral through the conclusion of that continued hearing.

(d) Relief from stay motion (dkt. 68, 79, 141, 147, 154, 162, 222 section v., 270, 312). The tentative ruling is to continue this matter to 7/10/18 at 2:00 p.m.

(e) Expansion of Insul employment (dkt. 305). Please see calendar no. 2 (6/22/18 at 10:00 a.m.).

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(f) Hearings on 7/10/18. Some matters in this case have been self-calendared for 7/10/18 at 1:00 p.m. The tentative ruling is that all matters set for 7/10/18 in this case will be heard at 2:00 p.m.

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served on 6/19/18 per dkt. 383)

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 7/10/18 at 2:00 p.m., status report due 7/5/18 at noon.

*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.

Tentative Ruling for 6/12/18:

This court anticipates posting a tentative ruling at a later time. **[Note: no further tentative ruling was posted.]**

Tentative Ruling for 5/7/18:

[See Memorialization of Tentative Rulings for 5/7/18 (dkt. 234, 236, 238, 239)]

Tentative Ruling for 5/3/18:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

The only issue this Court intends to address is a continued hearing date in view of the last-minute papers that were filed, to fit the parties' and this Court's own needs.

If appearances are not required at the start of this tentative ruling but you

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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.

Tentative Ruling for 3/20/18:

Appearances required by counsel for the debtor. Other parties in interest are invited but not required to appear.

Telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Cash flow and cash collateral motion (dkt. 5, 14, 15, 29). This Court's written order (dkt. 29) erroneously lists the continued hearing as 3/20/18 instead of 4/17/18 at 2:00 p.m., as orally ordered at the hearing on 3/9/18. Nevertheless, it is appropriate in connection with this Status Conference to address the debtor's current and projected cash flow and related issues.

This Court was not persuaded at the hearing on 3/9/18 that the debtor can generate positive cash flow. The debtor is directed to provide a brief update on any plans to generate positive cash flow from her various businesses and properties. It is also appropriate for other parties in interest to address whether there has been adequate disclosure to date regarding the finances of those businesses and properties. The debtor is cautioned that the declaration due on 3/27/18 must provide comprehensive disclosures regarding those businesses and properties: if the debtor cannot show reasonable prospects for positive cash flow within a reasonable time then this Court might have to grant relief from the automatic stay (upon a proper motion), or convert or dismiss this bankruptcy case, at least if the debtor does not abandon unprofitable businesses or properties.

(b) Employment applications. The parties should be prepared to address the oppositions (dkt. 56, 57) and the direct and indirect source(s) of funds used by the debtor to pay prepetition retainers (see dkt. 48, *and cf.* dkt. 9, p.6, dkt. 18, p.8, dkt. 20, p.8 - blank spaces instead of disclosure),

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including when the liens against the 1902 property arose (dkt. 48, Ex.A). In addition, the parties should be prepared to address the following issues:

(i) Proposed bankruptcy counsel - Tilem (dkt. 9, 10): (i) Why were resumes for associates, paralegals, and persons who are "of counsel" to the firm not included? (ii) Has counsel waived or amended the provisions in the retainer agreement regarding the "evergreen" retainer; "overtime" rates, and any attorney's lien? (iii) As for proposed out-sourcing, counsel must address whether employment of such counsel could result in imputed or actual conflicts of interest from any work performed by such attorneys for their own clients or for other law firms.

(ii) Proposed special counsel: the Robins firm and Horvitz firm (dkt. 18, 19, 20, 21). The hourly rates of proposed counsel at the Robins firm and Horvitz firm are substantially greater than those for the debtor's proposed general bankruptcy counsel and the Snyder firm. How will the debtor - acting as a debtor in possession with the duties of a trustee for the benefit of creditors - assure that the potential benefits are not outweighed by the costs that can be reasonably anticipated in connection with the ongoing litigation with Birds Nest, the Archbishop, and the Institute (as those terms are defined in the parties' papers)?

(iii) Proposed special counsel: the Snyder firm (dkt. 36, 37). (i) What is the nature of the litigation in which that firm represents the debtor and co-plaintiff, Bridge Tavern, LLC against Odysseuss Investment Group, LLC? (ii) What are the potential costs/risks and benefits? (iii) Is there any actual or potential conflict of interest between the two plaintiffs (e.g., if any judgment in their favor were to be allocated between them in a way that is unfavorable to one or the other)? (iv) From the description at the status conference on 3/9/18 it seemed that the Snyder firm might be assisting the debtor now or in future in transactional matters - is that so?

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: TBD

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 4/17/18 at 2:00 p.m., status report due 4/3/18. (see order, dkt. 30).

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

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Tentative Ruling for 3/9/18:

[no tentative ruling was posted for this hearing]

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem

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2:17-22648 Checkmate King Co., LTD and Radiology Solutions Corp.

Chapter 11

#5.00 Hrg re: Motion by Fresco International Corporation
and Tsuneo Hisanaga to Convert Case From Chapter 11
to Chapter 7

Docket 185

Tentative Ruling:

Please see the tentative ruling for the *Sakurai* status conference (calendar
no. 11, 9/4/18 at 2:00 p.m.).

Party Information

Debtor(s):

Checkmate King Co., LTD

Represented By
Robert M Aronson

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#6.00 Cont'd Status Conference re: Chapter 11 Case
fr. 11/14/17, 1/9/18, 1/23/18, 1/30/18, 02/13/18,
4/10/18, 5/8/18, 6/12/18, 6/19/18, 7/10/18, 08/14/18

Docket 1

Tentative Ruling:

Tentative Ruling for 9/4/18:

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 11, 9/4/18 at 2:00 p.m.).

Tentative Ruling for 8/14/18:

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 6, 8/14/18 at 2:00 p.m.).

Tentative Ruling for 7/10/18:

Please see the tentative ruling for the status conference in the Sakurais' bankruptcy case (calendar no. 2, 7/10/18 at 2:00 p.m.)

Tentative Ruling for 6/19/18:

Please see the tentative ruling for the status conference in the Sakurais' bankruptcy case (calendar no. 4, 6/19/18 at 2:00 p.m.).

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.

Tentative Ruling for 6/12/18:

Appearances required.

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(1) Current issues.

(a) Amended Joint Plan/Amended Joint Disclosure Statement (dkt. 175, 176).

These documents, and the supporting declaration of Yuichiro Sakurai (dkt. 177), appear to be identical to the documents filed in the related bankruptcy case of debtors Yuichiro and Akemi Sakurai (the "Sakurais"). See Sakurai BK dkt. 186, 187, 188. Counsel are directed to alert this Court and the parties at the hearing if they are not.

For the tentative ruling regarding these documents, see the tentative ruling for the status conference in the Sakurais' bankruptcy case (calendar no. 4, 6/12/18 at 2:00 p.m.).

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Amended Joint Plan/Amended Joint Disclosure Statement* (dkt. 175, 176): At the status conference this Court will discuss appropriate deadlines.

(c) Continued status conference: 8/7/18 at 2:00 p.m. *Brief* written status report due 7/24/18.

***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.

Tentative Ruling for 5/8/18:
Appearances required.

(1) Current issues.

(a) Joint Plan/Joint Disclosure Statement (dkt. 165, 166).

These documents, and the supporting declaration of Yuichiro Sakurai (dkt. 167). are substantially identical to the documents filed in the related

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bankruptcy case of debtors Yuichiro and Akemi Sakurai (the "Sakurais"). See Sakurai BK dkt. 176, 177, 178. For the tentative ruling regarding these documents, see the tentative ruling for the status conference in the Sakurais' bankruptcy case (calendar no. 2, 5/8/18 at 2:00 p.m.).

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Joint Plan/Disclosure Statement* (dkt. 166, 167): The tentative ruling is to set a deadline of 5/22/18 to file (NOT SERVE - except on the U.S. Trustee) an amended joint plan and amended joint disclosure statement to address the foregoing issues.

(c) Continued status conference: 6/12/18 at 2:00 p.m. No 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 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 4/10/18:

Appearances are not required on 4/10/18.

(1) Current issues

(a) Motion for Relief from Stay (dkt. 57). In light of the proposed settlement with the Fresco Parties, the tentative ruling is to continue the hearing to be concurrent with the continued status conference (see below).

(b) Plan/Disclosure Statement. The tentative ruling is to conduct a combined hearing on the adequacy of the (forthcoming) disclosure statement and confirmation of the (forthcoming) plan to be concurrent with the continued status conference (see below).

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CONT... Checkmate King Co., LTD and Radiology Solutions Corp.

Chapter 11

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Plan/Disclosure Statement*: file by 4/18/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 5/8/18 at 2:00 p.m. No 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 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 2/13/18:

Appearances required.

(1) Current issues

(a) Potential settlement with Fresco Parties. The parties must be prepared to address the status of their settlement negotiations and finalization of the draft settlement documents circulated 2/5/18, and all other issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (*Sakurai* case, no. 2:17-bk-22660-NB, dkt. 87, 104, 105, 114, 124, and *Checkmate* case, no. 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109, 112, 113, 119, 122).

(b) Cash collateral & budget motions & stipulation (*Sakurai* dkt. 119, 122; *Checkmate* dkt. 114, 118, 119). Grant the cash collateral motion in the *Sakurai* case, subject to the same replacement liens and other terms and conditions as this Court's prior approvals of the use of cash collateral (see *Sakurai* case dkt. 43, 57); grant the budget motion in the *Sakurai* case; and approve the cash collateral stipulation in the *Checkmate* case on a final basis.

(d) Removed action (Adv. no. 2:17-ap-01558-NB), motions for stay and

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for remand (adv. dkt. 8, 10, 12, 13). The tentative ruling is that the motion for a stay pending determination by the District Court of the debtors' motion to withdraw the reference is moot, because the District Court has dismissed that motion. There is no tentative ruling on the motion to remand.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Plan/Disclosure Statement*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 3/20/18 at 1:00 p.m. Brief status report due 3/6/18.

*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.

Tentative Ruling for 1/30/18:

Appearances required.

(1) Current issues

(a) Turnover of Documents and Information etc. The parties must be prepared to address the debtors' turnover of documents and information, and all other issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (case no. 2:17-bk-22660-NB, dkt. 87, 104, 105, 114, and 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109, 112, 113).

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 63, 69)

(b) Plan/Disclosure Statement*: file by 4/16/18 using the forms

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required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 2/13/18 at 1:00 p.m. Brief status report due 2/6/18.

*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.

Tentative Ruling for 1/23/18:

Continue all matters scheduled for today in the *Sakurai* and *Checkmate* cases and related adversary proceeding to 1/30/18 at 2:00 p.m. in view of the apparent inability of the Office of the United States Trustee to appear due to the shutdown of much of the federal government. At the continued hearing the parties must be prepared to address all issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (case no. 2:17-bk-22660-NB, dkt. 87, 104, 105, and 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109). Appearances are not required on 1/23/18.

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.

Tentative Ruling for 1/9/18:

Appearances required by the debtor's counsel.

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Proposed orders: The debtor is directed to serve and lodge proposed orders on each motion listed below via LOU within 7 days after the hearing date.

(1) Current issues

(a) Status Report (dkt. 90): The status report states that the debtor's business is dormant with respect to its financing of the purchase of used medical equipment. Where is Radiology Solutions storing the \$4.6M worth of financed equipment and does the debtor have a perfected security interest in the equipment?

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served, dkt. 63, 69)

(b) Plan/Disclosure Statement*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 3/6/18 at 1:00 p.m. Brief status report due 2/20/18.

*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.

Revised Tentative Ruling for 11/14/17:

Appearances required by the debtor's principals and debtor's counsel.

Proposed orders: The debtor is directed to serve and lodge proposed orders on each motion listed below via LOU within 7 days after the hearing date.

(1) Current issues

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Checkmate King Co., LTD and Radiology Solutions Corp.

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(a) Status Report (dkt. 37): The status report states that the debtor has no executory contracts. What about all the contracts with Radiology Solutions Inc./Corp. (whichever name is correct)?

(b) Cash collateral motion (dkt.9): The debtor reports (dkt. 53, p.3) that it has reached a stipulation with Community Bank regarding the use of cash collateral, but as of the preparation of this tentative ruling no such stipulation appears on the docket. If there is no such stipulation, or if it does not moot the bank's opposition (dkt. 50), then the parties should be prepared to address the merits of that opposition. In addition, the parties should be prepared to address the objection of the Fresco parties (dkt. 49) and the debtor's response (dkt. 53).

(c) Payroll motion (dkt. 6). The tentative ruling is to grant this motion on a final basis.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18

(b) Plan/Disclosure Statement*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 12/19/17 at 1:00 p.m. Brief status report due 12/7/17.

*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.

Tentative Ruling for 11/14/17:

This court anticipates posting a tentative ruling at a later time.

Tentative Ruling for 10/26/17:

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Appearances required by counsel for the debtor.

(1) Current issues

(a) Proof of service (dkt. 28). Service appears to be in compliance with this court's orders shortening time, except that no addresses are listed. The following tentative rulings are contingent on filing a corrected proof of service, no later than the day after this hearing, listing those addresses.

(b) Cash collateral motion (dkt. 9). Subject to any opposition at the hearing, the tentative ruling is to grant this motion on the terms set forth in the separate tentative ruling on that motion.

(c) Payroll motion (dkt. 6). Subject to any opposition at the hearing, the tentative ruling is to grant this motion. *Proposed order*: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: TBD

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 11/14/17 at 1:00 p.m. (see order, dkt. 20).

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

If you do not appear, and the matter is not adequately resolved 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):

Checkmate King Co., LTD

Represented By
Robert M Aronson

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2:17-22648 Checkmate King Co., LTD

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Adv#: 2:18-01062 Checkmate King Co., LTD v. Radiology Solutions Corp. et al

#7.00 Cont'd Status Conference re: Complaint for (1) Breach of Contract;
(2) Claim and Delivery; (3) Conversion; (4) Breach of Guaranty;
(5) Fraud; (6) Preliminary Injunction; and (7) Constructive Trust
fr. 5/8/18, 6/12/18, 6/19/18, 07/10/18, 08/14/18

Docket 1

Tentative Ruling:

Tentative Ruling for 9/4/18:

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 11, 9/4/18 at 2:00 p.m.).

Tentative Ruling for 8/14/18:

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 6, 8/14/18 at 2:00 p.m.).

Tentative Ruling for 7/10/18 (same as for 6/19/18):

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 2, 7/10/18 at 2:00 p.m.).

Tentative Ruling for 6/12/18:

Appearances required.

(1) Current Issues.

(a) Joint Status Report and Notice of Continuances. This Court's 5/8/18 tentative ruling (see below) was not opposed, so it became this Court's actual ruling.

This Court directed (i) Checkmate to file and serve a notice of continuances attaching and incorporating by reference the deadlines in that tentative ruling by 5/7/18, and (ii) the parties to file a brief joint status report by 5/29/18. As of the preparation of this tentative ruling, none of the parties have complied. The parties are cautioned that failure to abide by applicable deadlines in future may result in adverse consequences.

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(b) Motion for TRO & Claim and Delivery (adv. dkt. 10).

Plaintiff/debtor Checkmate King Co., Ltd. ("Checkmate") has filed a stipulation (adv. dkt. 30) with defendants Radiology Solutions Corp. ("RS") and George Fower ("Fower") for turnover of equipment. But Checkmate has not provided any evidence that it has relief from the automatic stay and consent of the Chapter 7 Trustee in the RS and Fower bankruptcy cases for such turnover (Case Nos. 8:18-bk-10585-TA and 8:18-bk-10583-TA). The tentative ruling is to set a deadline of 6/19/18 for Checkmate to file a declaration attaching evidence sufficient to establish those things, and lodge a revised proposed order to approve the stipulation.

(2) Deadlines: This adversary proceeding has been pending since 3/6/18. It is premature to set a discovery cutoff and other deadlines at this time. Continue to 7/17/18 at 2:00 p.m., *brief* joint status report due 7/3/18.

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.

Tentative Ruling for 5/8/18:

The tentative ruling is to continue all pending matters in this adversary proceeding to 6/12/18 at 2:00 p.m. for the reason stated below, with a brief joint status report due 5/29/18, and with a deadline of 5/7/18 for the plaintiff to file and serve a notice of continuances attaching and incorporating by reference the deadlines in this tentative ruling (assuming that this Court is not persuaded to depart from this tentative ruling). Appearances are not required on 5/8/18.

(1) Current Issues. This Court has reviewed the parties' status reports (adv. dkt. 24 & 26) and the other filed documents and records in this adversary proceeding.

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Checkmate King Co., LTD

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(a) Motion for TRO & Claim and Delivery (adv. dkt. 10). At the 4/9/18 hearing on this motion, counsel for plaintiff/debtor Checkmate King Co., Ltd. ("Checkmate") apprised this Court of the bankruptcy filings of defendants Radiology Solutions Corp. ("RS") and George Fower ("Fower") (Case Nos. 8:18-bk-10585-TA and 8:18-bk-10583-TA) and requested a continuance of this hearing to allow time to obtain orders granting relief from stay with annulment. In the Joint status report (adv. dkt. 24), Checkmate states that the hearings on the relief from stay motions are scheduled for 5/15/18. Accordingly, the tentative ruling is to continue this motion to the date and time set forth at the start of this tentative ruling.

(b) Siemens Motion to Dismiss (adv. dkt. 27, the "MTD"). Defendant Siemens Medical Solutions USA, Inc. ("Siemens") has properly self-calendared its MTD for 6/12/18 at 11:00 a.m. Siemens anticipates that it may be voluntarily dismissed by plaintiff (see adv. dkt. 24), but if that does not occur then this Court anticipates that the MTD may take 15 minutes or more to hear. This Court's practice is that matters anticipated to take 15 minutes or more are heard on the 2:00 p.m. calendar (not available for self-calendaring, except by permission of this Court). Therefore the tentative ruling is to re-calendar the MTD from 11:00 a.m. to 2:00 p.m., which is concurrent with the other matters in this adversary proceeding that are on today's calendar.

(2) Deadlines: This adversary proceeding has been pending since 3/6/18. It is premature to set a discovery cutoff and other deadlines 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 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):

Checkmate King Co., LTD

Represented By
Robert M Aronson

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Defendant(s):

Radiology Solutions Corp.

Represented By
Vatche Chorbajian

George Tyler Fower

Represented By
Vatche Chorbajian

Siemens Medical Solutions USA Inc

Represented By
Marsha A Houston

Plaintiff(s):

Checkmate King Co., LTD

Represented By
Robert M Aronson

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2:17-22660 Yuichiro Sakurai and Akemi Sakurai

Chapter 11

#8.00 Hrg re: Motion by Fresco International Corporation and
Tsuneo Hisanaga to Convert Case From Chapter 11 to Chapter 7

Docket 199

Tentative Ruling:

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 11, 9/4/18 at 2:00 p.m.).

Party Information

Debtor(s):

Yuichiro Sakurai

Represented By
Nicholas W Gebelt

Joint Debtor(s):

Akemi Sakurai

Represented By
Nicholas W Gebelt

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2:17-22660 Yuichiro Sakurai and Akemi Sakurai

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#9.00 Hrg re: Motion for approval to employ KW Commercial
Inland Empire as real estate broker

Docket 197

Tentative Ruling:

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 11, 9/4/18 at 2:00 p.m.).

Party Information

Debtor(s):

Yuichiro Sakurai

Represented By
Nicholas W Gebelt

Joint Debtor(s):

Akemi Sakurai

Represented By
Nicholas W Gebelt

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Chapter 11

#10.00 Hrg re: Motion for approval to employ Neiman Realty
as Real Estate Broker

Docket 206

Tentative Ruling:

Please see the tentative ruling for the *Sakurai* status conference (calendar no. 11, 9/4/18 at 2:00 p.m.).

Party Information

Debtor(s):

Yuichiro Sakurai

Represented By
Nicholas W Gebelt

Joint Debtor(s):

Akemi Sakurai

Represented By
Nicholas W Gebelt

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Chapter 11

#11.00 Cont'd Status Conference re: Chapter 11 Case
fr. 11/14/17, 1/9/18, 1/23/18, 1/30/18, 02/13/18,
4/10/18, 5/8/18, 6/12/18, 6/19/18, 7/10/18, 08/14/18

Docket 1

Tentative Ruling:

Tentative Ruling for 8/14/18:

Appearances required.

(1) Current issues.

(a) Fresco Parties' Motion to Convert Cases (dkt. 199 & Checkmate 2:17-bk-22648-NB, dkt. 185). The tentative ruling is to grant Fresco's motions to convert the Checkmate and Sakurai cases to chapter 7 for the following reasons.

(i) Gross mismanagement. The tentative finding of fact is that the debtors have grossly mismanaged their estates such that cause exists under 1112(b)(4)(B) to convert their cases. These cases have been pending for nearly a year, since 10/16/17, only very belated and half-hearted investigation or collection activity against Radiology Solutions and Fower - either using legal enforcement or practical steps. For example, at hearings on 11/14/17 and 1/30/18, the debtors maintained their belief that they could recover 100% on the dated receiveables from Radiology Solutions, despite this Court's expressed concerns with the debtors' counsel regarding the apparent lack of collection activity based on Checkmate's failure to use the vast panoply of litigation tools available to them, including examinations under Rule 2004 (Fed. R. Bankr. P.), other discovery tools, remedies such as immediately seeking restraining orders and injunctions, and non-litigation approaches such as pressuring Radiology Solutions and Fower by reporting their defaults to Siemens or attempting to use pressure from other suppliers, customers, government regulators, or other persons. All of those avenues should have been explored vigorously, both prepetition and postpetition, and disclosed to parties in interest in these cases.

(ii) Other "cause." The debtors appear to have run through vast amounts of money to "purchase" equipment that does not exist, and yet as

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set forth above they have a very cavalier attitude toward attempting to engage in discovery or collection, while continuing to insist that they expected very substantial recoveries from those sources and/or from equipment (which turned out not to exist). The tentative finding of fact is that these circumstances show not just gross mismanagement but also that the debtors are hiding facts, or they are attempting to run out the clock on possible causes of action against them or transferees of their assets, or both.

(ii) The debtors' counter-argument about the best interests of creditors is not persuasive. The debtors argue that under their liquidation analysis (*Sakurai*, dkt. 240, PDF p. 14, *Checkmate*, dkt. 194, PDF p. 17) creditors will receive faster and better recoveries if the debtors are permitted to engage in a liquidation through chapter 11, rather than converting these cases to chapter 7. There are several problems with this argument.

First, this Court questions the debtors' projected recoveries in chapter 11. The debtors have been wildly inaccurate (or have intentionally hidden the truth) before, as set forth above. This Court has no faith in the Debtors to adequately disclose and maximize the value of their remaining assets, such as the house in Japan or purported interests in that house. Moreover, this Court is concerned about the debtor's management of whatever is recovered, such as what might happen to proceeds from the sale of real property. This Court recognizes that safeguards can be attempted; but safeguards can also be evaded, and the tentative ruling is that the simplest and best safeguard is to appoint a chapter 7 trustee.

Second, this Court questions the debtor's projected lack of substantial recoveries in chapter 7. The tentative ruling is that the Fresco Parties have the better arguments regarding the potential benefits to unsecured creditors in a chapter 7 case (perhaps as much as 80% or more).

Third, supposing for the sake of discussion that the debtors were accurate in their projected recoveries in a liquidating chapter 11 case, and their comparison with projected recoveries in a chapter 7 case, that is not the only consideration. This Court must consider the integrity of the bankruptcy system. Given the debtors' gross mismanagement and this Court's concerns about the debtors' conduct (as described above) it appears that the only adequate safeguard of the integrity of the bankruptcy system is to convert these cases to chapter 7.

(iii) Evidentiary Objections (*Sakurai*, dkt. 233, 252) & (*Checkmate* 2:17-bk-22648-NB, dkt. 200, 204). The tentative ruling is that the

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history of this case and this Court's own admonishments to the debtors provides ample support for conversion, so this Court need not resolve the parties' respective evidentiary objections.

(iv) Proposed Orders. The Fresco Parties are directed to lodge proposed orders via this Court's LOU system within 7 days of the hearing.

(b) Application to Employ KW Commercial Inland Empire (dkt. 197) and Neiman Realty (dkt. 206). If this Court adopts the tentative ruling set forth above, the tentative ruling is to continue these hearings to the date and time set forth below to allow time for the chapter 7 trustees to weigh in.

(c) RS/Fower Adversary Proceeding (2:18-ap-01602-NB). The tentative ruling is to continue the status conference to the date and time stated below.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 58, 59).

(b) Amended Joint Plan/Amended Joint Disclosure Statement*: TBD based on the outcome of the Conversion Motions.

(c) Continued status conference: If this Court converts these cases to chapter 7, the tentative ruling is to continue the status conference in the *Sakurai* and *Checkmate* cases to 10/9/18 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 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 8/14/18:

Continue the status conferences in this case, the related *Checkmate* case (2:17-bk-22648-NB), and *RS/Fower* adversary proceeding (2:18-ap-01602-NB) as stated below. Appearances are not required on 8/14/18.

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- (1) Current issues. This Court does not have any issues to raise *sua sponte*.
- (2) Deadlines/dates. This case was filed on 10/16/17.
- (a) Bar date: 1/17/18 (order timely served. dkt. 58, 59)
 - (b) Amended Joint Plan/Amended Joint Disclosure Statement*: TBD at the continued status conference.
 - (c) Continued status conference: 9/4/18 at 2:00 p.m., to be heard concurrently with Fresco's motions to convert the *Sakurai* and *Checkmate* cases to chapter 7. 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 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 7/10/18 (same as for 6/19/18):

Appearances required. There is no tentative ruling, but the parties should be prepared to provide an update on the status of their negotiations, and whether all matters on calendar for today in the Sakurai and Checkmate cases (including the adversary proceeding against Fower and Radiology Solutions) should be continued to 8/7/18 at 2:00 pm., with a brief status report due 7/24/18.

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.

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Tentative Ruling for 6/12/18:

Appearances required.

(1) Current issues.

(a) Amended Joint Plan/Amended Joint Disclosure Statement proposed by the Sakurais and related debtor Checkmate King Co., Ltd., and supporting declaration (Sakurai dkt. 186, 187, 188). At the status conference this Court will address changes that need to be made to the amended disclosure statement and amended plan prior to service on creditors.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 58, 59)

(b) Amended Joint Plan/Amended Joint Disclosure Statement* (dkt. 186, 187): At the status conference this Court will discuss deadlines for filing an amended disclosure statement and plan, and whether to set hearing(s) on final approval of the disclosure statement and whether to approve the plan.

(c) Continued status conference: 8/7/18 at 2:00 p.m. *Brief* written status report due 7/24/18.

*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.

Tentative Ruling for 5/8/18:

Appearances required by counsel for the debtors but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

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(a) Joint Plan/ Joint Disclosure Statement proposed by the Sakurais and related debtor Checkmate King Co., Ltd., and supporting declaration (Sakurai dkt. 176, 177, 178). At the status conference this Court will address numerous issues with these documents.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 58, 59)

(b) Joint Plan/Disclosure Statement* (dkt. 176, 177): The tentative ruling is to set a deadline of 5/22/18 to file (NOT SERVE - except on the U.S. Trustee) an amended joint plan and amended joint disclosure statement to address the foregoing issues.

(c) Continued status conference: 6/12/18 at 2:00 p.m. No 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 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 4/10/18:

Appearances are not required on 4/10/18.

(1) Current issues

(a) Motion for Relief from Stay (dkt. 48). In light of the proposed settlement with the Fresco Parties, the tentative ruling is to continue the hearing to be concurrent with the continued status conference (see below).

(b) Plan/Disclosure Statement. The tentative ruling is to conduct a combined hearing on the adequacy of the (forthcoming) disclosure statement and confirmation of the (forthcoming) plan to be concurrent with the continued status conference (see below).

(c) Fresco Adversary Proceeding (adv. case no. 2:17-ap-01558-NB),

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including motion to remand (adv. dkt. 8). The tentative ruling is that this matter will be mooted, assuming that this Court approves the parties' proposed settlement, and therefore this matter should go off calendar. The parties are reminded to file appropriate papers to have this matter dismissed once the settlement is fully implemented.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 58, 59)

(b) Plan/Disclosure Statement*: file by 4/18/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 5/8/18 at 2:00 p.m. No 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 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 2/13/18:

Appearances required.

(1) Current issues

(a) Potential settlement with Fresco Parties. The parties must be prepared to address the status of their settlement negotiations and finalization of the draft settlement documents circulated 2/5/18, and all other issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (*Sakurai* case, no. 2:17-bk-22660-NB, dkt. 87, 104, 105, 114, 124, and *Checkmate* case, no. 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109, 112, 113, 119, 122).

(b) Cash collateral & budget motions & stipulation (*Sakurai* dkt. 119, 122; *Checkmate* dkt. 114, 118, 119). Grant the cash collateral motion in the

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Sakurai case, subject to the same replacement liens and other terms and conditions as this Court's prior approvals of the use of cash collateral (see *Sakurai* case dkt. 43, 57); grant the budget motion in the *Sakurai* case; and approve the cash collateral stipulation in the *Checkmate* case on a final basis.

(d) Removed action (Adv. no. 2:17-ap-01558-NB), motions for stay and for remand (adv. dkt. 8, 10, 12, 13). The tentative ruling is that the motion for a stay pending determination by the District Court of the debtors' motion to withdraw the reference is moot, because the District Court has dismissed that motion. There is no tentative ruling on the motion to remand.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 58, 59)

(b) Plan/Disclosure Statement*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 3/20/18 at 1:00 p.m. Brief status report due 3/6/18.

*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.

Tentative Ruling for 1/30/18:

Appearances required.

(1) Current issues

(a) Dec MOR (dkt. 97):

(i) On page 1 of 34, the MOR reflects \$793,000 in cash receipts for the pre-petition Community Bank Sakurai Family Trust savings account, with a notation that Community Bank initially seized, but has since returned,

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the funds. What is this money from? Is it currently being held? Is it available to pay secured or unsecured creditors?

(ii) On page 7 of 34, there is a line item reflecting a \$5,000 payment to Mr. Aronson for legal fees. At the status conference on 1/9/18 this court highlighted that the Sakurais had made a similar payment in November for Mr. Aronson's fees and counsel stated that the payment was made in error, and the debtors and their counsel assured this court that this issue would be addressed. By no later than February 7, 2018, Mr. Aronson is directed to file a declaration addressing the status of the \$10,000 in legal fees (\$5,000 Nov; \$5,000 Dec) that he received from the Sakurais.

(b) Turnover of Documents and Information, etc. The parties must be prepared to address what documents and information have been produced by the debtors, and all other issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (case no. 2:17-bk-22660-NB, dkt. 87, 104, 105, 114, and 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109, 112, 113).

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 58, 59)

(b) Plan/Disclosure Statement*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 2/13/18 at 1:00 p.m. Brief status report due 2/6/18.

*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.

Tentative Ruling for 1/23/18:

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Continue all matters scheduled for today in the *Sakurai* and *Checkmate* cases and related adversary proceeding to 1/30/18 at 2:00 p.m. in view of the apparent inability of the Office of the United States Trustee to appear due to the shutdown of much of the federal government. At the continued hearing the parties must be prepared to address all issues appropriate to raise at a status conference, including the issues in their recent status reports and related documents (case no. 2:17-bk-22660-NB, dkt. 87, 104, 105, and 2:17-bk-22648-NB, dkt. 90, 93, 100, 102, 104, 105, 106, 109). Appearances are not required on 1/23/18.

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.

Tentative Ruling for 1/9/18:

Appearances required by the debtor's counsel.

Proposed orders: The debtor is directed to serve and lodge proposed orders on each motion listed below via LOU within 7 days after the hearing date.

(1) Current issues

(a) Nov MOR (dkt. 83): On page 8 of 34, there is a line item reflecting a \$5,000 payment to Mr. Aronson for legal fees. It is unclear why the Sakurai's are paying Checkmate's counsel for legal fees. What is this payment for?

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18 (order timely served. dkt. 58, 59)

(b) Plan/Disclosure Statement*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 3/6/18 at 1:00 p.m. Brief status report due 2/20/18.

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*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.

Revised Tentative Ruling for 11/14/17:

Appearances required by at least one of the debtors and their counsel.

Proposed orders: The debtors are directed to serve and lodge proposed orders on each motion listed below via LOU within 7 days after the hearing date.

(1) Current issues

(a) Status Report (dkt. 42): The debtors' status report fails to suggest any bar date or any deadline for filing a draft plan and draft disclosure statement. The debtors suggest that the Fresco litigation might have to conclude before they can propose plan, but they fail to support any such delay with relevant information about that litigation, nor do they explain how claims estimation and/or a disputed claims reserve would be inadequate to address this litigation. *See generally* 11 U.S.C. 502(c) *and* Rule 3018(a) (Fed. R. Bankr. P.). Accordingly, the tentative ruling is to fix the deadlines set forth below.

(b) Cash collateral motion (dkt. 8). The tentative ruling is to grant this motion on a final basis, on the same terms as the interim order (dkt. 43).

(b) Utility motion (dkt. 11). The tentative ruling is to grant this motion on a final basis.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: 1/17/18

(b) Plan/Disclosure Statement*: file by 4/16/18 using the forms required by Judge Bason (DO NOT SERVE yet, except on the

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U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 12/19/17 at 1:00 p.m. Brief status report due 12/7/17.

*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.

Tentative Ruling for 11/14/17:

This court anticipates posting a tentative ruling at a later time.

Tentative Ruling for 10/26/17:

Appearances required by counsel for the debtor.

(1) Current issues

(a) Proofs of service (dkt. 18, 19, 21, 22). Service does not appear to be in compliance with this court's orders shortening time because they do not certify that anyone was served via overnight delivery or other expedited means.

The following tentative rulings are contingent on filing a corrected proof of service, no later than the day after this hearing, declaring that such expedited service was actually done, or if that is not true then the tentative ruling is to impose sanctions of \$200 on counsel for the debtors and, despite the lack of service, authorize the proposed expenditures of cash collateral and the proposed utility deposits as an interim method of providing adequate protection under 11 U.S.C. 361-366.

(b) Cash collateral motion (dkt. 8). Subject to any opposition at the hearing, the tentative ruling is to grant this motion on the terms set forth in the separate tentative ruling on that motion.

(c) Utility motion (dkt. 11). Subject to any opposition at the hearing, the

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tentative ruling is to grant this motion. *Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(2) Deadlines/dates. This case was filed on 10/16/17.

(a) Bar date: TBD

(b) Plan/Disclosure Statement*: TBD

(c) Continued status conference: 11/14/17 at 1:00 p.m. (see order, dkt. 25).

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

If you do not appear, and the matter is not adequately resolved 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):

Yuichiro Sakurai

Represented By
Nicholas W Gebelt

Joint Debtor(s):

Akemi Sakurai

Represented By
Nicholas W Gebelt

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2:17-23714 Fargo Trucking Company, Inc.

Chapter 11

#12.00 Cont'd hrg re: Motion to Disqualify the Slattery Law Firm
and Hirsch Law Firm for Conflicts of Interest and Failure
to Comply with Federal Rule of Bankruptcy Procedure 2019
fr. 5/1/18, 5/22/18, 08/07/18

Docket 125

***** VACATED *** REASON: Mooted by court's approval of stipulated
settlement (see dkt. 289)**

Tentative Ruling:

Party Information

Debtor(s):

Fargo Trucking Company, Inc.

Represented By
Vanessa M Haberbush
David R Haberbush
Lane K Bogard

Movant(s):

Fargo Trucking Company, Inc.

Represented By
Vanessa M Haberbush
David R Haberbush
Lane K Bogard

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2:18-19901 Mary Lou Jacobs

Chapter 13

#13.00 Hrg re: Emergency motion for order confirming
State Court Action is exempt from automatic stay [NA]

COUNTY OF LOS ANGELES
vs
DEBTOR

Docket 9

Tentative Ruling:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

The tentative ruling is that the governmental unit's policy and regulatory power exception to the automatic stay applies. See 11 U.S.C. 362(b)(4).

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):

Mary Lou Jacobs

Pro Se

Movant(s):

County Of Los Angeles

Represented By
Paul H Kim

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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Chapter 13