

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

Tuesday, September 9, 2025

Hearing Room 1545

9:00 AM

2:00-000000

Chapter

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

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

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 161 997 1672

Password: 148669

Meeting URL: <https://cacb.zoomgov.com/j/1619971672>

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

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

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

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

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

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

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CONT...

Chapter

example, the judge can ask a question or anyone else can make an objection;
(d) if the judge does not see that you want to speak, or forgets to call on you,
please say so when other parties have finished speaking (do not send a "chat"
message, which the judge might not see); and (e) please let the judge know if he
mispronounces your name, uses the wrong pronoun, etc.

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:25-11938 Troy Lamar Johnson and Aziza Adia Johnson

Chapter 13

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

CITIMORTGAGE, INC
vs
DEBTOR

Docket 47

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

10:00 AM

CONT... Troy Lamar Johnson and Aziza Adia Johnson Chapter 13

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

Co-debtor stay

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

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| Party Information |
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Debtor(s):

Troy Lamar Johnson

Represented By
Sevan Gorginian

Joint Debtor(s):

Aziza Adia Johnson

Represented By
Sevan Gorginian

Movant(s):

CitiMortgage, Inc.

Represented By
Jennifer C Wong

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:24-17482 Noreen Leanora Hill

Chapter 13

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

NEWREZ LLC
vs
DEBTOR

Docket 43

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
- (b) whether they will agree to the terms of an adequate protection order
- (c) the request of the Chapter 13 Trustee ("Trustee") to make Trustee the disbursing agent for payments to Movant (see Debtor's response, dkt. 49; Trustee's response, dkt. 53).

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

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| Party Information |
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Debtor(s):

Noreen Leanora Hill

Represented By
Tyson Takeuchi

Movant(s):

NewRez LLC dba Shellpoint

Represented By
Patrick Kane

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... Noreen Leanora Hill

Chapter 13

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:24-17946 Rosa Cristina Mendoza

Chapter 13

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

U.S. BANK NATIONAL ASSOCIATION
vs
DEBTOR

Docket 39

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

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

10:00 AM

CONT... **Rosa Cristina Mendoza**
(3) for lack of sufficient cause shown.

Chapter 13

Co-debtor stay

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

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| Party Information |
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Debtor(s):

Rosa Cristina Mendoza

Represented By
Tyson Takeuchi

Movant(s):

U.S. Bank National Association

Represented By
Sean C Ferry
Dane W Exnowski
Sarah Arlene Dooley-Lewis

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:23-12531 Christopher Geovanni Del Cid

Chapter 13

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

PENNYMAC LOAN SERVICES, LLC
vs
DEBTOR

Docket 40

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
- (b) whether they will agree to the terms of an adequate protection order
- (c) the request of the Chapter 13 Trustee ("Trustee") to make Trustee the disbursing agent for payments to Movant (see Trustee's response, dkt. 42-43 & 45).

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

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| Party Information |
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Debtor(s):

Christopher Geovanni Del Cid

Represented By
Paul Y Lee

Movant(s):

PennyMac Loan Services, LLC

Represented By
Joseph C Delmotte

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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CONT... Christopher Geovanni Del Cid

Chapter 13

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:24-16801 Frederick Andog Cordova

Chapter 13

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

**FREEDOM MORTGAGE CORPORATION
vs
DEBTOR**

Docket 57

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

Tentative Ruling:

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| Party Information |
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Debtor(s):

Frederick Andog Cordova

Represented By
Terrence Fantauzzi

Movant(s):

Freedom Mortgage Corporation

Represented By
Dane W Exnowski
Ernest A. Yazzetti Jr
Fanny Zhang Wan

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:23-16332 Amir Shahram Fatemi

Chapter 13

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

WELLS FARGO BANK, N.A.
vs
DEBTOR

Docket 76

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
- (b) whether they will agree to the terms of an adequate protection order
- (c) the request of the Chapter 13 Trustee ("Trustee") to make Trustee the disbursing agent for payments to Movant (see Trustee's response, dkt. 78).

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

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| Party Information |
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Debtor(s):

Amir Shahram Fatemi

Represented By
Raymond H. Aver

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Joseph C Delmotte
Lindsay White

**United States Bankruptcy Court
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CONT... Amir Shahram Fatemi

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:24-20312 Barbara Morrison Grant

Chapter 13

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

DEUTSCHE BANK TRUST COMPANY AMERICAS
vs
DEBTOR

Docket 49

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

Tentative Ruling:

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| Party Information |
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Debtor(s):

Barbara Morrison Grant

Represented By
Kevin Tang

Movant(s):

Deutsche Bank Trust Company

Represented By
Wendy A Locke
Joseph C Delmotte

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:23-18583 Reynaldo A Ortiz

Chapter 13

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

SANTANDER CONSUMER USA INC
vs
DEBTOR

Docket 37

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

**United States Bankruptcy Court
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

CONT... **Reynaldo A Ortiz**
(3).

Chapter 13

Co-debtor stay

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

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| Party Information |
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Debtor(s):

Reynaldo A Ortiz

Represented By
Tyson Takeuchi

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:25-15857 Reinaldo Carion Dacosta

Chapter 7

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

TOYOTA MOTOR CREDIT CORPORATION
vs
DEBTOR

Docket 9

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

CONT... **Reinaldo Carion Dacosta**
(3).

Chapter 7

Co-debtor stay

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

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| Party Information |
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Debtor(s):

Reinaldo Carion Dacosta

Represented By
Michael T Reid

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Sam S Leslie (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:25-15575 Astrid Carolina Covarrubias

Chapter 7

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

TOYOTA MOTOR CREDIT CORPORATION
vs
DEBTOR

Docket 12

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

CONT... **Astrid Carolina Covarrubias**
(3).

Chapter 7

Co-debtor stay

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

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| Party Information |
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Debtor(s):

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| Astrid Carolina Covarrubias | Pro Se |
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Movant(s):

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| Toyota Motor Credit Corporation | Represented By Kirsten Martinez |
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Trustee(s):

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| Jason M Rund (TR) | Pro Se |
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**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:24-10524 Princess Marilyn Solomonleali

Chapter 13

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

CAPITAL ONE AUTO FINANCE
vs
DEBTOR

Docket 57

Tentative Ruling:

Grant.

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

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

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

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

Termination

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

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

Effective date of relief

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

CONT... Princess Marilyn Solomonleali
(3).

Chapter 13

Co-debtor stay

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

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| Party Information |
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Debtor(s):

Princess Marilyn Solomonleali

Represented By
Peter M Lively

Movant(s):

Capital One Auto Finance, a division

Represented By
Jennifer C Wong

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:25-15042 Linda Carroll Soffer

Chapter 7

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

CARMELINA E GERONCA
vs
DEBTOR

Docket 22

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
- (b) whether they will agree to the terms of an adequate protection order

(see Debtor's response, dkt. 43, and Movant's reply, dkt. 45).

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

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| Party Information |
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Debtor(s):

Linda Carroll Soffer

Pro Se

Movant(s):

Carmelina E Geronca

Represented By
Benjamin V Prum

Trustee(s):

Jason M Rund (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:25-17144 Porchia Evick Johnson

Chapter 13

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

Docket 5

Tentative Ruling:

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

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

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

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

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

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

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10:00 AM

CONT...

Porchia Evick Johnson

Chapter 13

(2) Reasons. (a) It appears appropriate to continue/impose the automatic stay, and to continue/impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this Court provides the foregoing simple process for reconsideration. *See generally In re Rodriguez*, case no. 2:25-bk-16676-NB, docket #25.

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

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| Party Information |
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Debtor(s):

Porchia Evick Johnson

Represented By
Thomas B Ure

Movant(s):

Porchia Evick Johnson

Represented By
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:22-12550 Therese Kiwi Foisia

Chapter 13

#14.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/17/25, 07/15/25, 8/19/25

THE BANK OF NEW YORK MELLON
VS
DEBTOR

Docket 84

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

Tentative Ruling:

| |
|--------------------------|
| Party Information |
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Debtor(s):

Therese Kiwi Foisia

Represented By
Nima S Vokshori

Movant(s):

The Bank of New York Mellon FKA

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

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:25-15370 Cindy Rodriguez

Chapter 7

#15.00 Cont'd hrg re: Motion for relief from stay [UD]
fr. 8/05/25, 8/19/25

MAUREEN MARY HARROLD
vs
DEBTOR

Docket 15

Tentative Ruling:

Tentative Ruling for 9/9/25:

Grant Movant's request for relief in any *future* bankruptcy case ("*in rem*" relief), in addition to the relief already granted in connection with the hearing on 8/5/25 (see tentative ruling for 8/5/25, copied below), all as set forth below. Such additional relief is based on this Court's review of Movant's supplemental notice/service (dkt. 20, 21, 22, 25). Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

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

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

CONT... Cindy Rodriguez

Chapter 7

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), and/or *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31), as applicable:

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

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

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

Tentative Ruling for 8/19/25:

Continue to 9/9/25 at 10:00 a.m., with a **8/20/25 deadline** for Movant to (1) file and serve a notice of the continued hearing on Robert Villegas, and (2) file a proof of service, because although Movant has now served a copy of the original motion papers on Mr. Villegas (see dkt. 20 & 21), there is nothing in the record showing any notice to Mr. Villegas of this continued hearing or any deadline to oppose the relief requested in the motion papers.

Appearances are not required on 8/19/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

CONT... **Cindy Rodriguez**
posted tentative rulings.

Chapter 7

Tentative Ruling for 8/5/25:

Grant in part and continue in part to 8/19/25 at 10:00 a.m., with a **deadline of 8/12/25** for Movant to file and serve a notice of the continued hearing and any additional papers, and file a proof of service, all as set forth below.

Appearances are not required on 8/5/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

Option for 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 serving all papers on *the day after the current hearing date*. 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 Movant no longer seeks additional relief and the Clerk's office is requested and directed to take the continued hearing off calendar).

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

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

Termination

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

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
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

CONT... Cindy Rodriguez

Chapter 7

Retroactive relief

Movant checked the box on the local form seeking annulment (dkt. 15, p. 4, para. 6a), but Movant has not articulated what acts (if any) Movant took postpetition or the basis for this Court granting that request. The tentative ruling is to continue the motion to the date and time set forth at the start of this tentative with the deadline set forth above for Movant to file and serve a supplemental declaration(s) in support of the request for retroactive relief.

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 Robett Villegas (who is named in Movant's thirty day notice of termination and Unlawful Detainer Complaint (dkt. 15, PDF pp. 12 & 14). Reasons: See LBR 4001-1(c)(1)(B). In addition, Judge Bason has due process concerns about granting such relief without service on the person(s) whose interests may be most directly affected. See *generally Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally).

Effective date of relief

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

Co-debtor stay

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

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| Party Information |
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Debtor(s):

Cindy Rodriguez

Represented By
Christopher J Lauria

Movant(s):

Maureen Mary Harrold

Represented By
Helen G Long

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

CONT... Cindy Rodriguez

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:24-13820 Francesca Miller

Chapter 13

#16.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/3/25, 7/8/25

NEWREZ LLC
vs
DEBTOR

Docket 42

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

Tentative Ruling:

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| Party Information |
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Debtor(s):

Francesca Miller

Represented By
Matthew D. Resnik

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Jacqueline D Serrao

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:24-13820 Francesca Miller

Chapter 13

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

HSBC BANK USA, NATIONAL ASSOC
VS
DEBTOR

Docket 48

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

Tentative Ruling:

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| Party Information |
|--------------------------|

Debtor(s):

Francesca Miller

Represented By
Matthew D. Resnik

Movant(s):

HSBC BANK USA, NATIONAL

Represented By
Mukta Suri
Sarah Arlene Dooley-Lewis
Joseph C Delmotte

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

10:00 AM

2:24-10152 Jimmy Alexander

Chapter 13

#18.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 6/3/25, 7/8/25

NEWREZ LLC
vs
DEBTOR

Docket 77

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

Tentative Ruling:

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| Party Information |
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Debtor(s):

Jimmy Alexander

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Jacqueline D Serrao

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:24-20308 Christina Rene Gallardo

Chapter 7

#1.00 Hrg re: Trustee's final report and account;
Application for fees and expenses
[Elissa D. Miller, Chapter 7 Trustee]

Docket 24

Tentative Ruling:

Approve the Trustee's final report and allow \$1,606.17 in fees and \$13.68 in expenses, for a total award of \$1,619.85, and authorize and direct payment of the full amounts allowed. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

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

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| Party Information |
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Debtor(s):

Christina Rene Gallardo

Represented By
Julie J Villalobos

Trustee(s):

Elissa Miller (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:23-14096 Everardo Rubio

Chapter 7

#2.00 Hrg re: Trustee's final report and account;
Application for fees and expenses
[Elissa D. Miller, Chapter 7 Trustee]

Docket 154

Tentative Ruling:

Approve the Trustee's final report and allow \$42,464.80 in fees and \$35.13 in expenses, for a total award of \$42,499.93, and authorize and direct payment of the full amounts allowed. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

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

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| Party Information |
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Debtor(s):

Everardo Rubio

Represented By
Maureen J Shanahan
Michael L Kosloff

Trustee(s):

Elissa Miller (TR)

Represented By
Toan B Chung

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

CONT... Everardo Rubio

Chapter 7

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:23-14096 Everardo Rubio

Chapter 7

#3.00 Hrg re: Application For Payment of Final Fees and/or Expenses
[Roquemore, Pringle & Moore, Inc., Trustee's Attorney]

Docket 152

Tentative Ruling:

Allow \$78,080.00 in fees and \$1,735.44 in expenses, for a total award of \$79,815.44, and authorize and direct payment of the full amounts allowed. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

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

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| Party Information |
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Debtor(s):

Everardo Rubio

Represented By
Maureen J Shanahan
Michael L Kosloff

Trustee(s):

Elissa Miller (TR)

Represented By
Toan B Chung

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:23-14096 Everardo Rubio

Chapter 7

#4.00 Hrg re: First and Final Fee Application
for Allowance of Fees & Expenses
[Hahn Fife & Company LLP, Accountant]

Docket 150

Tentative Ruling:

Allow \$2,067.00 in fees and \$288.50 in expenses, for a total award of \$2,355.50, and authorize and direct payment of the full amounts allowed. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

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

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| Party Information |
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Debtor(s):

Everardo Rubio

Represented By
Maureen J Shanahan
Michael L Kosloff

Trustee(s):

Elissa Miller (TR)

Represented By
Toan B Chung

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

CONT... Everardo Rubio

Chapter 7

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:23-18579 Clinical Edify

Chapter 7

#5.00 Hrg re: First And Final Application For Compensation
By Former Counsel To Debtor-In-Possession

Docket 185

***** VACATED *** REASON: Order Removing Motion from Court's
Calendar Entered 8/26/25**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
|--------------------------|

Debtor(s):

Clinical Edify

Pro Se

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Steve Burnell
Mark S Horoupian

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:25-13083 Alfonso Luna and James Song

Chapter 7

#6.00 Hrg re: United States Trustee's Motion to Dismiss Chapter 7 Case for Cause Under 11 U.S.C. § 707(a) With a One-year Refiling bar, or in the Alternative, Motion to Extend Deadline for Filing Motion to Dismiss Case Under § 707(b)(3) and/or Complaint Under 11 U.S.C. § 727 Objecting to Debtors Discharge

Docket 40

Tentative Ruling:

Grant the motion and dismiss this case with a one year bar against being a debtor in any future bankruptcy case.

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

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

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

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

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| Party Information |
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Debtor(s):

Alfonso Luna

Pro Se

Trustee(s):

John J Menchaca (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

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

Chapter 7

#7.00 Hrg re: Motion For Approval Of Compromise Of Controversy
With Sam S. Leslie, Chapter 7 Trustee, Pursuant To Rule 9019
Of The Federal Rules Of Bankruptcy Procedure

Docket 867

Tentative Ruling:

Grant the settlement motion for the reasons stated in the motion and reply papers based on this Court's review of those parties' papers and the stipulation between the Trustee and Pravati. Dkt. 617, Ex. 1, pp. 5:22-6:17.

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

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

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

Key documents reviewed (in addition to motion papers): Opposition of Michael Kogan Law Firm, APC (dkt. 870), Conditional Joinder of Amicus Capital Group, Inc. (dkt. 874), and Trustee's reply (dkt. 875)

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| Party Information |
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Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Trustee(s):

Timothy Yoo (TR)

Represented By

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

CONT... Law Offices of Brian D. Witzer

Chapter 7

Monica Y Kim
Carmela Pagay
Timothy J Yoo

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:23-14528 Brian D Witzer

Chapter 7

#8.00 Hrg re: Motion for Order Approving Settlement
Agreement Between Sam S. Leslie and Timothy J. Yoo

Docket 239

Tentative Ruling:

Grant the settlement motion for the reasons stated in the motion and reply papers based on this Court's review of those parties' papers and the stipulation between the Trustee and Pravati. WitzerLaw, Case No. 2:21-bk-12517-NB, dkt. 617, Ex. 1, pp. 5:22-6:17.

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

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

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

Key documents reviewed (in addition to motion papers): Trustee's supplement (dkt. 241), Opposition of Michael Kogan Law Firm, APC (dkt. 242), Conditional Joinder of Amicus Capital Group, Inc. (dkt. 246), and Trustee's reply (dkt. 247)

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| Party Information |
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Debtor(s):

Brian D Witzer

Represented By
David S Hagen
Michael S Kogan

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

CONT... Brian D Witzer

Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Jeremy Faith
Jonathan Serrano

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:25-12278 Justin Thomas Jackson

Chapter 13

Adv#: 2:25-01217 Walker v. Jackson

#9.00 Status conference re: Complaint requesting exception
of debt from discharge pursuant to 11 U.S.C. section 523

Docket 1

Tentative Ruling:

Appearances required.

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 5) and the other filed documents and records in this adversary proceeding.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

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

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

Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

CONT...

Justin Thomas Jackson

Chapter 13

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 1038 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

Both parties indicate that they want this matter sent to mediation. Adv. dkt. 5, p. 3. 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 9/23/25** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 6/23/25.

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

Joinder of parties/amendment of pleadings-deadline: 12/2/25

Discovery cutoff (for completion of discovery): 12/16/25

Expert(s) - deadline for reports: 12/23/25 if any expert testimony will be presented.

Expert(s) - discovery cutoff (if different from above): 12/30/25 if any expert testimony will be presented.

Dispositive motions to be heard no later than: TBD

Joint Status Report: 12/2/25

Continued status conference: 12/16/25 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct

**United States Bankruptcy Court
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Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

CONT... Justin Thomas Jackson

Chapter 13

testimony by declaration unless excused: TBD

Trial commencement: TBD

| |
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| Party Information |
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Debtor(s):

Justin Thomas Jackson

Represented By
Robert J Spitz

Defendant(s):

Justin Thomas Jackson

Pro Se

Plaintiff(s):

Jennifer Walker

Represented By
Daniel Medioni

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:25-13083 Alfonso Luna

Chapter 7

Adv#: 2:25-01203 Luna v. Los Angeles County Sheriff's Department et al

#10.00 Order directing plaintiffs to appear and show cause why this adversary proceeding should not be dismissed without leave to amend for failure to state a claim upon which relief can be granted

Docket 7

Tentative Ruling:

Please see the tentative ruling for the adversary proceeding status conference (calendar no. 11, on 9/9/25 at 11:00 a.m.).

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| Party Information |
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Debtor(s):

Alfonso Luna

Pro Se

Defendant(s):

Los Angeles County Sheriff's

Represented By
Elise H Hur

Deputy Song

Represented By
Elise H Hur

Guardian Asset Management

Pro Se

U.S. Bank Trust Company

Pro Se

PHH Mortgage Coporation

Pro Se

Edward E. Treder

Pro Se

Barrett Daffin Frappier Treder &

Pro Se

Western Progressive LLC

Pro Se

DOES 1 through 10

Pro Se

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

CONT... Alfonso Luna

Chapter 7

Plaintiff(s):

Alfonso Luna

Pro Se

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:25-13083 Alfonso Luna

Chapter 7

Adv#: 2:25-01203 Luna v. Los Angeles County Sheriff's Department et al

#11.00 Cont'd Status conference re: Complaint for violation of automatic stay, civil rights violations, fraudulent foreclosure, fraudulent eviction, and wrongful lockout
fr. 8/5/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Dismiss this adversary proceeding without leave to file any amended complaint in this Bankruptcy Court, but without prejudice to renewing any non-bankruptcy claims in an appropriate forum, for failure to state a claim upon which relief can be granted and for lack of supplemental jurisdiction, as set forth in this Court's order setting this hearing (adv. dkt. 7). Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the unilateral status report submitted by the Sheriff's Department of the County of Los Angeles (adv. dkt. 6) and the other filed documents and records in this adversary proceeding.

(a) Order requiring Plaintiffs to show cause (adv. dkt. 7, "OSC") why this adversary proceeding should not be dismissed; no response filed (and the deadline has expired as of the preparation of this tentative ruling)

The tentative ruling is to dismiss this adversary proceeding for the reasons set forth in the OSC. After this hearing this Court will prepare the

**United States Bankruptcy Court
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Tuesday, September 9, 2025

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11:00 AM

CONT... Alfonso Luna
order.

Chapter 7

(2) Standard requirements

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

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

(b) Mediation
[Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 5/27/25.

The tentative ruling is that no further proceedings are warranted, and therefore no deadlines need to be set and this status conference should be concluded.

Tentative Ruling for 8/5/25:

Continue as set forth below, concurrent with the hearing on this Court's order requiring Plaintiffs to show cause why this adversary proceeding should not be dismissed without leave to amend for failure to state a claim upon which relief can be granted and for lack of supplemental jurisdiction. Appearances are not required on 8/5/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the unilateral status report submitted by the

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11:00 AM

CONT... Alfonso Luna

Chapter 7

Sheriff's Department of the County of Los Angeles (adv. dkt. 6) and the other filed documents and records in this adversary proceeding.

(a) Order requiring Plaintiffs to show cause why this adversary proceeding should not be dismissed

This Court has issued an order requiring Plaintiffs to show cause why this adversary proceeding should not be dismissed without leave to amend for failure to state a claim upon which relief can be granted and for lack of supplemental jurisdiction. The tentative ruling is to continue this status conference to the date and time of the hearing on the OSC (see part "(2)(c)" of this tentative ruling, below).

(2) Standard requirements

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

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

(b) Mediation
[Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 5/27/25.

The tentative ruling is to decline to set any litigation deadlines (other than a continued status conference, as set forth below) until proceedings on the OSC have been concluded.

Joint Status Report: Not required.

Continued status conference: 9/9/25 at 11:00 a.m. (concurrent with hearing on OSC).

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| Party Information |
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Debtor(s):

Alfonso Luna

Pro Se

**United States Bankruptcy Court
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Tuesday, September 9, 2025

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11:00 AM

CONT... Alfonso Luna

Chapter 7

Defendant(s):

| | |
|----------------------------------|-------------------------------|
| Los Angeles County Sheriff's | Represented By Elise H Hur |
| Deputy Song | Represented By Elise H Hur |
| Guardian Asset Management | Pro Se |
| U.S. Bank Trust Company | Pro Se |
| PHH Mortgage Coporation | Pro Se |
| Edward E. Treder | Pro Se |
| Barrett Daffin Frappier Treder & | Pro Se |
| Western Progressive LLC | Pro Se |
| DOES 1 through 10 | Pro Se |

Plaintiff(s):

| | |
|--------------|--------|
| Alfonso Luna | Pro Se |
|--------------|--------|

Trustee(s):

| | |
|----------------------|--------|
| John J Menchaca (TR) | Pro Se |
|----------------------|--------|

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

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

Chapter 7

#12.00 Cont'd Status Conference re: Chapter 7 Case
fr. 6/25/24, 7/16/24, 8/27/24, 10/8/24, 11/19/24,
12/03/24, 12/10/24, 12/17/24, 1/21/25, 2/11/25,
3/18/25, 4/22/25, 6/3/25, 07/15/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 9/22/25 at 10:00 a.m., contemporaneous with Trustee's sale motion. See Order (dkt. 336) and Motion papers (dkt. 340-43). Appearances are not required on 9/9/25.

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

(1) Current issues

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

(2) Dates/procedures. This case was filed on 5/1/24. The Chapter 7 Trustee is temporarily operating the businesses of the three related debtors. See Order (dkt. 61) and 11 U.S.C. 721.

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

FAME Housing Corporation

Represented By

**United States Bankruptcy Court
Central District of California
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Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

**CONT... FAME Housing Corporation and Oner Charles Mergerson
Gerald Edwin Rush II**

Chapter 7

Trustee(s):

John J Menchaca (TR)

Represented By
John N Tedford IV

**United States Bankruptcy Court
Central District of California
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Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:22-13069 George Gordon Strong, III

Chapter 7

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

#13.00 PreTrial Conference re: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. §§ 523(a)(4) and 523(a)(6)

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue as set forth below (contemporaneous with the trial). Appearances are not required on 9/9/25.

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

(1) Current issues

This Court has reviewed the parties' Amended Pretrial Stipulation (adv. dkt. 17), which is a significant improvement over the original pretrial stipulation (adv. dkt. 14) and adequately addresses this Court's prior concerns. See Order (adv. dkt. 15). The Amended Pretrial Stipulation (adv. dkt. 17) has been filed on the CM/ECF docket but has not been lodged via this Court's Lodged Order Upload (LOU) system. The tentative ruling is to **set a deadline of 9/10/25** for the parties to lodge the Amended Pretrial Stipulation via LOU.

The parties are authorized and directed to submit direct testimony via written declaration with any cross-examination and redirect to be conducted at trial. The parties are also directed to review the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) for procedures regarding trial exhibits, etc.

(2) Standard requirements

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11:00 AM

CONT...

George Gordon Strong, III

Chapter 7

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

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 4, 5, & 6).

(b) Mediation

The tentative ruling is not to order mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 7/29/24.

The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 6) except as modified/supplemented below.

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 9/11/25 (for the format of exhibits and other trial procedures, please see the Procedures of Judge Bason (posted at www.cacb.uscourts.gov) then search for "Trial Practice" BUT, at least during the COVID-19 shut down of the courtroom, also see the forms of order regarding video trials, posted on Judge Bason's portion of the Court's above-referenced web page)

Trial commencement: 9/24/25 at 9:00 a.m.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

George Gordon Strong III

Represented By
Alan W Forsley

Defendant(s):

George Gordon Strong III

Represented By
Alan W Forsley

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

CONT... George Gordon Strong, III

Chapter 7

Plaintiff(s):

David Vosicher

Represented By
Stella A Havkin

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:19-18316 Ashley Susan Aarons

Chapter 7

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

#14.00 Cont'd Status Conference re: Removal
fr. 6/17/25, 07/15/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

At the hearing on 7/15/25 this Court was persuaded to continue this matter to today.

The tentative ruling is that the notice of removal was untimely and ineffective, so jurisdiction never passed to this Court and all purportedly post-removal acts by and in the State Court were and are fully effective. Alternatively, abstention is proper. The tentative ruling is to issue an order dismissing this adversary proceeding and remanding this matter (to the extent that there is anything to remand) to the State Courts. Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

Reasons: The reasons are (a) as stated in the tentative ruling for 7/15/25 (copied below) and (b) for the additional reasons stated in the papers filed by Alliance Portfolio Private Equity Finance Inc. (adv. dkt. 25 & 26). Additionally, and alternatively, this Court is aware that Plaintiff/Debtor has filed and purported to serve several documents (adv. dkt. 1, 2, 10-12, 14-20, & 24), but the tentative ruling is that service of those documents is insufficient (email is not an authorized method for serving papers, without written consent) so it is appropriate to dismiss this matter for lack of proper prosecution. See Rule 4 (Fed. R. Civ. P.), incorporated by Rules 7004 & 9014(b) (Fed. R. Bankr. P.) (describing rules of service in bankruptcy proceedings). In addition, Debtor's papers fail to address the issues set forth in this Court's order (adv. dkt. 13) continuing the status conference to this date as directed therein.

After the hearing this Court will prepare an order reflecting the foregoing disposition of this matter.

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11:00 AM

CONT... Ashley Susan Aarons

Chapter 7

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

Tentative Ruling for 7/15/25:

The tentative ruling is that this Bankruptcy Court lacks jurisdiction, and alternatively remand is necessary and appropriate, and alternatively abstention is appropriate. After the hearing this Court will prepare an order reflecting that disposition of this matter. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

(1) Lack of jurisdiction

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

(2) Remand

Alternatively, the tentative ruling is to remand this proceeding back to State Court because there is nothing left in this (purportedly) removed action for this Bankruptcy Court to decide that would not improperly impinge on the State Court's jurisdiction. Plaintiff/Debtor's own papers (adv. dkt. 4, PDF p. 2)

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11:00 AM

CONT...

Ashley Susan Aarons

Chapter 7

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

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

(3) Abstention

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

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

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

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11:00 AM

CONT... Ashley Susan Aarons

Chapter 7

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

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Ashley Susan Aarons

Represented By

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

Defendant(s):

c/o Nassie Law Alliance Portfolio Pro Se

c/o Daniel Nassie County Records Pro Se

Maria Cecilia S Doratan Pro Se

Eusebio Tanco Pro Se

Jacob Kevin Tanco Pro Se

James R. Perry Pro Se

Karen Versace Pro Se

Michelle Lamorie Pro Se

336 North Sweetzer, LLC, TAP Pro Se

Plaintiff(s):

Ashley Susan Aarons

Represented By

Susan I Montgomery

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11:00 AM

CONT... Ashley Susan Aarons

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 9, 2025

Hearing Room 1545

11:00 AM

2:24-11795 Karen Kim

Chapter 7

#15.00 Cont'd hrg re: Motion to Cancel Agreement
fr. 4/22/25, 07/15/25

Docket 126

Tentative Ruling:

Tentative Ruling for 9/9/25:

Appearances required.

Background information on this matter is set forth in the tentative ruling issued in connection with the 7/15/25 hearing (reproduced in full below) and so will not be restated here. The parties are directed to address whether Mr. Serrano has made payments to Mr. Tang pursuant to his settlement and this Court's order (dkt. 138), and what balances, if any, are still owed (i) to Mr. Tang (on account of his allowed attorney fees) and (ii) by Mr. Serrano (under his settlement agreement with Debtor).

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

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

Tentative Ruling for 7/15/25:

Appearances required.

At the hearing on 4/22/25 this Court was persuaded to issue (a) an order (dkt. 137) granting Mr. Tang's motion to withdraw as Debtor's counsel and (b) an order (dkt. 138) directing Mr. Serrano to pay Mr. Tang (not Debtor) the remaining balance under his settlement agreement with Debtor (for violation of the automatic stay), and continuing the hearing on Mr. Tang's motion to cancel his agreement with Debtor regarding payment of Mr. Tang's fees. In addition, this Court continued the hearing on the underlying

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11:00 AM

CONT... Karen Kim

Chapter 7

sanctions proceedings against Mr. Serrano (for violation of the automatic stay). The parties are directed to address whether Mr. Serrano has made payments to Mr. Tang pursuant to his settlement and this Court's order (dkt. 138), and what balances, if any, are still owed (i) to Mr. Tang (on account of his allowed attorney fees) and (ii) by Mr. Serrano (under his settlement agreement with Debtor).

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

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

Tentative Ruling for 4/22/25:
Appearances required.

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

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

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

The Tang Firm served its Motion to Withdraw upon Debtor as directed by this Court (dkt. 134), and Debtor did not timely file an opposition. The

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CONT... Karen Kim

Chapter 7

tentative ruling is (A) to grant the Motion to Withdraw and (B) to decline to entertain any argument from Debtor on the merits of the Motion to Withdraw at the hearing because she has waived and forfeited any arguments she may have by failing to file a timely opposition.

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

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

(a) Background

On July 18, 2024, this Court entered an order determining that Daniel Serrano had willfully violated the automatic stay and was liable for damages (dkt. 94, the "Liability Order"), and on September 30, 2024, this Court entered an order awarding Debtor \$60,000.00 in damages for Mr. Serrano's stay violations but taking under the submission the question of Debtor's damages for attorney fees and emotional distress (dkt. 113, the "Initial Damages Order"). On October 21, 2024, this Court entered an order (x) awarding Debtor \$8,255.00 in attorney fees and (y) determining that Debtor was not entitled to any emotional distress damages. Dkt. 115.

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

**United States Bankruptcy Court
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11:00 AM

CONT... Karen Kim

Chapter 7

valid contract").

(b) Rescission of the Assignment Agreement

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

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

The tentative ruling is that Mr. Tang is entitled to rescission of the Assignment Agreement pursuant to Cal. Civ. Code 1689(b)(2). However, Mr. Tang's request for rescission is complicated by his subsequent request that Debtor be ordered to return to him the \$15,000.00 he paid her in exchange for the Assignment Agreement, plus \$4,255.00 in outstanding attorney fees. Rescission Motion (dkt. 126) p. 5:2. (The basis for the requested attorney fees is not clear; this Court presumes fees are requested as compensation for the costs of filing the Rescission Motion. If that is not the case, Mr. Tang is directed to inform this Court at the hearing.) Mr. Tang requests that "if the Court is unable to order [Debtor] to pay the \$15,000 received," then he should be allowed to continue to receive payments from Mr. Serrano under the Settlement Agreement. Rescission Motion (dkt. 126) p. 5:4–5. In other words, it appears that Mr. Tang seeks rescission **only if** that remedy is also accompanied by an order directing Debtor to return \$15,000.00 to him.

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

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CONT...

Karen Kim

Chapter 7

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

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

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

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

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

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

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

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| Party Information |
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Debtor(s):

Karen Kim

Pro Se

Movant(s):

Karen Kim

Pro Se

Trustee(s):

John J Menchaca (TR)

Pro Se

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2:24-11795 Karen Kim

Chapter 7

#16.00 Cont'd hrg re: Motion for an Order to Show Cause Why Daniel Serrano Should Not be Held in Contempt of Court for Violations of the Automatic Stay
fr. 7/16/24, 8/27/24, 9/13/24, 9/24/24, 10/8/24, 10/22/24, 11/19/24, 12/17/24, 3/4/25, 4/22/25, 07/15/25

Docket 51

Tentative Ruling:

Tentative Ruling for 9/9/25:

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

Tentative Ruling for 7/15/25:

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

Tentative Ruling for 4/22/25:

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

Tentative Ruling for 3/4/25:

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

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

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

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CONT... Karen Kim

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Tentative Ruling for 12/17/24:

Appearances required.

At the hearing on 11/19/24 this Court was persuaded to continue this matter to today. Creditor/contemnor's status report (dkt. 119, p. 1:20-21) states that the parties have "entered into a settlement agreement." Is any approval of this Court required? Should this OSC matter be taken off calendar? Should this Court expressly retain jurisdiction as to any aspect of this dispute?

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

Tentative Ruling for 11/19/24:

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

Appearances required.

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

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

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| Party Information |
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Debtor(s):

Karen Kim

Pro Se

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Movant(s):

Karen Kim

Pro Se

Trustee(s):

John J Menchaca (TR)

Pro Se

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2:23-13187 Vista Studios, LLC

Chapter 7

Adv#: 2:25-01199 Gonzalez v. City National Bank

#17.00 Cont'd Status conference re: Complaint (1) To avoid fraudulent transfer pursuant to 11 U.S.C. sections 544 ad 548; (2) To recover avoided transfers pursuant to 11 U.S.C. section 550; and (3) Automatic preservation of avoided transfer pursuant to 11 U.S.C. section 551 fr. 8/5/25

Docket 1

***** VACATED *** REASON: This matter is scheduled to be heard on 10/07/25 at 11:00 a.m. per parties' stipulation and order thereon**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

Vista Studios, LLC

Represented By
David B Golubchik

Defendant(s):

City National Bank

Represented By
Allison C. Murray

Plaintiff(s):

Rosendo Gonzalez

Represented By
Rosendo Gonzalez

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Rosendo Gonzalez

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2:23-13187 Vista Studios, LLC

Chapter 7

Adv#: 2:25-01191 Gonzalez v. American Express

#18.00 Cont'd Status Conference re: Complaint (1) To avoid fraudulent transfer pursuant to 11 U.S.C. sections 544 and 548 fr. 08/05/25

Docket 1

Tentative Ruling:

Appearances required.

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 11) and the other filed documents and records in this adversary proceeding, and has no issues to raise *sua sponte*.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. See *generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his

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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 1038 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

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 9/23/25** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 5/16/25.

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

Joinder of parties/amendment of pleadings-deadline: 12/19/25.

Discovery cutoff (for *completion* of discovery): 1/9/26.

Expert(s) - deadline for reports: 1/16/26 if any expert testimony will be presented.

Expert(s) - discovery cutoff (if different from above): 1/23/26 if any expert testimony will be presented.

Dispositive motions to be heard no later than: 3/17/26.

Joint Status Report: 1/6/26.

Continued status conference: 1/20/26 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD.

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CONT...

Vista Studios, LLC

Chapter 7

Pretrial conference: TBD.

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

Trial commencement: TBD.

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| Party Information |
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Debtor(s):

Vista Studios, LLC

Represented By
David B Golubchik

Defendant(s):

American Express

Pro Se

Plaintiff(s):

Rosendo Gonzalez

Represented By
Rosendo Gonzalez

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Rosendo Gonzalez

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2:23-13187 Vista Studios, LLC

Chapter 7

Adv#: 2:25-01192 Gonzalez v. The Tennis Channel LLC

#19.00 Cont'd status conference re: Complaint (1) To avoid fraudulent transfer pursuant to 11 U.S.C. sections 544 and 548; (2) To avoid preferential transfers pursuant to 11 U.S.C. section 547; (3) To recover avoided transfers pursuant to 11 U.S.C. section 550; and, (4) Automatic preservation of avoided transfer pursuant to 11 U.S.C. section 551 fr. 8/5/25

Docket 1

Tentative Ruling:

Appearances required.

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 9) and the other filed documents and records in this adversary proceeding, and has no issues to raise *sua sponte*.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether

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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 1038 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). See *generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

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 9/23/25** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 5/16/25.

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

Joinder of parties/amendment of pleadings-deadline: 2/20/26.

Discovery cutoff (for *completion* of discovery): 3/6/26.

Expert(s) - deadline for reports: 3/13/26 if any expert testimony will be presented.

Expert(s) - discovery cutoff (if different from above): 3/20/26 if any expert testimony will be presented.

Dispositive motions to be heard no later than: 5/5/26.

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Joint Status Report: 1/6/26.

Continued status conference: 1/20/26 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD.

Pretrial conference: TBD.

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

Trial commencement: TBD.

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| Party Information |
|--------------------------|

Debtor(s):

Vista Studios, LLC

Represented By
David B Golubchik

Defendant(s):

The Tennis Channel LLC

Pro Se

Plaintiff(s):

Rosendo Gonzalez

Represented By
Rosendo Gonzalez

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Rosendo Gonzalez

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2:23-13187 Vista Studios, LLC

Chapter 7

Adv#: 2:25-01198 Gonzalez v. Tech. Finance Co., LLC

#20.00 Cont'd status conference re: Complaint: (1) To avoid fraudulent transfer pursuant to 11 U.S.C. sections 544 and 548; (2) To recover avoided transfers pursuant to 11 U.S.C. section 550; and (3) Automatic preservation of avoided transfer pursuant to 11 U.S.C. section 551; and, (4) Unjust enrichment/restitution fr. 8/5/25

Docket 1

***** VACATED *** REASON: Cont'd to 9/23/25 per stipulation (adv. dkt. 17) and order thereon (adv. dkt. 18)**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
|--------------------------|

Debtor(s):

Vista Studios, LLC

Represented By
David B Golubchik

Defendant(s):

Tech. Finance Co., LLC

Pro Se

Plaintiff(s):

Rosendo Gonzalez

Represented By
Rosendo Gonzalez

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Rosendo Gonzalez

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1:12-10986 Allana Baroni

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Adv#: 2:25-01326 Baroni et al v. Seror et al

#21.00 Cont'd hrg re: Motion to Dismiss for Failure to State a Claim for Relief filed by David Seror, Chapter 7 Trustee; Brutzkus Gubner, LLP; BG Law LLP and Liberty Mutual Insurance Company (dkt. 23) fr. 8/5/25

Docket 23

Tentative Ruling:

Tentative Ruling for 9/9/25:

Grant the motion to dismiss (adv. dkt. 23, "MTD") filed by Defendants David Seror, individually and in his capacity as Chapter 7 Trustee, Brutzkus Gubner, BG Law LLP and Liberty Mutual Insurance Company (collectively, "Trustee Defendants") for the reasons set forth below. Appearances required. As to all of the MTDs on calendar for today, this Court will permit a total of 15 minutes of oral argument from Plaintiffs' counsel and 8 minutes each for Defendants' counsel. All parties are advised that this Court has thoroughly reviewed the parties' papers and it is not necessary to repeat what is in the written papers.

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

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

Key documents reviewed (in addition to motion papers): Complaint (adv. dkt. 1), Trustee Defendants' request for judicial notice (adv. dkt. 24, "Trustee Defendants' RJN"), Plaintiffs' Opposition (adv. dkt. 55); Plaintiffs' request for

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judicial notice (adv. dkt. 56, "Plaintiffs' RJN"), Plaintiffs' evidentiary objections (adv. dkt. 62), Trustee Defendants' reply (adv. dkt. 63)

Analysis:

(1) Overview

Plaintiffs interpret Debtor's chapter 11 Plan and this Court's confirmation order as providing for essentially no remedies in the event of Debtor's breach. In Plaintiffs' view, other parties would have to continue to abide by the Plan, even if Debtor does not; no remedies such as conversion to chapter 7 would be permissible (or alternatively any chapter 7 trustee could not do any of the things a chapter 7 trustee could normally do, such as seeking turnover of assets, liquidation of those assets, and approvals of settlements); and any attempt to do those things is characterized by Plaintiffs as an impermissible collateral attack on the confirmation order and Plan that is beyond the jurisdiction of this Court. Plaintiffs' position is utterly unpersuasive, for multiple alternative reasons.

First, as Trustee Defendants argue, binding authority of the Court of Appeals for the Ninth Circuit holds that conversion, turnover, and liquidation are appropriate remedies in this case. See *In re Baroni*, 36 F.4th 958, 967-973 (9th Cir. 2022) *cert. denied sub nom. Baroni v. Seror*, 143 S.Ct. 424 (2022). Second, Plaintiffs point to nothing in the Plan and Disclosure Statement (Bankr. dkt. 376) or the confirmation order (Bankr. dkt. 423) that purports to limit creditors' remedies in the way they advocate, or that would preclude a remedy of liquidating assets to pay creditors. Third, if any such limitation were even permissible it would have had to be disclosed very prominently in order to provide "adequate information" for voting purposes. See 11 U.S.C. § 1125(a)(1). Fourth, even if the foregoing authority were not binding (which it is) the Local Bankruptcy Rules provide the same relief. See, e.g., LBR 3020-1(e) (effect of conversion to chapter 7). Fifth, even if all of the foregoing somehow did not apply, this Court also has broad discretion in interpreting its own prior orders (*i.e.*, the confirmation order), and this Court (Judge Barash) previously ruled that conversion to chapter 7 and liquidation of assets (and all the usual chapter 7 remedies) were appropriate remedies. Bankr. Dkt. 966, pp. 14:3-15:22 & 967. Sixth, as Trustee Defendants point out, Debtor has previously conceded, for example, that "[b]ecause of the conversion of the case, the plan provisions no longer apply," and that, as a result of the Conversion Order, "the trustee's job is to ... sell the property [of

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the estate] and give the proceeds to the creditors." See MTD (adv. dkt. 23), p. 25:4-9. *and* Reply (adv. dkt. 63), p. 5:4-15 (both quoting Debtor's motion to dismiss chapter 7 case (Bankr. dkt. 989, p. 9:5-11) and Debtor's reply brief on appeal (*In re Baroni*, 2:19-cv-07548-DSF, Dkt. No. 28, p. 5)).

For each of these reasons, Plaintiffs' theory falls apart. Far from any turnover and liquidation of assets being an extra-jurisdictional collateral attack on the Plan and confirmation order, turnover and liquidation (and other normal chapter 7 procedures, such as settlements) are the natural remedy under the Plan and confirmation order for Debtor's breaches of her promises in the Plan.

The tentative ruling is that Plaintiffs' arguments are nothing more than a transparent attempt to create a jurisdictional hook so that issues that previously were raised and rejected, or that Plaintiffs failed to raise, purportedly could be asserted now, on the frivolous ground that everything is jurisdictional and therefore can be raised at any time. The tentative ruling is to reject Plaintiffs' approach for what it is: an impermissible collateral attack on essentially every order from the one converting this case to the present.

(2) Relevant background

Plaintiff/Debtor Allana Baroni filed a chapter 13 petition on 2/1/12, which was converted to Chapter 11 on 2/29/12. Bankr. Dkt. 1 & 17. On 4/15/13, this Court (Ahart, J.) confirmed Debtor's second amended chapter 11 plan ("Plan"). Bankr. Dkt. 423. On 4/29/19, this Court (Barash, J.) entered an order granting a motion to convert the case to chapter 7 based on, among other things, Debtor's substantial defaults under the Plan. Bankr. Dkt. 967. On 4/30/19 David Seror was appointed to serve as the Chapter 7 Trustee ("Trustee"). Bankr. Dkt. 968. Since that time the Trustee has taken steps to administer the assets of the estate.

Debtor and her husband, James Baroni (together, "Plaintiffs") have filed numerous appeals challenging various orders of this Court. Not one of those appeals has been successful. See e.g., Plaintiffs' RJN (adv. dkt. 24), Ex. 14, 15 17, 18, 26, 27, 34-37, 46-47, 52, 58-61. Plaintiffs now seek to challenge many of the same orders based on what they characterize as jurisdictional issues, which they assert can be raised at any time.

Specifically, on 11/4/24 Plaintiffs filed the Complaint asserting nine claims for relief: (1) contempt for willful failure to obey the plan order, for willful violations of the plan order, and for collaterally attacking the plan order

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(against all defendants); (2) breach of fiduciary duty (against Trustee); (3) aiding and abetting breach of fiduciary duty (against BG Law, Severson & Werson, and Wells Fargo); (4) gross negligence (against Trustee); (5) tortious interference with contract (against Trustee and BG Law); (6) Elder abuse (against the Trustee, BG Law, Severson & Werson and Wells Fargo); (7) intentional infliction of emotional distress (against Trustee, BG Law, Severson & Werson, and Wells Fargo); (8) Declaratory relief; and (9) recovery on the bonds (against Liberty Mutual and US Fire). Adv. dkt. 1.

The Complaint and its claims are premised on Plaintiffs' allegations that (x) once a plan is confirmed it is binding on all parties and principles of res judicata and collateral estoppel apply to its terms (a/k/a claim and issue preclusion) (Complaint, adv. dkt. 1, para. 18 & 21), (y) subsequent orders that allegedly violate the terms and conditions of a confirmed plan are beyond the jurisdiction of this Bankruptcy Court to issue, and are ineffective and void (*id.*, para. 19 & 20); and (z) Defendants' conduct, which purportedly was in violation of the Plan, has significantly harmed and damaged Plaintiffs. *Id.*, para. 22-36. See *also, e.g.*, Opp. (adv. dkt. 55) p. 27:5-13 ("Judge Barash did not have jurisdiction to enter the orders [that purportedly violated the terms of the confirmed plan] because those orders impermissibly collaterally attack Judge Ahart's Plan [confirmation] Order ...").

(3) Jurisdiction, Authority and Venue

Plaintiffs challenge this Court's jurisdiction to preside over this adversary proceeding and to rule on the MTD. Complaint (adv. dkt. 1), p. 2:5-7 & Opp. (adv. dkt. 55) p. 11:18-23. They have also expressly declined to consent to entry of any final judgment or order by this Court (Complaint, adv. dkt. 1, p. 2:6-8) and have demanded a jury trial. *Id.*, p. 2:8-9. The tentative ruling is that those challenges are all unpersuasive and they do not preclude this Court from entering a final order on the MTD.

First, this Court notes that Plaintiffs moved to withdraw the reference, but the District Court denied that request based, in part, on its determination that the claims at issue are within the "core" jurisdiction of this Bankruptcy Court. 3/6/25 Minute Order p. 3 (Case No. CV 24-09537-MWF; reproduced at adv. dkt. 105, Bates p. 6). Additionally, under applicable Ninth Circuit authority, Plaintiffs are precluded from challenging this Court's jurisdiction in this proceeding because they failed to challenge (or were unsuccessful in challenging) Judge Barash's jurisdiction over the bankruptcy case in chief,

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including over the matters which underlie Plaintiffs' claims in this adversary proceeding. See *City of S. Pasadena v. Mineta*, 284 F.3d 1154 (9th Cir. 2002), amended opinion reported at 2002 U.S. App. LEXIS 9525, at *6 (9th Cir. Mar. 28, 2002) ("A party that 'had an opportunity to litigate the question of subject-matter jurisdiction' in the original proceeding 'may not ... reopen that question in a collateral attack'" (quoting *Ins. Corp. of Ir. v. Campagnie des Bauxites de Guinee*, 456 U.S. 694, 207 n.9 (1982))). There is also clear authority from the Ninth Circuit that, notwithstanding any jury trial rights, this Court may retain jurisdiction over pre-trial matters, including this MTD. *In re Healthcentral.com*, 504 F.3d 775, 787 (9th Cir. 2007). In view of the foregoing, the tentative ruling is that this Court has subject matter jurisdiction over all claims in this adversary proceeding, and venue is proper, under 28 U.S.C. 1334(b), 1408 and 1409.

In addition to jurisdiction, the tentative ruling is that this Court has the authority to enter a final judgment or order(s) in this adversary proceeding, including as to the MTD, as distinguished from making proposed findings of fact and conclusions of law to be reviewed by the District Court. See *In re AWTR Liquidation, Inc.*, 547 B.R. 831, 836 (Bankr. C.D. Cal. 2016) (Bason, J.) (discussing *Stern v. Marshall*, 131 S.Ct. 2594 (2011)); *In re Deitz*, 469 B.R. 11 (9th Cir. BAP 2012) (same). There are multiple reasons.

First, as noted above, the District Court has already determined that the claims at issue are "core." Adv. dkt. 105, PDF p. 6. Second, and alternatively, as a matter of statutory interpretation, the tentative ruling is that the claims are "core" under 28 U.S.C. § 157(b) and 1334 because all of Plaintiffs' claims are premised upon Plaintiffs' allegations that parties in interest were bound by their interpretation of the terms of the confirmed Plan and the confirmation order. Interpretation and enforcement of this Court's own prior confirmation order, and the Plan it confirmed, are "core" functions of this Court. *Travelers Indem. Co. v. Bailey*, 557 U.S. 137, 138 (2009) (holding that "the Bankruptcy Court plainly had jurisdiction to interpret and enforce its own prior orders"). Third, and alternatively, all of Plaintiffs' claims are statutorily core because they are collateral attacks on all the final orders issued by this Court beginning with the order converting the case to chapter 7. See 28 U.S.C. 157(b)(2)(A) (matters concerning the administration of the estate), (E) (orders to turn over property of the estate), (L) (confirmation of plans), (M) (orders approving the use or lease of property), (N) (orders approving the sale of property), (O) (other proceedings affecting the

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liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship); *see also In re Harris*, 590 F.3d 730,738-41 (9th Cir. 2009) (debtor's state law breach of contract action, against bankruptcy trustee and other estate representatives, was "core" proceeding under "catchall" provisions of 28 U.S.C. 157(b)(2)(A) and (O)).

The tentative ruling is also that this Court has authority under the U.S. Constitution to issue final judgments and orders in this adversary proceeding because the claims are inextricably intertwined with the administration of the bankruptcy estate and the exercise of the powers created through the Bankruptcy Code, as well as this Court's authority to vindicate its authority and effectuate its decrees in this pending bankruptcy case. *See, e.g., In re TC Glob., Inc.*, 2014 U.S. Dist. LEXIS 163412, at *9-10 (W.D. Wash. Nov. 21, 2014); (following *In re Ray*, 624 F.3d 1124, 1130 (9th Cir. 2010)).

Alternatively, regardless of whether any given proceeding is "core" or "noncore" under the statute and the U.S. Constitution, this Bankruptcy Court can issue final rulings on pretrial matters that do not require findings on disputed factual issues, including claim-dispositive motions such as the MTD. *See In re AWTR Liquidation, Inc.*, 547 B.R. 831 (Bankr. C.D. Cal. 2016) (Bason, J.).

Alternatively, in the event and to the extent that this Court for some reason does not have the authority to issue a final order on the MTD (despite this Court's tentative rulings that it does have such authority), this Bankruptcy Court respectfully requests that any reviewing Article III Court treat this tentative ruling as proposed findings of fact and conclusions of law for *de novo* review by an Article III Court.

(4) Requests for judicial notice

Defendants request that this Court take judicial notice of 62 documents (dkt. 24) and Plaintiffs request that this Court take judicial notice of 4 documents. Dkt. 56. All of the requests involve matters of public record, so the tentative ruling is that it is appropriate for this Court to grant both requests and take judicial notice of the documents attached thereto. *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001).

(5) Plaintiffs' evidentiary objections

The tentative ruling is to overrule all the objections to the Kamorsky declaration as moot, because they focus on Mr. Kamorsky's testimony

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regarding actions taken on behalf of Defendant/United States Fire Insurance Company in connection with its prior default under the complaint (adv. dkt. 37), but that default was subsequently set aside. Adv. dkt. 92.

Alternatively, the tentative ruling is that even if this Court were to strike all the objectionable testimony it would not alter this Court's findings and conclusions.

(6) Discussion

The parties' briefs summarize the legal standards applicable to the MTD, so this Court will only emphasize that to "survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (emphasis added) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* It is not necessary "to accept as true allegations that are merely conclusory, unwarranted deductions of fact, or unreasonable inferences." *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001) (citation omitted).

For the reasons stated in Defendants' MTD (adv. dkt. 23) and reply papers (adv. dkt. 63), and the additional reasons stated herein, the tentative ruling is to grant the MTD because Plaintiffs have failed to allege sufficient facts to state any plausible claims for relief. As explained at the start of this discussion, Plaintiffs fail to articulate any plausible basis to conclude that Judge Barash was acting without jurisdiction, or in any way contrary to the confirmation order issued by Judge Ahart or contrary to the confirmed Plan, which is silent as to the remedies for default and thus leaves unchanged the standard remedies including conversion to chapter 7 and turnover and liquidation of assets. It was Debtor who breached the Plan, and it is Debtor who must bear the consequences, including the orders that Judge Barash has issued, not to mention the rulings affirming those orders.

The tentative ruling is that dismissal will be without leave to amend because Plaintiffs' claims depend on a flawed characterization of bankruptcy law and are an impermissible collateral attack on final orders so any amendment would be futile. See *Cook, Perkiss & Liehe, Inc. v. N. Cal. Collection Serv. Inc.*, 911 F.2d 242, 247 (9th Cir. 1990) (directing that "a [trial] court should grant leave to amend even if no request to amend the pleading was made, unless it determines that the pleading could not possibly be cured

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by the allegation of other facts").

(7) Conclusion as to the MTD

For the reasons set forth above, the tentative ruling is to grant the MTD.

(8) Defendants' mention of possible sanctions

Defendants request that this Court consider sanctioning Plaintiffs and their counsel and/or impose a pre-filing order precluding Plaintiffs from filing further pleadings in this Court without prior court approval, as punishment for filing the frivolous Complaint. MTD (adv. dkt. 23), pp. 21:21-26:12. Typically any request for sanctions under Rule 9011 (Fed. R. Bankr. P.), the Court's inherent contempt authority, or section 105(a) must be brought by separate motion. The tentative ruling is to require such a procedure in this instance. In other words, the tentative ruling is to direct Trustee Defendants to re-file and serve their request for sanctions as a separate motion, which can be self-calendared with the usual time for Plaintiffs to file and serve any opposition papers and for Trustee Defendants to file and serve any reply.

Tentative Ruling for 8/5/25:

Please see the tentative ruling for the status conference (Calendar No. 21, 8/5/25 at 11:00 a.m.).

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Allana Baroni

Represented By

Michael S Riley
Richard L Antognini
Matthew D. Resnik
M. Jonathan Hayes
Kathleen P March

Defendant(s):

David Seror

Represented By

Jason B Komorsky

**United States Bankruptcy Court
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CONT... Allana Baroni

Chapter 7

Brutzkus Gubner

Represented By
Jason B Komorsky

BG LAW LLP

Represented By
Jason B Komorsky

LIBERTY MUTUAL INSURANCE

Represented By
Jason B Komorsky

WELLS FARGO BANK N.A

Represented By
Justin D Balser

United States Fire Insurance

Represented By
Jason B Komorsky

Severson & Werson, PC

Represented By
Adam N Barasch

Plaintiff(s):

Allana Baroni

Represented By
Richard L Antognini
Anthony R Mordente

James Baroni

Represented By
Richard L Antognini

Trustee(s):

David Seror (TR)

Represented By
Susan K Sefflin
Jessica L Bagdanov
Ryan Coy
Jason B Komorsky
Steven T Gubner

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Adv#: 2:25-01326 Baroni et al v. Seror et al

#22.00 Cont'd hrg re: Motion to Dismiss for Failure to State a Claim
for Relief filed by United States Fire Insurance Company (dkt. 71)
fr. 8/5/25

Docket 71

Tentative Ruling:

Tentative Ruling for 9/9/25:

Please see the tentative ruling for the status conference (Calendar No. 26,
9/9/25 at 11:00 a.m.).

Tentative Ruling for 8/5/25:

Please see the tentative ruling for the status conference (Calendar No. 21,
8/5/25 at 11:00 a.m.).

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| Party Information |
|--------------------------|

Debtor(s):

Allana Baroni

Represented By
Michael S Riley
Richard L Antognini
Matthew D. Resnik
M. Jonathan Hayes
Kathleen P March

Defendant(s):

David Seror

Represented By
Jason B Komorsky

Brutzkus Gubner

Represented By
Jason B Komorsky

BG LAW LLP

Represented By
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Represented By

**United States Bankruptcy Court
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Los Angeles
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CONT... Allana Baroni

Chapter 7

Jason B Komorsky

WELLS FARGO BANK N.A

Represented By
Justin D Balser

United States Fire Insurance

Represented By
Jason B Komorsky

Severson & Werson, PC

Represented By
Adam N Barasch

Plaintiff(s):

Allana Baroni

Represented By
Richard L Antognini
Anthony R Mordente

James Baroni

Represented By
Richard L Antognini

Trustee(s):

David Seror (TR)

Represented By
Susan K Sefflin
Jessica L Bagdanov
Ryan Coy
Jason B Komorsky
Steven T Gubner

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Los Angeles
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Adv#: 2:25-01326 Baroni et al v. Seror et al

#23.00 Cont'd hrg re: Motion to Dismiss for Failure to State
Claim for Relief filed by Severson & Werson, PC (dkt. 77)
fr. 8/5/25

Docket 77

Tentative Ruling:

Tentative Ruling for 9/9/25:

Please see the tentative ruling for the status conference (Calendar No. 26,
9/9/25 at 11:00 a.m.).

Tentative Ruling for 8/5/25:

Please see the tentative ruling for the status conference (Calendar No. 21,
8/5/25 at 11:00 a.m.).

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| Party Information |
|--------------------------|

Debtor(s):

Allana Baroni

Represented By
Michael S Riley
Richard L Antognini
Matthew D. Resnik
M. Jonathan Hayes
Kathleen P March

Defendant(s):

David Seror

Represented By
Jason B Komorsky

Brutzkus Gubner

Represented By
Jason B Komorsky

BG LAW LLP

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LIBERTY MUTUAL INSURANCE

Represented By

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CONT... Allana Baroni

Chapter 7

Jason B Komorsky

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Represented By
Justin D Balser

United States Fire Insurance

Represented By
Jason B Komorsky

Severson & Werson, PC

Represented By
Adam N Barasch

Plaintiff(s):

Allana Baroni

Represented By
Richard L Antognini
Anthony R Mordente

James Baroni

Represented By
Richard L Antognini

Trustee(s):

David Seror (TR)

Represented By
Susan K Sefflin
Jessica L Bagdanov
Ryan Coy
Jason B Komorsky
Steven T Gubner

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Adv#: 2:25-01326 Baroni et al v. Seror et al

#24.00 Cont'd hrg re: Motion to Dismiss for Failure to State a Claim for Relief filed by Wells Fargo Bank, N.A., in its Capacity as National Bank and as Trustee for Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2005-17 (dkt. 87) fr. 8/5/25

Docket 87

Tentative Ruling:

Tentative Ruling for 9/9/25:

Please see the tentative ruling for the status conference (Calendar No. 26, 9/9/25 at 11:00 a.m.).

Tentative Ruling for 8/5/25:

Please see the tentative ruling for the status conference (Calendar No. 21, 8/5/25 at 11:00 a.m.).

| |
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| Party Information |
|--------------------------|

Debtor(s):

Allana Baroni

Represented By
Michael S Riley
Richard L Antognini
Matthew D. Resnik
M. Jonathan Hayes
Kathleen P March

Defendant(s):

David Seror

Represented By
Jason B Komorsky

Brutzkus Gubner

Represented By
Jason B Komorsky

BG LAW LLP

Represented By

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| | |
|------------------------------|------------------------------------|
| | Jason B Komorsky |
| LIBERTY MUTUAL INSURANCE | Represented By Jason B Komorsky |
| WELLS FARGO BANK N.A | Represented By Justin D Balser |
| United States Fire Insurance | Represented By Jason B Komorsky |
| Severson & Werson, PC | Represented By Adam N Barasch |

Plaintiff(s):

| | |
|---------------|---|
| Allana Baroni | Represented By Richard L Antognini Anthony R Mordente |
| James Baroni | Represented By Richard L Antognini |

Trustee(s):

| | |
|------------------|--|
| David Seror (TR) | Represented By Susan K Sefflin Jessica L Bagdanov Ryan Coy Jason B Komorsky Steven T Gubner |
|------------------|--|

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Adv#: 2:25-01326 Baroni et al v. Seror et al

#25.00 Con't hrg re: Plaintiffs Motion For Leave To Submit Oppositions
To Defendants Severson & Werson PC And U.S. Fire Insurance
Company's Motions To Dismiss Plaintiffs Adversary Proceeding
fr. 8/5/25

Docket 168

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 26,
9/9/25 at 11:00 a.m.).

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| Party Information |
|--------------------------|

Debtor(s):

Allana Baroni

Represented By
Michael S Riley
Richard L Antognini
Matthew D. Resnik
M. Jonathan Hayes
Kathleen P March

Defendant(s):

David Seror

Represented By
Jason B Komorsky

Brutzkus Gubner

Represented By
Jason B Komorsky

BG LAW LLP

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LIBERTY MUTUAL INSURANCE

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WELLS FARGO BANK N.A

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Chapter 7

United States Fire Insurance

Represented By
Jason B Komorsky

Severson & Werson, PC

Represented By
Adam N Barasch

Plaintiff(s):

Allana Baroni

Represented By
Richard L Antognini
Anthony R Mordente

James Baroni

Represented By
Richard L Antognini

Trustee(s):

David Seror (TR)

Represented By
Susan K Sefflin
Jessica L Bagdanov
Ryan Coy
Jason B Komorsky
Steven T Gubner

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1:12-10986 Allana Baroni

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Adv#: 2:25-01326 Baroni et al v. Seror et al

#26.00 Cont'd Status conference re: Complaint for: (1) Contempt for violations of confirmed chapter 11 plan and of Chapter 11 plan confirmation order; (2) Breach of fiduciary duty; (3) Aiding and abetting breach of fiduciary duty; (4) Gross negligence; (5) Tortious interference; (6) Elder abuse; (7) intentional infliction of emotional distress; (8) Declaratory relief (9) Recovery on bond and demand for jury trial fr. 8/5/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Grant all four MTDs (defined below), grant on a final basis Plaintiffs' motion for leave to re-file certain stricken opposition papers (adv. dkt. 168), and deny Plaintiffs' Ex Parte Request to strike or deny the Trustee Defendants' MTD etc. (adv. dkt. 206). Appearances required.

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

(1) Current issues

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

(a) Motion to dismiss complaint ("Trustee Defendants' MTD") filed by Chapter 7 Trustee, Brutzkus Gubner, LLP, BG Law LLP, and Liberty Mutual Insurance Company (collectively, the "Trustee Defendants") (adv. dkt. 23), Request for judicial notice (adv. dkt. 4), Joinders to MTD (adv. dkt. 25, 26, 39 & 54), Opposition of Plaintiffs (adv. dkt. 55) & request for judicial notice (adv. dkt. 56), Plaintiffs' evidentiary objections (adv. dkt. 62), Reply (adv. dkt. 63),

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Joinders to reply (adv. dkt. 64 & 65), Orders continuing hearing (adv. dkt. 68 & 95), Scheduling Orders (adv. dkt. 174, 197)

Grant the Trustee Defendants' MTD for the reasons set forth in the tentative ruling for Calendar No. 21 (9/9/25 at 11:00 a.m.).

(b) Motion to dismiss complaint ("Severson MTD") filed by Severson & Werson, PC ("Severson") (adv. dkt. 77), Opposition of Plaintiffs (adv. dkt. 85), Reply (adv. dkt. 89), Order continuing hearing (adv. dkt. 95), Order striking opposition (adv. dkt. 146) (among other filed papers), Scheduling Orders (adv. dkt. 174, 197), Re-filed opposition (adv. dkt. 192, amended by adv. dkt. 193), Re-filed reply (dkt. 195)

Grant the Severson MTD for the reasons stated in the motion and reply papers and the additional analysis in Calendar No. 21 (9/9/25 at 11:00 a.m.).

(c) Motion to dismiss complaint ("US Fire MTD") filed by United States Fire Insurance Company ("US Fire") (adv. dkt. 71), Request for judicial notice (adv. dkt. 72), Opposition of Plaintiffs (adv. dkt. 84), Reply (adv. dkt. 88), Order continuing hearing (adv. dkt. 95), Order striking opposition (adv. dkt. 146) (among other pleadings), Scheduling Orders (adv. dkt. 174, 197), re-filed Opposition (adv. dkt. 192), re-filed reply (adv. dkt. 194)

Grant the US Fire MTD for the reasons stated in the motion and reply papers and the additional analysis in Calendar No. 21 (9/9/25 at 11:00 a.m.).

(d) Motion to dismiss complaint ("Wells Fargo MTD") filed by Wells Fargo Bank, N.A. ("Wells Fargo") (adv. dkt. 87), Notice of hearing (adv. dkt. 100, 101 & 106), Plaintiffs' Opposition (adv. dkt. 169) & Request for judicial notice (adv. dkt. 170), Reply (adv. dkt. 173), Plaintiffs' statement/request for "clarification" (adv. dkt. 176), Scheduling Orders (adv. dkt. 174, 197), Re-filed Opposition (adv. dkt. 208 (clean version) & 209 (blacklined version)), Re-filed reply (adv. dkt. 210)

Grant the Wells Fargo MTD for the reasons stated in the motion and reply papers - except that this Court is not persuaded that Plaintiffs materially violated this Court's order (adv. dkt. 197) directing them not to make any changes to their re-filed opposition papers - and the additional analysis in Calendar No. 21 (9/9/25 at 11:00 a.m.).

(e) Plaintiffs' motion for leave to re-file certain stricken opposition

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papers (adv. dkt. 168, "Motion To Re-File"); no oppositions were required or permitted prior to the 8/5/25 hearing (see adv. dkt. 174, pp. 2:21-22 & 3:4-5)

At the hearing on 8/5/25 this Court adopted its tentative to grant this Motion To Re-File, contingent on Plaintiffs re-filing their stricken oppositions by the deadline specified therein, with no changes except the date of the hearing etc. (as specified therein). That tentative ruling was memorialized in this Court's order (adv. dkt. 174, pp. 2:21-22 & 3:4-5).

The tentative ruling is that it is appropriate to issue an order granting the Motion To Re-File on a final basis.

(f) Plaintiffs' Statement regarding Trustee Defendants' August 5, 2025 purportedly improper *ex parte* appearance and request for remedy (adv. dkt. 206, "Ex Parte Request"), no opposition on file

At a status conference on August 5, 2025, counsel for the Trustee Defendants, Jason Kamorsky, Esq., appeared in person for the sole purpose of requesting clarification of this Court's tentative rulings for that day (*i.e.*, not to contest the tentative ruling as Plaintiffs incorrectly argue in their motion papers). Mr. Kamorsky's request for clarification could have been made *ex parte*, but instead was made on the record in open court, and Plaintiffs have failed to establish that Mr. Kamorsky's appearance was improper or has in any way prejudiced Plaintiffs. They nevertheless assert that there was some sort of "misconduct" that "must be addressed" by this Court, and that a "reasonable remedy" would be to strike or deny the Trustee Parties' MTD. Ex Parte Request (adv. dkt. 206) p. 7:25-28. Plaintiffs' frivolous request is denied.

(f) Post-dismissal relief

The tentative ruling is to continue the status conference in anticipation that status conferences might be helpful to address procedural issues in connection with any post-dismissal matters, such as the motion(s) contemplated by at least some of the Defendants for sanctions. See part "(2)(c)" of this tentative ruling, below, for the continuance date and time.

Proposed order(s): Unless otherwise ordered, (x) Movants are directed to lodge a proposed order with respect to each of the respective MTDs (y) counsel for Trustee Defendants is directed to lodge a proposed order denying the Ex Parte Request to strike or

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Allana Baroni

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deny their MTD etc., and (z) counsel for Plaintiffs is directed to lodge a proposed order granting Motion To Re-File their previously-stricken opposition papers, via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)). Each proposed order should include a reference to a Memorialization of Adopted Tentative Rulings that this Court will issue after the hearing, and incorporate those adopted rulings by reference. The parties are reminded to use the new Adversary Proceeding number (failure to do so may cause the order not to be properly lodged).

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The parties have stated their positions (see adv. dkt. 155) and, to the extent necessary, this Court has ruled on these issues.

(b) Mediation

[Intentionally omitted.]

(c) Deadlines/dates

This adversary proceeding has been pending since 11/4/24.

Joint Status Report: No status report required.

Continued status conference: 11/18/25 at 11:00 a.m.

Tentative Ruling for 8/5/25:

Grant a final continuance of the hearings on Defendants' motions to dismiss (adv. dkt. 23, 71, 77 & 87, the "MTDs"); direct the re-filing of certain papers so as to comply with applicable rules and procedures and to establish a clear record; and continue this status conference, all as set forth below.

Appearances are not required on 8/5/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

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

(a) Re-numbering of adversary proceeding

For technical and procedural reasons, this Court issued an order (dkt. 185) formally transferring this adversary proceeding to this division. That order included a direction to all parties "to use the new adversary number assigned [by the Clerk of this Court] to this proceeding in any pleadings filed in this proceeding." *Id.*, p. 2:6-7.

The Clerk of this Court has assigned adversary number 2:25-ap-01326-NB to this adversary proceeding. All parties are reminded to use that number in future.

(b) Plaintiffs' motion for leave to submit oppositions to Defendants Severson & Werson PC ["Severson"] and United States Fire Insurance Company's ["US Fire"] motions to dismiss Plaintiffs' adversary proceeding (adv. dkt. 168, "Motion for Leave to File Oppositions"), no oppositions were required or permitted (see adv. dkt. 174, pp. 2:21-22 & 3:4-5)

The tentative ruling is to grant Plaintiffs' Motion for Leave to File Oppositions in view of the statements of Judge Barash (who previously presided over this proceeding) on the record at a hearing in this proceeding on 4/3/25. See 4/3/25 Transcript (adv. dkt. 167) pp. 11:3-13. This Court understands that, although the intention of Judge Barash was to strike various pleadings filed by Plaintiffs' counsel when he was suspended from practicing law before this Court (including Plaintiffs' oppositions to Severson and US Fire's MTDs) nevertheless he intended to permit Plaintiffs an opportunity to re-file their opposition papers at a later date.

That said, the tentative ruling is that it would be inappropriate to provide Plaintiffs with any opportunity to revise their opposition papers - that would allow them to benefit from their own counsel's misconduct.

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Accordingly, the tentative ruling is to set a **deadline of 8/7/25** for Plaintiffs to file and serve their previously stricken oppositions (*i.e.*, the papers appearing adv. dkt. 84 & 85), with *no changes permitted* to the text of those opposition papers except for the date of the hearing in the caption, the new adversary proceeding number, and the date on the signature line.

The tentative ruling is to set a **deadline of 8/11/25** for Defendants Severson and US Fire to re-file and re-serve the reply papers previously filed (*i.e.*, adv. dkt. 88 & 89) with the only changes being the date of the hearing in the caption, the new adversary proceeding number, and the date on the signature line.

(c) Motion to dismiss complaint ("Trustee Parties' MTD") filed by Chapter 7 Trustee, Brutkus Gubner, LLP, BG Law LLP, and Liberty Mutual Insurance Company (collectively, the "Trustee Parties") (adv. dkt. 23), Request for judicial notice (adv. dkt. 4), Joinders to MTD (adv. dkt. 25, 26, 39 & 54), Opposition of Plaintiffs (adv. dkt. 55) & request for judicial notice (adv. dkt. 56), Plaintiffs' evidentiary objections (adv. dkt. 62), Reply (adv. dkt. 63), Joinders to reply (adv. dkt. 64 & 65), Orders continuing hearing (adv. dkt. 68 & 95), Scheduling Order (adv. dkt. 174)

The tentative ruling is to continue the hearing on the Trustee Parties' MTD concurrent with the continued status conference in this adversary proceeding (see Part "(2)(c)" of this Tentative Ruling, below), so that all of the similar, pending MTDs will have been fully briefed and argued and this Court can issue rulings on all pending MTDs at the same time.

(d) Motion to dismiss complaint ("Severson MTD") filed by Severson & Werson, PC ("Severson") (adv. dkt. 77), Opposition of Plaintiffs (adv. dkt. 85), Reply (adv. dkt. 89), Order continuing hearing (adv. dkt. 95), Order striking opposition (adv. dkt. 146) (among other filed papers), Scheduling Order (adv. dkt. 174)

The tentative ruling is to continue the hearing on the Severson MTD concurrent with the continued status conference in this adversary proceeding (see Part "(2)(c)" of this Tentative Ruling, below), so that all of the similar, pending MTDs will have been fully briefed and argued and this Court can issue rulings on all pending MTDs at the same time.

(e) Motion to dismiss complaint ("US Fire MTD") filed by United States

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Fire Insurance Company ("US Fire") (adv. dkt. 71), Request for judicial notice (adv. dkt. 72), Opposition of Plaintiffs (adv. dkt. 84), Reply (adv. dkt. 88), Order continuing hearing (adv. dkt. 95), Order striking opposition (adv. dkt. 146) (among other pleadings), Scheduling Order (adv. dkt. 174)

The tentative ruling is to continue the hearing on the US Fire MTD concurrent with the continued status conference in this adversary proceeding (see Part "(2)(c)" of this Tentative Ruling, below), so that all of the similar, pending MTDs will have been fully briefed and argued and this Court can issue rulings on all pending MTDs at the same time.

(f) Motion to dismiss complaint ("Wells Fargo MTD") filed by Wells Fargo Bank, N.A. ("Wells Fargo") (adv. dkt. 87), Notice of hearing (adv. dkt. 100, 101 & 106), Plaintiffs' Opposition (adv. dkt. 169) & Request for judicial notice (adv. dkt. 170), Reply (adv. dkt. 173), Plaintiffs' statement/request for "clarification" (adv. dkt. 176), Scheduling Order (adv. dkt. 174)

This Court has reviewed the pleadings described above, including (x) Wells Fargo's footnote (adv. dkt. 173, p. 1, n. 1) highlighting that Plaintiffs' opposition papers exceed the 35-page limit set forth in Local Bankruptcy Rule ("LBR") 9013-2(b)(1) and (y) Plaintiffs' request for "clarification" regarding LBR 9013-2(b)(1), among other papers.

The tentative ruling is that LBR 9013-2(b) plainly applies to all briefs or memorandums, not just trial briefs, and that Plaintiffs' purported misunderstanding of the LBR is neither reasonable nor plausible. Absent leave of court, the LBR limits written argument to 35 pages - of course, the page-limitation does not apply to the non-argument portions of briefs, such as cover pages, tables of contents, tables of authorities, declarations, and exhibits that are not argument.

The tentative ruling is that, although styled as appendices, Appendices A, B, & C (adv. dkt. 169, pp. 51-64) are in fact a continuation of Plaintiffs' argument section. Accordingly, excluding Plaintiffs' cover page (adv. dkt. 169, p. 1), table of contents (*id.*, pp. 3-4) and table of authorities (*id.*, pp. 5-8), the tentative ruling is that Plaintiffs' opposition papers are 57 pages in length (64 total pages - 7 non-argument pages = 57 pages), which is 22 pages longer than permitted by LBR 9013-2(b).

In addition, the tentative ruling is that Plaintiffs have neither argued for nor established that there are adequate grounds to exceed the 35 page limit. Nor is this Court *sua sponte* inclined to grant leave to exceed that limit.

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In view of the foregoing, the tentative ruling is to set a **deadline of 8/19/25** for Plaintiffs to file and serve amended clean and "blacklined" opposition papers (adv. dkt. 169) that reduce the total length of their argument section to 35 pages (with no "appendices"). The tentative ruling is that, to prevent Plaintiffs from benefitting from their own violation of the LBR by belatedly adding new arguments or evidence, they will not be permitted to add any new text, and will be **limited to cutting or moving text** - *i.e.*, not adding any new text. To verify that they have complied with this limitation, all changes must be reflected in the "blacklined" version that is filed and served together with the "clean" version. The only permitted changes (beyond cutting and moving text in the argument, and any conforming changes to any tables of contents etc.) are the date of the hearing in the caption, the new adversary proceeding number, and the date on the signature line.

The tentative ruling is to set a **deadline of 8/26/25** for Defendant Wells Fargo to re-file and re-serve its previously filed reply papers (*i.e.*, adv. dkt. 173) with the only changes being the date of the hearing in the caption, the new adversary proceeding number, and the date on the signature line. Notwithstanding the immediately preceding sentence of this tentative ruling, if Plaintiffs were to violate the foregoing prohibition on adding any new text to their Opposition papers, Wells Fargo may include additional arguments and requests for appropriate remedies in its re-filed Reply papers. The tentative ruling is that any such additional arguments and requests by Wells Fargo, in response to any violation by Plaintiffs, will not count toward the page limit that would otherwise apply to Wells Fargo's reply papers.

The tentative ruling is to continue this matter concurrent with the continued status conference in this adversary proceeding (see Part "(2)(c)" of this Tentative Ruling, below), so that all of the similar, pending MTDs will have been fully briefed and argued and this Court can issue rulings on all pending MTDs at the same time.

(g) Caveats

No briefing regarding the motions to dismiss is permitted other than as set forth above.

All parties are cautioned that this Court does not anticipate further continuances or any further opportunities to cure violations of applicable rules and procedures. For example, if parties' re-filed papers include new arguments or evidence or exceed the applicable page limits, this Court

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anticipates striking portions or all of such papers.

In addition, this Court anticipates that the tentative ruling posted prior to the continued hearing will include time limitations on oral argument. In addition, all rights are reserved for all parties in interest to seek remedies for any past or future violation of any applicable rules and procedures.

Proposed order(s): Unless otherwise ordered, Defendant Wells Fargo is directed to lodge a proposed scheduling/procedural order with respect to all of the foregoing matters via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling. Wells Fargo is reminded to use the new Adversary Proceeding number (failure to do so may cause the order not to be properly lodged).

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The parties have stated their positions (see adv. dkt. 155) and, to the extent necessary, this Court has not yet ruled on these issues.

(b) Mediation

The tentative ruling is not to order mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 11/4/24.

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

Joinder of parties/amendment of pleadings-deadline: TBD

Discovery cutoff (for completion of discovery): TBD

Expert(s) - deadline for reports: TBD

Expert(s) - discovery cutoff (if different from above): TBD

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Dispositive motions to be heard no later than: TBD

Joint Status Report: No status report required.

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

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

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

Trial commencement: TBD

Tentative Ruling for 6/17/25:

Set hearings on Defendants' motions to dismiss (adv. dkt. 23, 71, 77 & 87, the "MTDs") and associated deadlines, and continue this status conference, all as set forth below. Appearances are not required on 6/17/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 155) and the other filed documents and records in this adversary proceeding.

(a) Motion to dismiss complaint ("Trustee Parties' MTD") filed by Chapter 7 Trustee, Brutzkus Gubner, LLP, BG Law LLP, and Liberty Mutual Insurance Company (collectively, the "Trustee Parties") (adv. dkt. 23), Request for judicial notice (adv. dkt. 4), Joinders to MTD (adv. dkt. 25, 26, 39 & 54), Opposition of Plaintiffs (adv. dkt. 55) & request for judicial notice (adv. dkt. 56), Plaintiffs' evidentiary objections (adv. dkt. 62), Reply (adv. dkt. 63), Joinders to reply (adv. dkt. 64 & 65), Orders continuing hearing (adv. dkt. 68 & 95)

This matter is not on for hearing today, but the tentative ruling is that the Trustee Parties' MTD appears to be fully briefed so no further briefing is authorized or permitted. The tentative ruling is also that it is appropriate to

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defer issuing a ruling on this motion until all of the similar, pending MTDs have been fully briefed and argued. The tentative ruling is to set the Trustee Parties' MTD for hearing concurrent with the continued status conference in this adversary proceeding (see Part "(2)(c)" of this Tentative Ruling, below).

(b) Motion to dismiss complaint ("Severson MTD") filed by Severson and Werson, PC ("Severson") (adv. dkt. 77), Opposition of Plaintiffs (adv. dkt. 85), Reply (adv. dkt. 89), Order continuing hearing (adv. dkt. 95), Order striking opposition (adv. dkt. 146) (among other filed papers)

In view of the order of Judge Barash (who previously presided over this proceeding) striking Plaintiffs' opposition to the Severson MTD, the question is whether that should result in a ruling in favor of Severson by default, or not. The tentative ruling is to (x) set a **deadline of July 8, 2025** for Plaintiffs to file a motion seeking leave to re-file their previously filed and stricken opposition (*i.e.*, the papers appearing as docket entry 85) as an untimely opposition, (y) not to require or permit any written response from Defendant Severson to that motion at this time, and (z) set a preliminary hearing on that motion, and a hearing on the Severson MTD, both to be concurrent with the continued status conference in this adversary proceeding (see Part "(2)(c)" of this Tentative Ruling, below).

(c) Motion to dismiss complaint ("US Fire MTD") filed by United States Fire Insurance Company ("US Fire") (adv. dkt. 71), Request for judicial notice (adv. dkt. 72), Opposition of Plaintiffs (adv. dkt. 84), Reply (adv. dkt. 88), Order continuing hearing (adv. dkt. 95), Order striking opposition (adv. dkt. 146) (among other pleadings)

In view of the order of Judge Barash striking Plaintiffs' opposition to the US Fire MTD, the question is whether that should result in a ruling in favor of US Fire by default, or not. The tentative ruling is to (x) set a **deadline of July 8, 2025** for Plaintiffs to file a motion seeking leave to re-file their previously filed and stricken opposition (*i.e.*, the papers appearing as docket entry 84) as an untimely opposition, (y) not to require or permit any written response from Defendant US Fire to that motion at this time, and (z) set a preliminary hearing on that motion, and a hearing on the US Fire MTD, both to be concurrent with the continued status conference in this adversary proceeding (see Part "(2)(c)" of this Tentative Ruling, below).

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(d) Motion to dismiss complaint ("Wells Fargo MTD") filed by Wells Fargo Bank, N.A. (adv. dkt. 87), Notice of hearing (adv. dkt. 100, 101 & 106), no opposition on file

So far as this Court can tell, the Wells Fargo MTD does not appear to have been fully briefed, so the tentative ruling is to (x) set a **deadline of July 8, 2025** for Plaintiffs to file any opposition papers, (y) set a deadline of July 15, 2025 for Defendant Wells Fargo to file any reply papers, and (z) set a hearing on the Wells Fargo MTD to be concurrent with the continued status conference in this adversary proceeding (see Part "(2)(c)" below).

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

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final 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 1038 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to

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liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

The tentative ruling is not to order mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 11/4/24.

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

Joinder of parties/amendment of pleadings-deadline: TBD

Discovery cutoff (for completion of discovery): TBD

Expert(s) - deadline for reports: TBD

Expert(s) - discovery cutoff (if different from above): TBD

Dispositive motions to be heard no later than: TBD

Joint Status Report: 7/22/25

Continued status conference: 8/5/25 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

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

Trial commencement: TBD

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| Party Information |
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Debtor(s):

Allana Baroni

Represented By

Michael S Riley

Richard L Antognini

Matthew D. Resnik

M. Jonathan Hayes

Kathleen P March

Defendant(s):

David Seror

Represented By

Jason B Komorsky

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Brutzkus Gubner

Represented By
Jason B Komorsky

BG LAW LLP

Represented By
Jason B Komorsky

LIBERTY MUTUAL INSURANCE

Represented By
Jason B Komorsky

WELLS FARGO BANK N.A

Represented By
Justin D Balser

United States Fire Insurance

Represented By
Jason B Komorsky

Severson & Werson, PC

Represented By
Adam N Barasch

Plaintiff(s):

Allana Baroni

Represented By
Richard L Antognini
Anthony R Mordente

James Baroni

Represented By
Richard L Antognini

Trustee(s):

David Seror (TR)

Represented By
Susan K Sefflin
Jessica L Bagdanov
Ryan Coy
Jason B Komorsky
Steven T Gubner

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1:00 PM

2:25-16684 Cubcoats Acquisition Vehicle LLC

Chapter 11

#1.00 Status conference re: Chapter 11 case.

Docket 0

Tentative Ruling:

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

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

(1) Current issues

(a) Budget motion

Debtor's status report states it has not had any significant operations since it acquired its business from the bankruptcy case of Peak Theory Inc. (dkt. 16, p. 5), but also that it is operating in the ordinary course. *Id.*, p. 9. The posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) state that all debtors are required to file a budget motion, so the tentative ruling is to direct counsel for the Debtor to appear to address whether this Court should set a deadline for Debtor to file a budget motion.

(b) Application to employ the Orantes Law Firm (dkt. 17) and Statement of Disinterestedness (dkt. 18) (the "Employment Application")

This matter is not on for hearing today because Debtor has elected to proceed on what is colloquially referred to as "negative notice" pursuant to Local Bankruptcy Rule 9013-1(o), but the tentative ruling is to require an additional declaration in support of the Employment Application. The Employment Application discloses that proposed counsel has received \$26,913.00 in pre- and post-petition retainer funds (dkt. 17, p. 8) from third-party funder, M2M Management, LLC (the "Funder") with an undisclosed relationship to Debtor. Serious ethical concerns are raised by any arrangement for payment of attorneys fees by a non-debtor to fund counsel

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CONT... Cubcoats Acquisition Vehicle LLC

Chapter 11

for a debtor, as set forth in the "Procedures of Judge Bason" (available at www.cacb.uscourts.gov), the "Procedures") and the sources referenced therein. The tentative ruling is to direct Debtor to file, and serve on the U.S. Trustee, a marked-up version of Local Form 2014-1 that is executed by the Funder and by Debtor, prior to lodging a proposed order on the Employment Application.

(2) Dates/procedures. This subchapter V case was filed on 8/1/25.

- (a) Bar date: 10/10/25 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 13).
- (b) Procedures Order: dkt. 2 (timely served, dkt. 5)
- (c) Plan/Disclosure Statement: file by 90 days after the petition date (per 11 U.S.C. 1189(b)) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 11/18/25 at 1:00 p.m. No written status report required.

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| Party Information |
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Debtor(s):

Cubcoats Acquisition Vehicle LLC

Represented By
Giovanni Orantes

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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1:00 PM

2:25-11042 Kingsman Real Estate Corporation

Chapter 11

#2.00 Hrg re: Motion for an Order for Dismissal of
Chapter 11 Case or Conversion to Chapter 7

Docket 115

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 3,
9/9/25 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

Kingsman Real Estate Corporation

Represented By
Frank J Alvarado

Movant(s):

Pizazz Investments, LLC

Represented By
Lane M Nussbaum
Marc A Lieberman
Alan W Forsley

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2:25-11042 Kingsman Real Estate Corporation

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/4/25, 3/18/25, 4/8/25, 5/20/25, 6/24/25, 8/5/25

Docket 1

Tentative Ruling:

Continue all matters as set forth below. Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Motion to dismiss or convert case to chapter 7 filed by Pizazz Investments, LLC ("Landlord") (dkt. 115, "MTD"), Notice (dkt. 116), Request for judicial notice (dkt. 117), Lieberman Declaration (dkt. 118), Limited opposition of U.S. Trustee (dkt. 121), Debtor's opposition (dkt. 122), Landlord's reply (dkt. 125), evidentiary objections (dkt. 126-127) & Crivello Decl. (dkt. 128)

The tentative ruling is to continue this matter to the same date and time as the continued status conference (see "Part (2)(d)" below). Although this Court is troubled that Debtor's generation of income appears to come primarily, if not entirely, from a sublease that involves activities that are illegal under federal law and possibly unlicensed under California law, and although this Court is dubious about any debtor whose revenues are derived from illegal activities attempting to use the Bankruptcy Code to accomplish things that could not be accomplished under non-bankruptcy law - including a financial restructuring under any plan of reorganization or any assumption and assignment of the lease - nevertheless, (x) Landlord appears to have

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CONT... Kingsman Real Estate Corporation

Chapter 11

known, consented to, and been complicit in Debtor's use, and/or sub-lease of the subject property to an entity, for the purpose of operating commercial cannabis activities since at least 10/19/18 (MTD (dkt. 115), PDF p. 56), (y) it is unclear, among other things, whether on the one hand the lease terminated prepetition and/or Debtor is greatly indebted to Landlord or if, on the other hand, the lease continues to exist and it is Landlord who is indebted to Debtor, and (z) the interplay between cannabis and bankruptcy is an evolving area of law, and the bankruptcy system encompasses a variety of options including structured dismissals, as well as tools such as assumption and assignment of leases. Until after the trial before the State Court has concluded and the State Court has determined whether any of Debtor's claims and/or defenses are meritorious, or at least until partial findings of fact and conclusions of law by the State Court, it appears inappropriate for this Bankruptcy Court to attempt to decide how all of the foregoing issues might or might not affect what can or cannot be done in this bankruptcy case.

(2) Dates/procedures. This case was filed on 2/11/25.

(a) Bar date: 5/1/25 (dkt. 25) (timely served, dkt. 27)

(b) Procedures Order: dkt. 2 (timely served, dkt. 5)

(c) Plan/Disclosure Statement: See Part "(1)(b)" above

(d) Continued status conference: 11/18/25 at 1:00 p.m. with a *brief* written status report due 11/11/25.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Kingsman Real Estate Corporation

Represented By
Frank J Alvarado

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Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 9, 2025

Hearing Room 1545

1:00 PM

2:25-14827 Dog Robber Inc.

Chapter 11

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

BENNY AND MARYS IRVINE, LLC
vs
DEBTOR

Docket 76

Tentative Ruling:

Grant as set forth below.

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

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

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

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

(1) Limited relief. Modify and condition the automatic stay under 11 U.S.C. 362(d)(1) so that Debtors may pursue an appeal of the nonbankruptcy judgment obtained against them by NewCo Capital Group, subject to the following limitations.

(a) No enforcement against property of the bankruptcy estate. The stay

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CONT... Dog Robber Inc.

Chapter 11

remains in effect with respect to enforcement of any judgment against property of the debtors' bankruptcy estates - any such property shall be distributed when and how provided by the Bankruptcy Code.

(b) Claim allowance, priority, and discharge issues. Any claims arising from the nonbankruptcy litigation are subject to this Bankruptcy Court's jurisdiction regarding claim allowance and priority, and the existence and scope of any bankruptcy discharge.

(c) No relief in *other* bankruptcy cases. 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).

(2) Additional analysis:

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

"Cause" is determined on a case-by-case basis." *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir.1990). In determining whether "cause" exists to grant relief from the automatic stay to allow a movant to pursue litigation in a non-bankruptcy forum, courts in the Ninth Circuit have examined the factors set forth in *In re Curtis*, 40 B.R. 795, 799–800 (Bankr. D. Utah 1984). See *In re Merriman*, 616 B.R. 381, 389 & n. 5 (9th Cir. BAP 2020); *In re Kronmeyer*, 405 B.R. 915 (9th Cir. BAP 2009); *In re Plumberex Specialty Prods., Inc.*, 311 B.R. 551, 559–60 (Bankr. C.D. Cal.2004). Those factors are: (1) Whether the relief will result in a partial or complete resolution of the issues; (2) The lack of any connection with or interference with the bankruptcy case; (3) Whether the foreign proceeding involves the debtor as a fiduciary; (4) Whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases; (5) Whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation; (6) Whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the goods or proceeds in question; (7) Whether the litigation in another forum would prejudice the interests of other creditors, the creditors'

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Chapter 11

committee and other interested parties; (8) Whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c); (9) Whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f); (10) The interests of judicial economy and the expeditious and economical determination of litigation for the parties; (11) Whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and (12) The impact of the stay on the parties and the "balance of hurt." *Plumberex*, 311 B.R. at 559. "[W]hile the *Curtis* factors are widely used to determine the existence of 'cause,' not all of the factors are relevant in every case, nor is a court required to give each factor equal weight." *In re Landmark Fence Co., Inc.*, 2011 WL 6826253 at *4 (C.D. Cal. Dec. 9, 2011). *Accord Merriman*, 616 B.R. 381, 389. See also, e.g., *In re Conejo Enters., Inc.*, 96 F.3d 346, 353 (9th Cir. 1996) (discretion to deny stay relief even when faced with non-core state claims).

Based on the present record, the tentative ruling is that these factors weigh in favor of granting relief as set forth above. Most significantly, the nonbankruptcy forum is best suited to hear Debtors' appeals of the judgments against them.

Effective date of relief

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

Retroactive relief

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

Co-debtor stay

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

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CONT... **Dog Robber Inc.** **Chapter 11**
any basis for any different treatment from the stay under 11 U.S.C. 362(a), so
the tentative ruling is to grant the identical relief regarding any co-debtor stay.

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Dog Robber Inc.

Represented By
Richard L. Sturdevant
Andy C Warshaw

Movant(s):

MIMOSAS A CALI LIFE LLC

Represented By
David M Goodrich

Benny and Marys Irvine, LLC

Represented By
David M Goodrich

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2:25-14827 Dog Robber Inc.

Chapter 11

#5.00 Cont'd Status Conference re: Chapter 11 Case
fr. 6/12/25, 6/17/25, 7/8/25, 8/19/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Grant Debtors' motion for relief from the automatic stay and continue the status conferences in these related cases, all as set forth below.

Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed filed documents and records in these related bankruptcy cases (Dog Robber, Benny & Marys, and Mimosas).

(a) Debtors' motion for relief from the automatic stay (applies to all Debtors) (dkt. 76–77); No opposition on file

Grant as set forth in the tentative ruling for Cal. No. 4 (9/9/25 at 1:00 p.m.).

(2) Dates/procedures. The Dog Robber case was filed on 6/6/25; Benny & Marys on 6/6/25; Mimosas on 6/12/25.

(a) Bar date: Dog Robber 9/15/25 (per Order dkt. 55; timely served dkt. 59); Benny & Marys 8/15/25 (per General Order 20-01); Mimosas 8/21/25 (*id.*).

(b) Procedures Order: Dog Robber dkt. 4 (timely served, dkt. 6); Benny & Marys dkt. 3 (timely served, dkt. 5); Mimosas Mimosas dkt. 6

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Dog Robber Inc.

Chapter 11

(timely served, dkt. 8)

- (c) Plan/Disclosure Statement: Dog Robber file by 12/15/25 (per adopted tentative ruling for 7/8/25) (see Order, dkt. 72, re combined Plan(s) and Disclosure Statement(s) for Debtor(s)); Benny & Mary's file by 9/4/25 (per 11 U.S.C. 1189(b)); Mimosas file by 9/10/25 (*id.*) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conferences (all related cases): 10/7/25 at 1:00 p.m. *Brief* written status report(s) due by 9/23/25 (a single status report in the Dog Robber case will suffice, unless Debtor(s) believe it is necessary or appropriate to file separate status reports).

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Dog Robber Inc.

Represented By

Richard L. Sturdevant

Andy C Warshaw

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2:25-14830 Benny and Marys Irvine, LLC

Chapter 11

#6.00 Cont'd Status conference re: Chapter 11 case
fr. 6/17/25, 6/24/25, 7/8/25, 8/5/25, 8/19/25

Docket 1

Tentative Ruling:

Please see the tentative ruling for the status conference in Dog Robber Inc.
(Calendar No. 5, 9/9/25 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

Benny and Marys Irvine, LLC

Represented By
Christopher A, Minier
David M Goodrich

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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2:25-14956 MIMOSAS A CALI LIFE LLC

Chapter 11

#7.00 Cont'd status conference re: Chapter 11 case
fr. 6/20/25, 7/8/25, 8/19/25

Docket 1

Tentative Ruling:

Please see the tentative ruling for the status conference in Dog Robber Inc.
(Calendar No. 5, 9/9/25 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

MIMOSAS A CALI LIFE LLC

Represented By
David M Goodrich

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
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2:25-11395 Frisco Baking Company, Inc.

Chapter 11

#8.00 Hrg re: Application of Chapter 11 Debtor For An Order
Authrozing The Employment of Armanino Advisory, LLC

Docket 90

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 9,
9/9/25 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

Frisco Baking Company, Inc.

Represented By
Jeffrey S Shinbrot

Movant(s):

Frisco Baking Company, Inc.

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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2:25-11395 Frisco Baking Company, Inc.

Chapter 11

#9.00 Cont'd Status Conference re: Chapter 11 Case
fr. 02/28/25, 3/18/25, 4/22/25, 6/17/25, 7/30/25,
8/19/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Approve Debtor's application to employ a sales advisory consultant and continue the status conference, all as set forth below. Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Debtor's application to employ Armanino Advisory, LLC as its sales advisory consultant (dkt. 90), Statement of Disinterestedness (dkt. 96), No opposition on file

Grant Debtor's application to employ Armanino Advisory, LLC as its sales advisory consultant, subject to the Judge Bason's standard conditions (reproduced below), which this Court will add to the lodged order granting the application.

Judge Bason's standard conditions for employment of a professional under 11 U.S.C. 328

Notwithstanding any other provisions, Judge Bason's standard terms apply (unless struck through): (a) employment is per 11 U.S.C. § 327 not and § 328; ~~(b) payment only per 11 U.S.C. § 330(a) – no lien or superpriority claim is allowed (except as explicitly allowed – e.g.,~~

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Frisco Baking Company, Inc.

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~~realtor commissions on court-approved sales~~; (c) ~~maximum 2 hours per day of non-working time (e.g., travel, or waiting for matter to be called) absent an adequate explanation~~; (d) **no buyers' premium** for auctioneers; (e) **no dual agency**; (f) all matters relating to the professional's engagement, compensation and costs shall be resolved in this court, notwithstanding any provisions for arbitration, choice of venue, or the like; (g) any indemnification, limitation of damages or the like is ineffective; (h) billing judgment and bankruptcy limitations are mandatory, keeping in mind that a debtor in possession/trustee is acting for the benefit of creditors/the estate; and (i) notwithstanding any waivers, including as to disclosures or conflicts, federal bankruptcy requirements govern, and any waiver can apply only as against Debtor, not the bankruptcy estate. See *generally In re Circle K Corp.*, 279 F.3d 669 (9th Cir. 2002); 11 U.S.C. § 327(a) (professionals may not "hold or represent an interest adverse to the estate"); *In re Strand*, 375 F.3d 854 (9th Cir. 2004); *In re Garcia*, 335 B.R. 717, 723-29 & n. 6 (9th Cir. BAP 2005); *In re Triple Star Welding, Inc.*, 324 B.R. 778, 790-91 (9th Cir. BAP 2005); *In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016) (cost/benefit analysis).

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

(b) Plan (dkt. 72) and Disclosure Statement (dkt. 71)

The tentative ruling is that it would be premature to conduct further proceedings on the initial drafts of Debtor's Plan (dkt. 72) and Disclosure Statement (dkt. 71) at this time, because Debtor has not yet marketed its business for sale (and the sale of the business is a significant component of the Plan).

(2) Dates/procedures. This case was filed on 2/24/25.

- (a) Bar date: 5/16/25 (Bar Date Order (dkt. 51) timely served, dkt. 62)
- (b) Procedures Order: dkt. 13 (timely served, dkt. 17)
- (c) Plan/Disclosure Statement: timely filed on 6/24/25 (dkt. 71–72) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

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Frisco Baking Company, Inc.

Chapter 11

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Frisco Baking Company, Inc.

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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2:25-14931 Forrest Kent Balmain

Chapter 11

#10.00 Hrg re: Motion in Individual Ch 11 Case for Order
Pursuant to 11 U.S.C. Sec. 363 Setting Budget for
Interim Use of Estate Property as Defined in
11 U.S.C. Sec. 1115

Docket 41

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 12,
9/9/25 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

Forrest Kent Balmain

Represented By
Lawrence R Fieselman
Julie J Villalobos

Movant(s):

Forrest Kent Balmain

Represented By
Lawrence R Fieselman
Julie J Villalobos

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:25-14931 Forrest Kent Balmain

Chapter 11

#11.00 Cont'd hrg re: Motion for Order Determining Value of Collateral
fr. 8/19/25

Docket 27

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 12,
9/9/25 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

Forrest Kent Balmain

Represented By
Lawrence R Fieselman
Julie J Villalobos

Movant(s):

Forrest Kent Balmain

Represented By
Lawrence R Fieselman
Julie J Villalobos

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:25-14931 Forrest Kent Balmain

Chapter 11

#12.00 Cont'd status conference re: Chapter 11 case
fr. 7/8/25, 8/12/25, 8/19/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Appearances required.

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

(1) Current issues

(a) Debtor's valuation motion (dkt. 27), Creditor's opposition (dkt. 38–39), Debtor's reply (dkt. 40), Creditor's supplemental opposition (dkt. 46), Debtor's supplemental reply (dkt. 49)

The tentative ruling is that an evidentiary hearing will be required to resolve the dispute between Debtor and Creditor regarding the cost of repairing the property. The parties should be prepared to address the procedures for an evidentiary hearing, including who will provide direct testimony as to the cost of repairs. For example, the supplemental declaration (dkt. 49, PDF pp. 8–9) of Steven Mark McCullough, who appraised the property on Debtor's behalf, opines as to repair costs, but is there a general contractor that Debtor has consulted who has submitted a bid?

The tentative ruling is to set an evidentiary hearing for **10/30/25 starting at 9:00 a.m.**, with direct testimony via declaration subject to live cross-examination, and to direct the parties to meet and confer about any other trial-related procedures (e.g., whether any testimony will be permitted via Zoomgov), with a direction to the parties to review the trial-related portion of the "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) and a direction to Debtor to lodge an agreed form of pretrial order by a

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Forrest Kent Balmain

Chapter 11

deadline of 9/23/25 (or, if the parties cannot agree on the form of such an order, both parties may lodge competing forms of order, with a blackline or other method of showing the differences).

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the matter(s) addressed here via LOU by the above-referenced deadline (per LBR 9021-1(b)(1)(B)).

(b) Debtor's deadline to file a Plan

At the 8/19/25 status conference, this Court extended Debtor's deadline to file its SubChapter V Plan from 9/10/25 to 9/23/25. The tentative ruling is that it would be a waste of time and resources to require Debtor to file a Plan until the valuation dispute is resolved, and that the delays associated with the valuation dispute qualify as "circumstances for which debtor should not justly be held accountable," 11 U.S.C. 1189(b), thereby warranting a further extension of Debtor's deadline to file a Plan. The tentative ruling is to further extend such deadline to **11/14/25**, subject to additional extensions depending upon how long it takes to resolve the valuation dispute.

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

(c) Budget Motion (dkt. 41), No opposition on file

As set forth in an adopted tentative ruling issued on 8/12/25 (intentionally omitted below), Debtor failed to serve the initial version of the Budget Motion (dkt. 28) on "all creditors," consistent with Rule 2002(a)(3) (Fed. R. Bankr. P.) (requiring service upon all creditors of any request to use property of the estate outside the ordinary course of business). Although the proof of service attached to the most recent version of the Budget Motion (dkt. 41) reflects that it has been served on all creditors, the tentative ruling is that the motion contains a number of errors that must be corrected.

First, the Schedule I attached to the Budget Motion (dkt. 41, PDF p. 7) is incomplete – only the first page of the two-page schedule is included. Second, the incomplete Schedule I attached to the Budget Motion is **not** a "true and correct" copy of the Schedule I that Debtor filed with this Court.

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Forrest Kent Balmain

Chapter 11

Debtor's Schedule I – which has **not** been amended – states that his monthly gross income is \$6,500.00. Schedule I (dkt. 1) at Part 2, Question 4 (PDF p. 41). But the Schedule I attached to the Budget Motion states that Debtor's monthly gross income is \$2,166.67. Budget Motion (dkt. 41) at Part 2, Question 4 (PDF p. 7). Which figure is correct? What is the explanation (supported by a declaration under penalty of perjury) for the change?

Third, even if the complete version of Schedule I had been attached to the Budget Motion (it was not), Debtor failed to properly respond to question 8a on Schedule I, which inquires about "net income from rental property and from operating a business, profession, or farm." A proper response to question 8a requires Debtor to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income." No such statement is attached. See Schedule I (dkt. 1) at Part 2, Question 8a (PDF p. 42).

The tentative ruling is (A) to **set a deadline of 9/23/25** for Debtor to file and serve an Amended Budget Motion that corrects the foregoing deficiencies, together with a notice of hearing with the following dates; and (B) to set a hearing on the Amended Budget Motion on **10/21/25 at 1:00 p.m.**, with deadlines of **10/7/25** for any opposition and **10/14/25** for any reply.

Finally, the tentative ruling is that counsel for Debtor is directed not to charge any fees for time spent on the current version of the Budget Motion (dkt. 41) in view of the deficiencies discussed above. But, unless otherwise ordered, counsel may charge for time spent preparing the Amended Budget Motion.

(2) Dates/procedures. This case was filed on 6/12/25.

- (a) Bar date: 8/21/25 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one will be sent).
- (b) Procedures Order: dkt. 6 (timely served, dkt. 11).
- (c) Plan/Disclosure Statement: see part "(1)(b)," above (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: Concurrent with continued hearing on the Amended Budget Motion (see part "(1)(a)," above). No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

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Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

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Forrest Kent Balmain

Chapter 11

Party Information

Debtor(s):

Forrest Kent Balmain

Represented By
Lawrence R Fieselman
Julie J Villalobos

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

1:00 PM

2:24-19238 Karla Enid Ramirez

Chapter 11

#13.00 Cont'd hrg re: Amended Motion in Individual Ch 11 Case for Order Pursuant to 11 U.S.C. Sec. 363 Setting Budget for Interim Use of Estate Property as Defined in 11 U.S.C. Sec. 1115 fr. 5/20/25, 8/5/25

Docket 87

Tentative Ruling:

Tentative Ruling for 9/9/25:

Please see the tentative ruling for the status conference (Calendar No. 14, 9/9/25 at 1:00 p.m.).

Tentative Ruling for 8/5/25:

Please see the tentative ruling for the status conference (Calendar No. 24, 8/5/25 at 1:00 p.m.).

Tentative Ruling for 5/20/25:

Please see the tentative ruling for the status conference (Calendar No. 10, 5/20/25 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

Karla Enid Ramirez

Represented By
Onyinye N Anyama

Movant(s):

Karla Enid Ramirez

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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2:24-19238 Karla Enid Ramirez

Chapter 11

#14.00 Cont'd status conference re: Chapter 11 case
fr. 4/8/25, 5/20/25, 8/5/25

Docket 41

Tentative Ruling:

Tentative Ruling for 9/9/25:

Set a **deadline of 9/16/25** for Debtor to lodge a proposed order setting a combined hearing on final approval of disclosures and plan confirmation and continue the status conference as set forth below. Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Budget Motion (dkt. 87)

This matter is mooted by Debtor's amended budget motion (dkt. 112), so the tentative ruling is to take this matter off calendar (no further continuances).

If Debtor has not lodged a proposed order approving the amended budget motion (as to which no opposition appears on the docket) by the date of this status conference, the tentative ruling is to direct Debtor to lodge a proposed order via LOU by a **deadline of 9/16/25**.

(b) Amended Plan of Reorganization ("AmPlan," dkt 113) and Amended Disclosure Statement ("AmD/S," dkt. 114), Debtor declaration (dkt. 115)

The tentative ruling is to direct Debtor to lodge a proposed order, substantially in the form posted on Judge Bason's portion of the Court's

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1:00 PM

CONT... Karla Enid Ramirez

Chapter 11

website (at www.cacb.uscourts.gov), by the deadline set forth at the start of this tentative ruling setting a combined hearing on final approval of the Amended D/S and confirmation of the Amended Plan, contemporaneous with the continued status conference (see below).

(2) Dates/procedures. This case was filed on 11/12/24 and converted from chapter 13 on 3/11/25.

(a) Bar date: 6/17/25 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Procedures Order: dkt. 43 (timely served, dkt. 55)

(c) AmPlan (dkt. 113)/Disclosure Statement (dkt. 114): see above.

(d) Continued status conference: 11/18/25 at 1:00 p.m. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
|--------------------------|

Debtor(s):

Karla Enid Ramirez

Represented By
Onyinye N Anyama

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Los Angeles
Neil Bason, Presiding
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Tuesday, September 9, 2025

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1:00 PM

2:24-12614 Boisson Inc.

Chapter 11

#15.00 Cont'd hrg re: Motion To Extend The Time To Object To
Proof Of Claim 55 Filed By The California Department
Of Resources Recycling And Recovery
fr. 4/8/25, 5/20/25, 7/8/25, 8/5/25

Docket 248

Tentative Ruling:

Tentative Ruling for 9/9/25:

Please see the tentative ruling for the status conference (Calendar No. 17,
9/9/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

| |
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| Party Information |
|--------------------------|

Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Movant(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 9, 2025

Hearing Room 1545

1:00 PM

2:24-12614 Boisson Inc.

Chapter 11

#16.00 Cont'd hrg re: Motion for Order to Allow / Deem Timely Filing
of Proof of Claim by California Department of Resources
Recycling and Recovery
fr. 2/25/25, 4/8/25, 5/20/25, 7/8/25, 8/5/25

Docket 237

Tentative Ruling:

Tentative Ruling for 9/9/25:

Please see the tentative ruling for the status conference (Calendar No. 17,
9/9/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Movant(s):

CA Department of Resources

Represented By
Annadel A Almendras
Barbara Spiegel

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

1:00 PM

2:24-12614 Boisson Inc.

Chapter 11

#17.00 Cont'd Status Conference re: Post Confirmation
fr. 4/9/24, 4/30/24, 5/7/24, 5/14/24, 5/21/24, 6/25/24,
7/9/24, 7/16/24, 10/8/24, 12/17/24, 1/7/25, 2/25/25,
4/8/25, 5/20/25, 7/8/25, 8/5/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Appearances required by Debtor's counsel, CalRecycle's counsel. All other parties in interest are welcome, but not required, to appear.

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

(1) Current issues

(a) Motion of California Department of Resources Recycling and Recovery ("CalRecycle") to deem proof of claim 55 ("Claim 55") as timely and allow claim in unspecified amount (dkt. 237, "Motion to Allow Claim") & Notice of errata (dkt. 244), Debtor's opposition (dkt. 243), CalRecycle's reply (dkt. 245), Order continuing hearing (dkt. 249), status reports of Debtor (dkt. 256) and CalRecycle (dkt. 257), Order granting motion in part (dkt. 264); Debtor's Status Report (dkt. 271)

There is no tentative ruling. The parties are directed to appear to address the status of this motion.

In March of this year, this Court issued an order (dkt. 249) directing Debtor to hold funds, rather than disburse them under the confirmed Plan, so as to maintain the status quo for a short time while this matter was sorted out. It has now been several months and this matter is still pending. Debtor is directed to address whether creditors should be notified of their rights upon a default under the confirmed Plan.

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1:00 PM

CONT...

Boisson Inc.

Chapter 11

(b) Debtor's motion to extend the time to object to proof of claim 55 (dkt. 248), CalRecycle's conditional non-opposition (dkt. 254), Debtor's reply (dkt. 255), Order granting motion in part (dkt. 263)
See above.

(2) Dates/deadlines

This subchapter V case was filed on 4/4/24, and this Court confirmed a plan on 8/29/24 (dkt. 185). The tentative ruling is to continue this status conference to 10/21/25 at 1:00 p.m. No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

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

1:00 PM

2:24-19131 Kyung Jik Lee

Chapter 11

#18.00 Status Conference re: Post confirmation
fr. 12/3/24, 1/7/25, 1/21/25, 4/22/25, 6/3/25, 8/5/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue the post-confirmation status conference as set forth below.

Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the Status Report (dkt. 105) filed on 8/26/25, and has no issues to raise *sua sponte*.

(2) Dates/procedures. This case was filed on 11/6/24.

(a) Bar date: 1/15/25 (dkt. 33).

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

(c) Plan/Disclosure Statement: First Amended Plan (dkt. 70) confirmed on 4/23/25 (dkt. 81).

(d) Post-confirmation status conference: 12/2/25 at 1:00 p.m. No written post-confirmation status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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CONT... Kyung Jik Lee

Chapter 11

Debtor(s):

Kyung Jik Lee

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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2:00 PM

2:25-10181 Jamie Mazur

Chapter 11

#1.00 Hrg re: Motion to Withdraw as Attorney

Docket 105

***** VACATED *** REASON: Voluntary dismissal of motion filed 9/4/25
(dkt. 112)**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

Jamie Mazur

Represented By
Michael Jay Berger

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2:00 PM

2:25-10181 Jamie Mazur

Chapter 11

#2.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/11/25, 3/18/25, 4/8/25, 5/6/25, 6/3/25, 6/17/25,
07/15/25, 8/19/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue the status conference as set forth below. Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

(1) Current issues

This Court has reviewed the documents and records on file in Debtor's bankruptcy case-in-chief and has no issues to raise *sua sponte*.

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

- (a) Bar date: 3/31/25 (Bar Date Order (dkt. 24) timely served, dkt. 30).
- (b) Procedures Order: dkt. 4 (timely served, dkt. 9)
- (c) Plan/Disclosure Statement: timely filed (dkt. 102–103) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 9/23/25 at 1:00 p.m., concurrent with other matters. No written status report required.

Tentative Ruling for 8/19/25:

Continue as set forth below. Appearances are not required on 8/19/25.

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

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CONT... Jamie Mazur

Chapter 11

(1) Current issues

(a) Debtor's failure to remain current on adequate protection payments

The tentative ruling is not to take any action *sua sponte* on Debtor's self-reported failure to remain current on adequate protection payments to U.S. Bank Trust, N.A. ("U.S. Bank") and Finance California (collectively, the "Banks"). (Debtor reports that the tenant leasing Debtor's property, a victim of the 2025 wildfires, "is due payment from his home insurance company that have not been disbursed yet," and that "Debtor anticipates being able to pay the July and August, 2025 adequate protection payments when his tenant is able to pay the rent owed for those months." Status Report (dkt. 104) p. 2:17–24.)

(b) Plan (dkt. 102) and Disclosure Statement (dkt. 103)

The tentative ruling is to not take any action at this time regarding Debtor's proposed Plan and Disclosure Statement, because those documents may be mooted by developments pertaining to Debtor's attempted sale or refinance of the house he is currently renting out. This Court notes, however, that in the event that Debtor were to move forward with an attempted sale or refinance through a Plan (as distinguished from a sale or refinance under 11 U.S.C. 363 or 364 or in some other way, such as in conjunction with a structured dismissal) then minor revisions would be needed to the Plan documents.

The treatment of the priority (unsecured) claim of the Franchise Tax Board is described inconsistently in the Disclosure Statement. Either that claim would be paid over time (per dkt. 105 p. 14:10-13) or it would be paid in full on the effective date (per dkt. 105 Ex. C at PDF p. 104).

In addition, this Court notes that, to satisfy the "adequate information" requirement set forth in 11 U.S.C. 1125(a)(1), the "Risk Factors" section of the Disclosure Statement (see Disclosure Statement (dkt. 103) at Section III(E) (p. 16:18–24)) would need to be amended to include as an additional risk factor the possibility that the tenant currently renting Debtor's property has a history of failing to timely make rental payments. That may result in Banks pursuing remedies with respect to the property.

In addition, this Court expects that one possible reason for effectuating any sale of the property through the Plan would be to gain the benefit of 11 U.S.C. 1146 (exemption from stamp tax). But that is not mentioned in the

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CONT...

Jamie Mazur

Chapter 11

Plan documents (e.g., under "Means of Effectuating the Plan" or "Tax Consequences," in the Disclosure statement at pp. 16-17), which might not give adequate notice to the local tax authorities of any such intent.

Notwithstanding each of the foregoing issues, it probably would be a waste of administrative expenses to draft and file revised Plan documents unless and until a viable sale or refinance is in prospect. In addition, the pending motion of Debtor's bankruptcy counsel to withdraw (dkt. 105) probably makes it inadvisable to proceed with modifying the Plan documents at this time. Accordingly, the foregoing Plan-related observations are solely for future reference.

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

- (a) Bar date: 3/31/25 (Bar Date Order (dkt. 24) timely served, dkt. 30).
- (b) Procedures Order: dkt. 4 (timely served, dkt. 9)
- (c) Plan/Disclosure Statement: timely filed (dkt. 102–103) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 9/9/25 at 2:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Jamie Mazur

Represented By
Michael Jay Berger

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2:23-10990 Leslie Klein

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 4/8/25, 4/22/25, 05/01/25, 5/6/25, 5/20/25, 6/3/25,
6/17/25, 6/24/25, 07/15/25, 8/5/25, 8/12/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue as set forth below. Appearances are not required on 9/9/25.

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

(1) Current issues

(a) Adversary proceeding status conferences for Adv. No. 2:23-ap-01153-NB and 2:24-ap-01140-NB

Please see the tentative rulings for calendar nos. 4 and 5 on today's 2:00 p.m. calendar.

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

(a) Bar date: 5/3/23 (see dkts. 10, 12 & 18)

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CONT...

Leslie Klein

Chapter 11

(b) Procedures Order: dkt. 950 (timely served, dkt. 953)

(c) Plan/Disclosure Statement: file by 9/15/25 (DO NOT SERVE -
except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 9/23/25 at 2:00 p.m., concurrent with
other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Leslie Klein

Pro Se

Trustee(s):

Bradley D. Sharp (TR)

Represented By

Jeffrey W Dulberg

Jeffrey N Pomerantz

John W Lucas

Jeffrey P Nolan

Pachulski Stang Ziehl & Jones LLP

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2:00 PM

2:23-10990 Leslie Klein

Chapter 11

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

#4.00 Cont'd Status Conference re: Complaint for Nondischargability of Debt Pursuant to 11 USC Section 523(a)(2)(A), 11 USC Section 523(a)(4), & 11 USC Section 523(a)(6); & for Denial of Discharge Pursuant to 11 USC Section 727(a)(2)(A); 11 USC Section 727(a)(2)(B); 11 USC Section 727(a)(3); 11 USC Section 727(a)(4); 11 USC Section 727(a)(5) fr. 4/8/25, 07/15/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

The tentative ruling is to conclude this status conference (no further continuances) and request and direct the Clerk's Office to close this adversary proceeding because this matter was continued to this date to address any post-judgment issues and, as of the preparation of this tentative ruling, no request for additional relief has been filed. Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

| |
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| Party Information |
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Debtor(s):

Leslie Klein

Pro Se

Defendant(s):

Leslie Klein

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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2:00 PM

CONT... Leslie Klein

Chapter 11

Eric J Olson

Plaintiff(s):

Robert & Esther Mermelstein

Represented By
Baruch C Cohen

Trustee(s):

Bradley D. Sharp (TR)

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

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Hearing Room 1545

2:00 PM

2:23-10990 Leslie Klein

Chapter 11

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

#5.00 Cont'd Status Conference re: Complaint for Quiet Title and Avoidance of Unrecorded Interests in Real Property Located at 322 N. June St., Los Angeles California
fr. 4/8/25, 07/15/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue as set forth below. Appearances are not required on 9/9/25.

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

(1) Current issues

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

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

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

(b) Mediation

[Intentionally omitted]

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CONT...

Leslie Klein

Chapter 11

(c) Deadlines

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

Joint Status Report: 11/4/25

Continued status conference: 11/18/25 at 2:00 p.m.

Tentative Ruling for 7/15/25:

Appearances required.

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

(1) Current issues

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

(a) Missing status report

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

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

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

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CONT...

Leslie Klein

Chapter 11

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

(b) Mediation

[Intentionally omitted]

(c) Deadlines

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

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

Joint Status Report: 9/9/25

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Leslie Klein

Pro Se

Defendant(s):

Leslie Klein

Represented By
Eric J Olson

The Second Amended Klein Living

Represented By
Eric J Olson

The Marital Deduction Trust of

Represented By
Eric J Olson

Barbara Klein

Represented By
Eric J Olson

The Survivor's Trust of Leslie Klein

Represented By
Eric J Olson

Kenneth Klein

Represented By
Simon Aron

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CONT... Leslie Klein

Chapter 11

Plaintiff(s):

Bradley D. Sharp, Chapter 11

Represented By
John W Lucas
Jeffrey W Dulberg
Jeffrey P Nolan

Trustee(s):

Bradley D. Sharp (TR)

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

**United States Bankruptcy Court
Central District of California
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2:00 PM

2:22-14320 Golden Sphinx Limited

Chapter 15

#6.00 Cont'd Status Conference
fr. 11/14/23, 12/5/23, 12/19/23, 3/5/24, 3/12/24,
4/9/24, 7/16/24, 10/22/24, 11/19/24, 12/17/24,
1/28/25, 3/18/25, 6/3/25, 8/5/25, 8/19/25

Docket 116

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue as set forth below. Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

Reasons:

This Court has reviewed the status report filed in this case on 9/5/25 by creditor Garry Y. Itkin (dkt. 179) and the "Statement Regarding Motion for Reconsideration of Order Dismissing Involuntary Case," which discusses proceedings conducted by the Royal Court of Jersey (the "Jersey Court") that are relevant to this case, filed by Foreign Representatives Andrew Wood and Alexander Adam in the case of Itkin & Sabadash (dkt. 112, Case No. 2:25-bk-11235-NB) on 8/28/25. As set forth in Mr. Itkin's status report and the Foreign Representatives' statement, a hearing before the Jersey Court is set for 9/22/25. The tentative ruling is to continue this status conference to **10/7/25 at 2:00 p.m.** No written status report is required; however, should there be any developments which either Mr. Itkin or the Foreign Representatives wish to bring to this Court's attention, either one of them is

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CONT... Golden Sphinx Limited

Chapter 15

free to file a *brief* written status report by no later than **9/30/25**.

[PRIOR TENTATIVE RULINGS OMITTED]

| Party Information |
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Debtor(s):

Golden Sphinx Limited

Represented By
Kyle Ortiz
Kurt Ramlo

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:25-11235 Itkin & Sabadash

Chapter 7

#7.00 Cont'd hrg re: Putative Partner Alexander Sabadash's motion for fees and damages, under 11 U.S.C. section 303(l) and sanctions under FRBP 9011 and the courts inherent power fr. 8/5/25, 8/19/25

Docket 91

Tentative Ruling:

Appearances required.

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

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| Party Information |
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Debtor(s):

Itkin & Sabadash

Pro Se

Movant(s):

Alexander Sabadash

Represented By
Michael Zorkin

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:25-11235 Itkin & Sabadash

Chapter 7

#8.00 Cont'd hrg re: Putative Partner Alexander Sabadash's motion
for fees and damages, under 11 U.S.C. section 303(l)
fr. 8/5/25, 8/19/25

Docket 90

Tentative Ruling:

Appearances required.

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

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| Party Information |
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Debtor(s):

Itkin & Sabadash

Pro Se

Movant(s):

Alexander Sabadash

Represented By
Michael Zorkin

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:25-11235 Itkin & Sabadash and Aleksandr Vitalievich Sabadash

Chapter 7

#9.00 Cont'd Status conference re: Chapter 7 Involuntary Petition
fr. 4/22/25, 6/3/25, 6/17/25, 8/19/25

Docket 1

Tentative Ruling:

Appearances required.

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

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| Party Information |
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Debtor(s):

Itkin & Sabadash

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

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

#10.00 Cont'd Pre-Trial Conference re: Complaint for (1) Avoidance of Preferential Transfers (2) Avoidance of Actual Fraudulent Transfers (3) Avoidance of Constructive Fraudulent Transfers (4) Recovery of Avoided Transfers (5) Disallowance of Claims
fr. 08/27/24, 12/03/24, 1/28/25, 3/18/25, 4/22/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Appearance required by Plaintiff's successor in interest, the current Chapter 7 Trustee ("Trustee").

At the prior status conference, held on 6/3/25, Trustee represented that the matter had settled and that he was in the process of documenting the settlement and preparing a Rule 9019 motion. See Status Report (adv. dkt. 40) ¶ (G) (p. 4). As of the preparation of this tentative ruling, neither a Rule 9019 motion nor an updated status report is on file.

There is no tentative ruling, but Trustee is directed to appear to provide an update on the status of the settlement (in providing such an update, Trustee is directed to avoid disclosing confidential settlement communications). Trustee is cautioned that in future, the failure to timely file a status report may lead to adverse consequences.

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

Debtor(s):

Cherry Man Industries, Inc.

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

Defendant(s):

Patricia Barraza

Represented By
Derrick Talerico

Plaintiff(s):

Bankruptcy Estate Of Cherry Man

Represented By
David B Golubchik
Krikor J Meshefejian
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01068 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v. ANJI

#11.00 Cont'd Status conference re: Complaint For: (1) Avoidance Of Preferential Transfers [11 U.S.C. § 547]; (2) Recovery Of Avoided Transfers [11 U.S.C. § 550]; And (3) Disallowance Of Claims [11U.S.C. §502] fr. 6/4/24, 8/6/24, 10/22/24, 12/17/24, 3/18/25, 4/22/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 12/16/25 at 2:00 p.m., with a status report due by 12/2/25, to provide additional time for the Chapter 7 Trustee to investigate the feasibility of serving the summons and complaint upon defendant under the Hague Convention or whatever other procedures might be applicable. See Status Report (adv. dkt. 10) ¶ G (p. 4). Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Cherry Man Industries, Inc.

Represented By
David S Kupetz
Asa S Hami

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... **Cherry Man Industries, Inc.**

Chapter 7

Victor A Sahn
Hamid R Rafatjoo
David B Golubchik

Defendant(s):

ANJI DEKA OFFICE SYSTEM CO Pro Se

Plaintiff(s):

HAMID R. RAFATJOO IN HIS Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR) Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01069 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v. QX-

#12.00 Cont'd Status conference re: Complaint For: (1) Avoidance Of Preferential Transfers [11 U.S.C. § 547]; (2) Recovery Of Avoided Transfers [11 U.S.C. § 550]; And (3) Disallowance Of Claims [11U.S.C. §502] fr. 6/4/24, 8/6/24, 10/22/24, 12/17/24, 3/18/25, 4/22/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 12/16/25 at 2:00 p.m., with a status report due by 12/2/25, to provide additional time for the Chapter 7 Trustee to investigate the feasibility of serving the summons and complaint upon defendant under the Hague Convention or whatever other procedures might be applicable. See Status Report (adv. dkt. 12) ¶ G (p. 4). Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Cherry Man Industries, Inc.

Represented By
David S Kupetz
Asa S Hami

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

Victor A Sahn
Hamid R Rafatjoo
David B Golubchik

Defendant(s):

QX-ORIENTAL INTERNATIONAL Pro Se

Plaintiff(s):

HAMID R. RAFATJOO IN HIS
Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR) Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01070 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v.

#13.00 Cont'd Status conference re: Complaint For: (1) Avoidance Of Preferential Transfers [11 U.S.C. § 547]; (2) Recovery Of Avoided Transfers [11 U.S.C. § 550]; And (3) Disallowance Of Claims [11U.S.C. §502] fr. 6/4/24, 8/6/24, 10/22/24, 12/17/24, 3/18/25, 4/22/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 12/16/25 at 2:00 p.m., with a status report due by 12/2/25, to provide additional time for the Chapter 7 Trustee to investigate the feasibility of serving the summons and complaint upon defendant under the Hague Convention or whatever other procedures might be applicable. See Status Report (adv. dkt. 11) ¶ G (p. 4). Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Cherry Man Industries, Inc.

Represented By
David S Kupetz
Asa S Hami

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

Victor A Sahn
Hamid R Rafatjoo
David B Golubchik

Defendant(s):

ZHEJIANG WALSN FURNITURE Pro Se

Plaintiff(s):

HAMID R. RAFATJOO IN HIS
Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR) Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01072 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v.

#14.00 Cont'd Status conference re: Complaint For: (1) Avoidance Of Preferential Transfers [11 U.S.C. § 547]; (2) Recovery Of Avoided Transfers [11 U.S.C. § 550]; And (3) Disallowance Of Claims [11U.S.C. §502] fr. 6/4/24, 8/6/24, 10/22/24, 12/17/24, 3/18/25, 4/22/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 12/16/25 at 2:00 p.m., with a status report due by 12/2/25, to provide additional time for the Chapter 7 Trustee to investigate the feasibility of serving the summons and complaint upon defendant under the Hague Convention or whatever other procedures might be applicable. See Status Report (adv. dkt. 12) ¶ G (p. 4). Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Cherry Man Industries, Inc.

Represented By
David S Kupetz
Asa S Hami

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

Victor A Sahn
Hamid R Rafatjoo
David B Golubchik

Defendant(s):

SHANGHAI REALHONG

Pro Se

Plaintiff(s):

HAMID R. RAFATJOO IN HIS

Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01073 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v.

#15.00 Cont'd status conference re: Complaint For: (1) Avoidance Of Preferential Transfers [11 U.S.C. § 547]; (2) Recovery Of Avoided Transfers [11 U.S.C. § 550]; And (3) Disallowance Of Claims [11 U.S.C. §502] fr. 6/4/24, 8/6/24, 10/22/24, 12/17/24, 3/18/25, 4/22/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 12/16/25 at 2:00 p.m., with a status report due by 12/2/25, to provide additional time for the Chapter 7 Trustee to investigate the feasibility of serving the summons and complaint upon defendant under the Hague Convention or whatever other procedures might be applicable. See Status Report (adv. dkt. 12) ¶ G (p. 4). Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Cherry Man Industries, Inc.

Represented By
David S Kupetz

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

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

Defendant(s):

SHANGHAI LIANYING IMPORT Pro Se

Plaintiff(s):

HAMID R. RAFATJOO IN HIS Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR) Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01074 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v.

#16.00 Cont'd Status conference re: Complaint For: (1) Avoidance Of Preferential Transfers [11 U.S.C. § 547]; (2) Avoidance Of Actual Fraudulent Transfers [11 U.S.C. § 548(A)(1)(A)]; (3) Avoidance Of Constructive Fraudulent Transfers [11 U.S.C. §548(A)(1)(B)]; (4) Recovery Of Avoided Transfers [11 U.S.C. § 550]; And (5) Disallowance Of Claims [11U.S.C. §502] fr. 6/4/24, 8/6/24, 10/22/24, 12/17/24, 2/18/25, 3/18/25, 4/22/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 12/16/25 at 2:00 p.m., with no written status report required, in view of the Rule 9019 motion recently filed in Debtor's bankruptcy case-in-chief (bankr. dkt. 824), with the expectation that the continued status conference will be taken off calendar if the Rule 9019 motion is granted and the adversary proceeding is dismissed pursuant to the settlement.

Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

Debtor(s):

Cherry Man Industries, Inc.

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

Defendant(s):

FEDERAL EXPRESS

Pro Se

Plaintiff(s):

HAMID R. RAFATJOO IN HIS

Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01071 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v.

#17.00 Cont'd Status conference re: Complaint for: (1) Avoidance of preferential transfer [11 U.S.C. section 547]; (2) Avoidance of actual fraudulent transfers [11 U.S.C. section 548(a)(1)(A)]; (3) Avoidance of constructive fraudulent transfers [11 U.S.C. section 548(a)(1)(B)]; (4) Recovery of avoided transfers [11 U.S.C. section 550]; and (5) Disallowance of claims [11 U.S.C. section 502]
fr. 6/25/24, 8/6/24, 10/22/24, 2/11/25, 5/6/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 12/16/25 at 2:00 p.m., with no written status report required, in view of the Rule 9019 motion recently filed in Debtor's bankruptcy case-in-chief (bankr. dkt. 826), with the expectation that the continued status conference will be taken off calendar if the Rule 9019 motion is granted and the adversary proceeding is dismissed pursuant to the settlement.
Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

Debtor(s):

Cherry Man Industries, Inc.

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

Defendant(s):

VERIZON COMMUNICATIONS,

Represented By
Lawrence J Hilton

XO Communications Services, LLC

Represented By
Lawrence J Hilton

Plaintiff(s):

HAMID R. RAFATJOO IN HIS

Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01065 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v. APEX

#18.00 Cont'd Status conference re: Complaint For: (1) Avoidance Of Preferential Transfers [11 U.S.C. § 547]; (2) Avoidance Of Unauthorized Post-Petition Transfers [11 U.S.C. § 549]; (3) Recovery Of Avoided Transfers [11 U.S.C. § 550]; And (4) Disallowance Of Claims [11 U.S.C. §502]]
fr. 6/4/24, 9/24/24, 11/19/24, 2/11/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Appearance required by Plaintiff's successor in interest, the current Chapter 7 Trustee ("Trustee").

The docket does not reflect any update in this adversary proceeding subsequent to the 6/3/25 status conference, at which this Court inquired regarding the status of the proceeding with respect to remaining defendant K Apex Logistics Co. LTD (see 6/3/25 tentative ruling, reproduced in full below). There is no tentative ruling, but Trustee is directed to appear to provide an update regarding the status of this adversary proceeding, and is cautioned that in future, the failure to timely file a status report may lead to adverse consequences.

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

Tentative Ruling for 6/3/25:

Appearance required by Plaintiff's successor in interest, the current Chapter 7 Trustee ("Trustee").

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

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

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

(1) Current issues

This Court has reviewed the filed documents and records in this adversary proceeding. As explained in the order setting this status conference (adv. dkt. 18), although defendant Apex Maritime Co. (LAX), Inc. ("Apex Maritime") has been dismissed (adv. dkt. 16), this action remains pending with respect to defendant K Apex Logistics Co. Ltd. ("K Apex"). According to Apex Maritime, K Apex has not been properly served. See 9/10/24 Status Report (adv. dkt. 13) ¶ G (p. 4) ("Moreover, Defendant K Apex Logistics Co. Ltd. is not an entity and thus, 'K Apex Logistics Co. Ltd.' is incorrectly named as a Defendant. K Apex Logistics Co., Ltd. (HK) is a company. However, sending 'K Apex Logistics Co. Ltd.' a copy of the complaint by mail at K Apex Logistics Co., Ltd. (HK)'s address, even if the entity had been correctly named, was not proper service on any entity pursuant to Hague Convention. K Apex Logistics Co. Ltd. (HK) is not authorized to conduct business in California, conducts no business in California and would need to be served under the Hague Convention. Thus, not all Defendants have been served.").

Trustee is directed to provide an update regarding the status of this adversary proceeding.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

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

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

"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 1038 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

The tentative ruling is to decline to order this matter to mediation given the outstanding issue of whether defendant K Apex has been properly served.

(c) Deadlines

This adversary proceeding has been pending since 3/15/24.

The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 11) except as modified/supplemented below.

Joint Status Report: 8/26/25

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

[PRIOR TENTATIVE RULING(S) OMITTED]

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Cherry Man Industries, Inc.

Represented By

David S Kupetz

Asa S Hami

Victor A Sahn

Hamid R Rafatjoo

David B Golubchik

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

Defendant(s):

APEX MARITIME CO. (LAX),

Represented By
Ronald L Richman

K APEX LOGISTICS CO LTD

Pro Se

Plaintiff(s):

HAMID R. RAFATJOO IN HIS

Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Carolyn A Dye (TR)

Pro Se

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

2:22-11471 Cherry Man Industries, Inc.

Chapter 7

Adv#: 2:24-01067 HAMID R. RAFATJOO IN HIS CAPACITY AS CHAPTER 11 TR v.

#19.00 Cont'd Status Conference re: Complaint for: (1) Avoidance of Preferential Transfers [11 U.S.C. § 547]; (2) Avoidance of Actual Fraudulent Transfers [11 U.S.C. § 548(A)(1)(A)]; (3) Avoidance of Constructive Fraudulent Transfers [11 U.S.C. §548(A)(1)(B)]; (4) Recovery of Avoided Transfers [11 U.S.C. § 550]; and (5) Disallowance of Claims [11U.S.C. §502] fr. 06/04/24, 07/30/24, 08/27/24, 9/24/24, 12/17/24, 2/18/25, 3/18/25, 5/20/25, 6/3/25

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/25:

Continue to 12/16/25 at 2:00 p.m. in view of the Rule 9019 motion recently filed in Debtor's bankruptcy case-in-chief (bankr. dkt. 827), with the expectation that the continued status conference will be taken off calendar if the Rule 9019 motion is granted and the adversary proceeding is dismissed pursuant to the settlement. Appearances are not required on 9/9/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

[PRIOR TENTATIVE RULING(S) OMITTED]

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Cherry Man Industries, Inc.

Represented By

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

Tuesday, September 9, 2025

Hearing Room 1545

2:00 PM

CONT... Cherry Man Industries, Inc.

Chapter 7

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

Defendant(s):

AMERICAN EXPRESS

Represented By
Sweeney Kelly

Plaintiff(s):

HAMID R. RAFATJOO IN HIS

Represented By
David B Golubchik
Robert Carrasco

Trustee(s):

Jeffrey I Golden (TR)

Pro Se