

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

Tuesday, October 26, 2021

Hearing Room 1545

9:00 AM
2:00-00000

Chapter

- #1.00** Hearings in Judge Bason's courtroom (1545) are now **simultaneously (1) IN PERSON in the courtroom, (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: 161 128 9733

Password: 841895

Meeting URL: <https://cacb.zoomgov.com/j/1611289733>

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.

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, October 26, 2021

Hearing Room 1545

10:00 AM

2:19-23754 Clara Lila Gonzales

Chapter 13

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

BANK OF AMERICA, NA
vs
DEBTOR

Docket 47

Tentative Ruling:

Appearances required.

There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 49).

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

Clara Lila Gonzales

Represented By
Steven A Alpert

Movant(s):

Bank of America, N.A.

Represented By
Chad L Butler

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 26, 2021

Hearing Room 1545

10:00 AM

2:21-17145 Ernesto Jimenez

Chapter 7

#2.00 **[CASE DISMISSED ON 9/27/21]**

Hrg re: Motion for relief from stay [PP]

HONDA LEASE TRUST
vs
DEBTOR

Docket 6

Tentative Ruling:

Grant as set forth below.

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

Key documents reviewed (in addition to motion papers): Order Dismissing Case (dkt. 9)

The automatic stay does not apply

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

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

Note regarding mootness: Judge Bason's standard tentative ruling is as follows. For three reasons the above tentative ruling that there *is no stay* does not moot requests for relief from whatever stay might apply. First, such *alternative* rulings are appropriate because (i) the very nature of *tentative* rulings is that this Court could be persuaded to depart from any one of them, and (ii) a *final* ruling on any one issue could be reversed on appeal. Second, even if there is currently no stay, that could change - *e.g.*, if there is no stay because of dismissal of this bankruptcy case, such dismissal could be vacated and that might reimpose the stay even if there is a lack of adequate protection,

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Ernesto Jimenez

Chapter 7

or other grounds why the stay should not apply, and therefore the movant will suffer cognizable harm unless the issues are addressed now (Judge Bason regularly vacates dismissals based on stipulations or other good cause). Third, if the motion includes any request for relief as to *past* acts (annulment) or *future* cases (*in rem* relief), those things are still at issue even if there is no *current* automatic stay. See *In re Aheong*, 276 B.R. 233 (9th Cir. BAP 2002). For all of these reasons, the tentative ruling is that it is appropriate to address the following issues.

Termination

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

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

Effective date of relief

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

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.

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

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Central District of California
Los Angeles
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10:00 AM

CONT... Ernesto Jimenez

Chapter 7

Debtor(s):

Ernesto Jimenez

Pro Se

Movant(s):

HONDA LEASE TRUST

Represented By
Vincent V Frounjian

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 26, 2021

Hearing Room 1545

10:00 AM

2:21-17470 Elizabeth Collins

Chapter 13

#3.00 **[CASE DISMISSED ON 10/12/21]**

Hrg re: Motion for relief from stay [UD]

LGC SANTA BARBARA AT ERRA VISTA, LLC
vs
DEBTOR

Docket 7

Tentative Ruling:

Grant in part and continue in part to 11/9/21 at 10:00 a.m. to address the following issues. Appearances are not required on 10/26/21. (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.")

Procedural issue

The motion papers state that this motion is being heard on shortened notice (dkt. 7, p.2, para. "(7)"), but that is not accurate. The motion was served on 9/30/21 (26 days before the hearing), which would have allowed Movant to proceed on regular notice pursuant to LBR 9013-1(d) with oppositions due no later than 14 days before the hearing, rather than 5 days before the hearing as indicated in the motion papers (*id.*). That creates unnecessary extra work for this Court and its staff. Movant's counsel is cautioned that in future matters filed with sufficient time to be heard on regular notice should not utilize this Court's procedures for shortened notice.

The automatic stay does not apply

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

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

Note regarding mootness: Judge Bason's standard tentative ruling is as follows. For three reasons the above tentative ruling that there *is no*

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

Termination

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

Relief notwithstanding *future* bankruptcy cases.

As to the requested relief that will remain effective notwithstanding any future bankruptcy case, continue the motion to the date and time set forth at the start of this tentative ruling, for service on the persons who executed the documents through which the movant asserts its interest in the property (*i.e.*, the lessee(s)). Reasons: See LBR 4001-1(c)(1)(B). In addition, Judge Bason has due process concerns about granting such relief without service on the person(s) whose interests may be most directly affected. See *generally Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally). In this matter, such persons appear to include: Joseph Gallegos and Reynedara Sanders-Fleming (see dkt. 7, Ex. A, B & C).

Option for shortened time: This Court has selected a continued hearing date that contemplates shortened notice (per Rule 9006)

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but that date is conditioned on the movant (i) serving, on the day after the current hearing date, the motion papers and notice of the continued hearing date, and (ii) filing that notice and a proof of service no later than the next day. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

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

Effective date of relief

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

Co-debtor stay

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

Elizabeth Collins

Pro Se

Movant(s):

LGC SANTA BARBARA AT

Represented By
Scott Andrews

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Chapter 13

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:21-17723 Manuel Jimenez Cruz

Chapter 13

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

Docket 9

Tentative Ruling:

Grant, subject to the following conditions.

Appearances are not required. (If you wish to 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, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Key documents reviewed (other than the motion papers): Motion to Continue Stay & Debtor's Declaration therein (dkt. 9); filings and records in Debtor's prior case (2:20-bk-15600-NB)

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

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Manuel Jimenez Cruz

Chapter 13

will set a briefing schedule at the hearing.

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

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

Party Information

Debtor(s):

Manuel Jimenez Cruz

Represented By
Kevin T Simon

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

2:16-21559 David MacMillan

Chapter 7

#1.00 Hrg re: Application for payment of Interim Fees and/or Expenses
[Filed by LEA Accountancy, LLP, Accountant]

Docket 562

Tentative Ruling:

Grant as set forth below.

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

The tentative ruling is to approve LEA Accountancy, LLP's request for \$17,701.00 in fees and \$2,096.82 in expenses, for a total award of \$19,797.82, but authorize payment as limited by the Trustee's stipulation with creditor Wyndham Vacation Resorts, Inc. and the compromises therein (dkt. 556).

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

David MacMillan

Represented By
Robert S Altagen
Lamont R Richardson

Trustee(s):

Rosendo Gonzalez (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

CONT...

David MacMillan

Chapter 7

James A Dumas Jr
Christian T Kim

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

2:16-21559 David MacMillan

Chapter 7

#2.00 Hrg re: Second Interim Application for Fees and Reimbursement of Costs
[Filed by Dumas & Kim, Apc., Counsel for Trustee]

Docket 564

Tentative Ruling:

Grant as set forth below.

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

The tentative ruling is to approve Dumas & Kim, APC's request for \$252,918.00 in fees and \$3,118.10 in expenses, for a total award of \$256,036.10, but authorize payment as limited by the Trustee's stipulation with creditor Wyndham Vacation Resorts, Inc. and the compromises therein (dkt. 556).

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

David MacMillan

Represented By
Robert S Altagen
Lamont R Richardson

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

CONT... David MacMillan

Chapter 7

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
James A Dumas Jr
Christian T Kim

Peter J Mastan (TR)

Pro Se

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

Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

2:18-24302 GL Master Inc

Chapter 7

#3.00 Hrg re: Motion for fees and costs as further
compensatory sanctions arising from continuing
contempt

Docket 380

Tentative Ruling:

Grant the motion and award additional compensatory sanctions of \$19,450.00 fees and \$250.00 costs, for a total award of \$19,700.00, payable jointly and severally by Debtor, Freda Wang, Lynn Chao, and ChaoLaw.

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.")

Key documents reviewed (in addition to motion papers): N/A. No opposition on file.

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

GL Master Inc

Represented By
Thomas J Polis

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Juliet Y Oh

**United States Bankruptcy Court
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CONT... GL Master Inc

Chapter 7

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

2:19-23664 Liat Talasazan

Chapter 7

#4.00 Hrg re: Trustee's Motion for order authorizing sale of asset:
(A) Outside the ordinary course of business; (B) Free and clear
of liens; (C) Subject to overbids and (D) For determination of
good faith purchaser under section 363(M)

Docket 698

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
10/26/21 at 11:00 a.m.).

Party Information

Debtor(s):

Liat Talasazan

Represented By
Giovanni Orantes
Luis A Solorzano

Trustee(s):

Caroline Renee Djang (TR)

Represented By
David Wood

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

2:19-23664 Liat Talasazan

Chapter 7

Adv#: 2:21-01041 Oxygen Funding, Inc. v. Talasazan

#5.00 Cont'd Status Conference re: Complaint for Determination of Dischargeability and Objecting to Debtor's Discharge Pursuant to Sections 523 and 727 of the Bankruptcy Code fr. 5/11/21, 8/31/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Continue as set forth below. Appearances are not required on 10/26/21. (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 parties' joint status report (adv. dkt. 19) and the other filed documents and records in this adversary proceeding.

(a) Resolution of this proceeding

Based on the parties' representation that this matter has settled (adv. dkt. 19, p.4, para. "(g)"), the tentative ruling is to continue this matter as set forth below for the parties to (x) file a motion to approve settlement with a hearing concurrent with the continued status conference or, if appropriate, (y) file a notice of dismissal.

If neither of those things have occurred by the date of the continued status conference, this Court anticipates dismissing this proceeding for failure to prosecute.

(2) Standard requirements

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

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Liat Talasazan

Chapter 7

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 7).

(b) Mediation

This matter was assigned to mediation on 5/26/21 (adv. dkt. 16).

(c) Deadlines

This adversary proceeding has been pending since 3/8/21. Applicable dates have been memorialized in this Court's scheduling order (adv. dkt. 9) and later modified by stipulation of the parties (adv. dkt. 11) and order thereon (adv. dkt. 13); but in view of the parties' settlement the tentative ruling is to vacate all pending deadlines, except as follows:

Joint Status Report: n/a

Continued status conference: 12/14/21 at 11:00 a.m.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

Liat Talasazan

Represented By
Giovanni Orantes
Luis A Solorzano

Defendant(s):

Liat Talasazan

Pro Se

Plaintiff(s):

Oxygen Funding, Inc.

Represented By
Vonn Christenson

Trustee(s):

Caroline Renee Djang (TR)

Represented By
David Wood

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2:19-23664 Liat Talasazan

Chapter 7

#6.00 Cont'd hrg re: Motion for Turnover of Property of the Estate
Pursuant to 11 U.S.C. § 542 35th Street Properties
fr 3/23/21, 4/6/21, 4/27/21, 5/11/21, 6/29/21, 7/20/21,
8/3/21, 8/31/21, 9/28/21, 10/12/21

Docket 543

Tentative Ruling:

Tentative Ruling for 10/26/21:

Please see the tentative ruling for the status conference (Calendar No. 7,
10/26/21 at 11:00 a.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Liat Talasazan

Represented By
Giovanni Orantes
Luis A Solorzano

Movant(s):

Caroline Renee Djang (TR)

Represented By
David Wood

Trustee(s):

Caroline Renee Djang (TR)

Represented By
David Wood

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2:19-23664 Liat Talasazan

Chapter 7

#7.00 Cont'd Status Conference re: Chapter 7 Case
fr. 1/28/20, 2/18/20, 3/3/20, 3/10/20, 03/31/20,
4/7/20, 5/12/20, 5/19/20, 6/2/20, 6/16/20, 7/28/20,
8/18/20, 9/1/20, 9/15/20, 9/29/20, 10/27/20, 12/1/20,
12/22/20, 2/9/21, 03/02/21, 3/23/21, 4/6/21, 5/11/21,
6/29/21, 7/20/21, 8/31/21, 9/28/21, 10/12/21

Docket 49

Tentative Ruling:

Tentative Ruling for 10/26/21:
Appearances required.

(1) Current issues

(a) Trustee's motion to sell estate's membership interest in Jefferson Plaza, LLC (dkt. 698, 699, 700, 702), no opposition is on file

The tentative ruling is to grant the motion, subject to any qualified overbids at the hearing. The tentative ruling is to also grant the following relief:

(i) approve the proposed overbid procedures;
(ii) if the successful bidder seeks a "good faith" finding (11 U.S.C. 363(m)) they must, prior to the lodging of any order containing such a finding, file declaration(s) substantially in the form set forth in the "Posted Procedures of Judge Bason" (available at www.cacb.uscourts.gov) within 7 days after the hearing;

(iii) grant the request to waive the 14-day stay provided by Rule 6004(h) (Fed. R. Bankr. P.).

Proposed order: Trustee is directed to lodge a proposed order via LOU within 7 days after the hearing date, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

(b) Trustee's Motion for turnover of 35th Street Properties, accounting re Jefferson property, etc. (dkt. 543, 544), Debtor's response (dkt. 562), Oxygen's joinder (dkt. 568), Trustee's reply (dkt. 569, 570), Order granting motion (dkt. 578)

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Liat Talasazan

Chapter 7

There is no tentative ruling. The Trustee should be prepared to address whether this matter has been mooted, or should be taken off calendar, or continued.

(2) Deadlines/dates. This case was filed on 11/20/19, converted from chapter 13 to chapter 11 on 1/2/20, designated by Debtor as a Subchapter V case on 3/2/20 (dkt.128), and converted to chapter 7 on 12/1/20 (dkt. 412).

(a) Continued status conference: 12/14/21 at 11:00 a.m., concurrent with other matters. No written status report required.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED (see Memorialization of Tentative Rulings, dkt.208 (filed 5/19/20) and dkt.303 (filed 9/21/20). See also Order Denying Motion for Stay (dkt.441, as amended by dkt.442).]

Party Information

Debtor(s):

Liat Talasazan

Represented By
Giovanni Orantes
Luis A Solorzano

Trustee(s):

Caroline Renee Djang (TR)

Represented By
David Wood

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

Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

2:19-14137 Zeta Graff

Chapter 7

Adv#: 2:20-01677 Leslie v. Graff

#8.00 Cont'd Status Conference re: Complaint to Deny / Revoke Debtor's Discharge Pursuant to 11 U.S.C. 727(a)(6) and (d)(3) fr. 2/9/21, 4/27/21, 5/4/21, 7/20/21

Docket 1

***** VACATED *** REASON: This hearing is scheduled to be heard at a different time. See #4 at 2:00 p.m.**

Tentative Ruling:

Party Information

Debtor(s):

Zeta Graff

Represented By
Damion Robinson

Defendant(s):

Zeta Graff

Pro Se

Plaintiff(s):

Sam S. Leslie

Represented By
Elissa Miller

Trustee(s):

Sam S Leslie (TR)

Represented By
Elissa Miller

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

Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

2:18-22904 Sasha Demovsky-Kapustyan

Chapter 13

Adv#: 2:20-01666 Demovsky-Kapustyan v. Vayntrub et al

#9.00 Cont'd Status Conference re: Complaint for Turnover of Property of the Estate, Unjust Enrichment fr. 1/26/21, 3/2/21, 5/11/21, 07/20/21, 8/17/21, 9/14/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Continue as set forth below. Appearances are not required.

(1) Current issues

(a) Continued proceedings against the Vayntrubs

Continue as set forth in part "(2)" of this tentative ruling, below, in view of two things. First, a continuance is requested in the status report (see adv. dkt. 80, p. 4) filed by two of the parties to this adversary proceeding, Plaintiff/Debtor and Defendants the Vayntrubs. Second, the third party, Defendant/Los Angeles, Farmers, Inc. ("LA Farmers"), has a pending motion asking the Bankruptcy Appellate Panel to grant it leave to appeal (adv. dkt. 79), regarding the default judgment against it (adv. dkt. 55).

(B) Standard requirements

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

(1) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (see adv. dkt. 10 & 25, and at the hearing on 1/26/21).

(2) Mediation. [Intentionally omitted].

(3) Deadlines

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Los Angeles
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Hearing Room 1545

11:00 AM

CONT...

Sasha Demovsky-Kapustyan

Chapter 13

This adversary proceeding has been pending since 11/16/20.

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

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

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

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

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

Joint Status Report: N/A

Continued status conference: 12/14/21 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: N/A

Pretrial conference: N/A

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

Trial commencement: N/A

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Sasha Demovsky-Kapustyan

Represented By
Richard T Baum

Defendant(s):

David Vayntrub

Represented By
Charles Shamash
Joseph E. Caceres

Irena Vayntrub

Represented By
Charles Shamash
Joseph E. Caceres

Absolute Herbal Pain Solutions, Inc.

Represented By
Charles Shamash

**United States Bankruptcy Court
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Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

CONT... Sasha Demovsky-Kapustyan

Chapter 13

Plaintiff(s):

Sasha Demovsky-Kapustyan

Represented By
Richard T Baum

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, October 26, 2021

Hearing Room 1545

11:00 AM

2:20-15862 Jose Luis Almendariz
Adv#: 2:20-01644 McLees v. Almendariz

Chapter 13

#10.00 Cont'd Status Conference re: Complaint for Determination of Non-Dischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2) and (a)(4) fr. 12/22/20, 03/02/21, 4/6/21, 6/15/21, 8/17/21

Docket 1

***** VACATED *** REASON: On calendar for 11/16/21 at 11:00 a.m.**

Tentative Ruling:

Party Information

Debtor(s):

Jose Luis Almendariz

Represented By
Glenn Ward Calsada

Defendant(s):

Jose Luis Almendariz

Represented By
Glenn Ward Calsada

Plaintiff(s):

Brian McLees

Represented By
Dawn M Coulson

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, October 26, 2021

Hearing Room 1545

1:00 PM

2:18-12429 Dana Hollister

Chapter 11

Adv#: 2:21-01173 Hollister v. BOBS LLC

#1.00 Status conference re: Complaint for declaratory relief allowing claim 32 filed by BOBS LLC as an unsecured claim in the amount of \$1 million

Docket 1

Tentative Ruling:

Continue to 1/18/22 at 2:00 p.m. in view of this Court's order (adv. dkt. 6) staying prosecution of this adversary proceeding. Appearances are not required on 10/26/21. (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.")

Note: For the convenience of the parties (who are expected to be appearing on other matters at 2:00 p.m.), in the event that anyone seeks to contest this tentative ruling, this matter will be heard at the *end* of the 1:00 p.m. calendar, no sooner than *1:50 p.m.*

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

Defendant(s):

BOBS LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 26, 2021

Hearing Room 1545

1:00 PM

CONT... Dana Hollister

Chapter 11

Plaintiff(s):

Dana Hollister

Represented By
David A Tilem

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 26, 2021

Hearing Room 1545

1:00 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

Adv#: 2:21-01189 Aarons v. Haycock et al

**#2.00 Hrg re: Motion for Remand of State Court
Action to California Superior Court**

Docket 8

***** VACATED *** REASON: Continued to 11/9/21 at 1:00 p.m. pursuant
to the parties' stipulation (dkt. 20) and order thereon**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By

Rika Kido

Shulman Bastian Friedman & Bui LLP

Defendant(s):

James Haycock

Represented By

Donna T Parkinson

Donna T Parkinson

Mortgage Lender Services, Inc

Pro Se

Plaintiff(s):

Ashley Susan Aarons

Represented By

Mainak DAttaray

Michael R Totaro

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 26, 2021

Hearing Room 1545

1:00 PM

2:21-16429 Wasatch Co.

Chapter 11

#3.00 Hrg re: Amended notices of Setting/increasing insider compensation
Name of Insider: Abdul R. Wahab, Jr.

Docket 42

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 10/26/21).

Party Information

Debtor(s):

Wasatch Co.

Represented By
Leslie A Cohen

Trustee(s):

Susan K Seflin (TR)

Pro Se

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Tuesday, October 26, 2021

Hearing Room 1545

1:00 PM

2:21-16429 Wasatch Co.

Chapter 11

#4.00 Hrg re: Amended notice Setting/increasing insider compensation
Name of Insider: Rehana Wahab

Docket 43

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 10/26/21).

Party Information

Debtor(s):

Wasatch Co.

Represented By
Leslie A Cohen

Trustee(s):

Susan K Seflin (TR)

Pro Se

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

1:00 PM

2:21-16429 Wasatch Co.

Chapter 11

#5.00 Hrg re: Amended notice of setting/increasing insider compensation
Name of Insider: Abdul Wahab

Docket 41

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 10/26/21).

Party Information

Debtor(s):

Wasatch Co.

Represented By
Leslie A Cohen

Trustee(s):

Susan K Seflin (TR)

Pro Se

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Central District of California
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Tuesday, October 26, 2021

Hearing Room 1545

1:00 PM

2:21-16429 Wasatch Co.

Chapter 11

#6.00 Hrg re: Application to Employ Larson LLP as Special Counsel

Docket 45

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 10/26/21).

Party Information

Debtor(s):

Wasatch Co.

Represented By
Leslie A Cohen

Trustee(s):

Susan K Seflin (TR)

Pro Se

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Hearing Room 1545

1:00 PM

2:21-16429 Wasatch Co.

Chapter 11

#7.00 Con'td status conference re: Chapter 11 case
fr. 9/14/21, 10/12/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Appearances required.

(1) Current issues

(a) Nomenclature

To keep a clear distinction between "Abdul Wahab" and "Abdul R. Wahab" aka "Abdul Wahab, Jr." or "Abdul R. Wahab, Jr.," the tentative ruling is to direct the parties always to use "Mr. Wahab, Sr." and "Mr. Wahab, Jr." to refer to these two persons, unless the parties can propose better nomenclature or anticipate that this Court's nomenclature will cause confusion with more persons bearing the last name "Wahab" (e.g., relatives who might be involved in relevant transactions, either historically or at present). See, e.g., Debtor Response (dkt. 64), p. 3:8 (reference to "Abdul R. Wahab, Jr.") and *id.* at PDF p. 3:22 (reference to "Abdul R. Wahab").

(b) Amended notices of insider compensation (dkt. 41-43); responses (dkt. 44, 55); reply (dkt. 64)

Debtor has filed three amended notices of insider compensation: \$16,480.00/mo. for Mr. Wahab, Sr. (dkt. 41); \$20,000.00/mo. for Mr. Wahab, Jr. (dkt. 42); and \$4,120.00/mo. for Rehana Wahab (dkt. 43). Both the United States Trustee ("UST") and Debtor's major creditor, Kaiser Foundation Health Plan, Inc. ("Kaiser"), have objected to Debtor's requested insider compensation, and Debtor has filed a response addressing both parties' objections. See dkts. 44, 55, 64.

(i) Burdens of proof

A debtor in possession, acting as a trustee for the benefit of creditors (a "DIP"), is authorized to enter into transactions in the ordinary course of business "unless the court orders otherwise." 11 U.S.C. 363(c)(1) (emphasis added). This Court will take each of the emphasized phrases in turn.

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CONT...

Wasatch Co.

Chapter 11

In general, "ordinary course" transactions are presumed to be a reasonable use of the bankruptcy estate's funds to attempt to preserve or enhance the going concern value of a debtor's business, for the benefit of all creditors and other parties in interest. The initial burden is on Debtor to figure out if the proposed transaction is in fact an "ordinary course" transaction, in which event it can proceed without any order of this Court. See generally *In re Dant & Russell, Inc.*, 853 F.2d 700, 703-06 & nn. 4-7 (9th Cir. 1988) (vertical and horizontal tests of "ordinary course"), *superseded by statute on other issues, as stated in In re Nat'l Refractories & Minerals Corp.*, 297 B.R. 614 (Bankr. N.D. Cal. 2003); *In re All Seasons Indus., Inc.*, 121 B.R. 822, 825-26 (Bankr. N.D. Ind. 1990) (as long as debtor proposes "to continue compensating management upon the same terms and conditions as existed prior to the [bankruptcy] case," there is a presumption of reasonableness even as to insiders) (citations and footnote omitted). See also *In re AWTR Liquidation, Inc.*, 548 B.R. 300, 327-30 (Bankr. C.D. Cal. 2016) (general duty of persons in control of enterprise to attempt to maximize its value).

In response to the UST's and Kaiser's objections, Debtor has presented some evidence regarding the "vertical" test, but nothing regarding the "horizontal" test except, with respect to Rehana Wahab, a reference to a website purporting to show average board member salaries. See Debtor Response (dkt. 64), p. 6:19-22. In any event, if Debtor cannot meet the "ordinary course" test, it must seek approval of the transaction under 11 U.S.C. 363(b)(1) as a transaction out of the ordinary course.

Moreover, even if Debtor meets the "ordinary course" test, thus coming within the general rule that the transaction can proceed without approval of this Court, this Court can "order[] otherwise" (11 U.S.C. 363(c)(1)) if "exigent circumstances" are present or "there is the potential for, and the *prima facie* appearance of, abuse." *All Seasons Indus., Inc.*, 121 B.R. 822, 826 (citations and internal quotation marks omitted). This requires "evidence, beyond the fact of bankruptcy or financial troubles, which would tend to indicate that the compensation being received by management is not reasonable or is somehow improper." *Id.*

The tentative ruling is that Kaiser has made a sufficient showing that it can present such evidence. In particular, two items stand out.

First, Kaiser points to Debtor's own bankruptcy schedules and statement of financial affairs, which appear to show some questionable transactions. See Kaiser Obj. (dkt. 51), pp. 5:10-6:8. Second, Kaiser points

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Chapter 11

to the findings of Superior Court Judge Mitchell Beckloff in that Court's Order Granting Application for Writ of Attachment. A. Wang Decl. (dkt. 33), Ex.1.

Judge Beckloff summarizes substantial evidence that Debtor never delivered goods for which Kaiser paid, and was conspiring with an employee of Kaiser, Mr. Atif Siddiqui, to defraud or steal from Kaiser. That evidence includes (i) a video of a loading dock showing the absence of one purported delivery, (ii) declarations of Kaiser's employees attesting to having been instructed by Mr. Siddiqui to falsify delivery records, and (iii) the lack of evidence from Debtor, such as invoices and proofs of payment, to support its theory that any non-delivery was attributable to third party vendors rather than Debtor. *Id.*, pp. 5-9.

To be clear, this Court is not ruling that Judge Beckloff's findings of fact are preclusive, nor is this Court presuming that Debtor and its insiders did in fact conspire with Mr. Siddiqui or have engaged in any other wrongdoing or mismanagement. The only point is that there are grounds to question whether Debtor's insiders engaged in misconduct, or were not sufficiently careful regarding the misconduct of others.

Until evidence can be presented on the foregoing issues, the tentative ruling is that this Court cannot apply the usual presumption that Debtor's proposed transactions (for insider compensation) are reasonable and appropriate. Instead, the tentative ruling is that Debtor will bear the initial burden to establish both (x) that each proposed compensation package is "ordinary course" and (y) that it is a reasonable expenditure, consistent with the duties of a DIP to propose expenditures designed to preserve or enhance the bankruptcy estate. If Debtor meets those initial burdens, the burden will shift to the UST and Kaiser to rebut Debtor's evidence.

The parties are directed to address whether this Court should determine any relevant, disputed factual issues by means of an evidentiary hearing or, given the matters in dispute and the cost of litigation relative to the dollars at issue, partially or entirely on affidavits (per Rule 43(c), Fed. R. Civ. P., incorporated by Rule 9017, Fed. R. Bankr. P.). *See generally In re Nicholson*, 435 B.R. 622, 635-37 (9th Cir. BAP 2010) (discussing when evidentiary hearing is required), *abrogated on other grounds, as stated in In re Elliott*, 523 B.R. 188 (9th Cir. BAP 2014).

In any event, the tentative ruling is to set a **deadline of 11/16/21** for Debtor's initial brief and evidence to be filed and served, a **deadline of 11/30/21** for any responsive brief or evidence from the UST and Kaiser, and a

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deadline of 12/7/21 for any reply brief by Debtor. This Court contemplates that, after the briefing and evidence are received, this Court either will set an evidentiary hearing or will hold a non-evidentiary hearing, at a date to be determined at a future status conference or by a future scheduling order of this Court.

Meanwhile, the tentative ruling is to issue an order limiting any of the proposed compensation until this Court can make a final ruling based on the evidence and briefs presented. Any such limitation will be without prejudice to any other remedies the UST or Kaiser might have in the event the evidence establishes grounds for such remedies (dkt. 51, p. 6:1-4), and also without prejudice to the rights of Debtor and its insiders to seek greater compensation and reimbursement of expenses.

Specifically, the tentative ruling is to issue an order that any payments by Debtor above the following dollar amounts must be held in a segregated account and not released until further order of this Court: **\$10,000.00/mo.** for Mr. Wahab, Sr.; **\$12,000.00/mo.** for Mr. Wahab, Jr.; and **\$3,000.00/mo.** for Rehana Wahab. All such dollar amounts are inclusive of any contributions by Debtor to any retirement accounts.

In addition, the tentative ruling is to require declaration(s) providing a detailed quarterly accounting of all benefits or **other compensation** beyond the foregoing monthly payments, starting on **11/12/21** (approximately three months after the petition date of 8/12/21). With respect to any reimbursement for travel, the tentative ruling is to limit reimbursement to the dollar amount per mile accepted by the IRS (see Kaiser Obj. (dkt. 51), p. 4:6-21), and to require that the detailed accounting include dates of travel, destination(s), mileage, the purpose of the travel, and the results accomplished, as well as any additional information that the IRS typically requires.

(b) Application for employment of special counsel Larson LLP ("Larson") (dkt. 45); Kaiser response (dkt. 58); Debtor reply (dkt. 63)

Larson has been representing both Debtor and Mr. Wahab, Jr. in the Kaiser litigation since March of 2021. Debtor seeks to employ Larson in this bankruptcy case due to Larson's familiarity with Kaiser's claim against Debtor. See dkt. 45.

(i) Legal standards

Special counsel must "not represent or hold any interest adverse to the debtor or to the estate with respect to the matter on which such attorney is to

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CONT... Wasatch Co.

Chapter 11

be employed," and employment can only be authorized if it is "in the best interest of the estate." 11 U.S.C. 327(e). An adverse interest includes both economic interests and any predisposition that would constitute a bias against the bankruptcy estate. *In re Perry*, 194 B.R. 875, 878-79 (E.D. Cal. 1996).

If there are any disqualifying conflicts of interest, or potential conflicts, those cannot be waived by a debtor because "the real parties in interest in this case are the creditors," and a debtor cannot purport to waive conflicts on their behalf. *Perry*, 194 B.R. 875, 880. Any interpretation of Larson's retainer letter to include any waiver is ineffective. See Larson Empl. App. (dkt. 45), Ex. A.

(ii) Kaiser's overall response

Kaiser "recognizes that the Debtor needs special litigation counsel" and "does not object" to Debtor hiring someone as such counsel. Nor does Kaiser "have any objections *per se* to the engagement of Larson" if certain concerns are addressed before Debtor is permitted to hire Larson. Kaiser Resp. (dkt. 58), p. 4:3-5. The tentative rulings on each of the concerns raised by Kaiser are set forth below.

(iii) Overrule: Kaiser's objection to Larson being able to continue representing Mr. Wahab, Jr. and not Debtor in the event of a conflict between them

One of Kaiser's concerns is that Larson's retainer letter includes a provision that, if a conflict were to develop, Debtor and Mr. Wahab, Jr. "agree that, if we [Larson] withdraw from representing [either of] you ... we may continue to represent the other Co-Client(s)" (provided that Larson will not take positions "adverse to you" without "obtaining your consent"). *Id.*, Ex. A, pp. 2-3 (carryover paragraph). Kaiser objects (dkt. 58, p. 4:8-18) that any such withdrawal could disadvantage the estate, and require expenditure of funds to bring replacement counsel up to speed, and Kaiser proposes that if a conflict develops then it is Mr. Wahab, Jr., not Debtor, who would be required to retain new counsel; or else Mr. Wahab, Jr. should retain new counsel now.

Kaiser cites no authority for this position, nor is this Court aware of any. In addition, although in this scenario the bankruptcy estate might have to expend more funds, the tentative ruling is that this does not rise to the level of a disqualifying adverse interest, nor does it establish that hiring Larson is contrary to the "best interest of the estate." The tentative ruling is to overrule this portion of Kaiser's objection.

(iv) Sustain: Kaiser's objection to less than full disclosure of the

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facts to Debtor

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Another portion of the retainer letter states:

[I]f we [Larson] are unable to keep each Client informed about material information we may obtain in confidence from other Clients, it will be more difficult to adequately represent each of you. Accordingly, you hereby consent to our revealing any confidences and secrets about you in connection with this [matter to the other Clients, including their authorized representatives, to the extent we determine such disclosure is necessary or desirable [to] keep each Client adequately informed about the matter or to permit them to make adequately informed decisions on the matter. [Larson Empl. App. (dkt. 45) Ex. A, p. 2 (middle paragraph) (emphasis added).]

Kaiser objects that, "for example, if Larson obtains confidential information from Mr. Wahab [Jr.] that indicates he acted illegally, fraudulently or improperly, Larson would apparently not be obligated to disclose that information to the Debtor, to the potential prejudice of this bankruptcy estate." Kaiser Obj. (dkt. 58), p. 4:22-28. Kaiser suggests that a condition of approving Larson's employment should be that if Larson "obtains information that has any bearing on the Debtor or its defense in the Kaiser Litigation, it should be required to disclose such information to the Debtor" or, if Mr. Wahab, Jr. is unwilling to consent to such disclosure, he should hire his own counsel now. *Id.*

The tentative ruling is that there is too great a risk to the bankruptcy estate of unrecognized conflicts, or potential conflicts, if Mr. Wahab, Jr.'s confidences can be kept secret from Debtor, so any such confidences must be shared (or else Larson's employment by this bankruptcy estate cannot be authorized). The tentative ruling is that, for these purposes, sharing confidences "with the Debtor" means sharing them with each and every one of: Mr. Wahab, Sr., Rehana Wahab, any other members of Debtor's board, any corporate counsel to Debtor (if Debtor were in future to retain such counsel), and Debtor's general bankruptcy counsel of record (Leslie A. Cohen, Esq.).

(v) Sustain in part and Overrule in part: Kaiser's request that Larson be required to apprise Debtor of any facts that would support claims against Mr. Wahab, Jr., and any associated claims

Kaiser also objects that "if during the course of its joint representation Larson learns of any facts that would support [] claims [against Mr. Wahab,

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CONT... Wasatch Co.

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Jr.], it should be required to apprise the Debtor of such facts and claims." Kaiser Resp. (dkt. 58), p. 5:3-8 (emphasis added). The tentative ruling is that disclosure of all relevant facts to Debtor (meaning all of the persons listed above) is appropriate and necessary, for the same reasons as set forth above regarding not keeping confidences from Debtor.

But the tentative ruling is that requiring Larson to alert Debtor to potential claims against Mr. Wahab, Jr. would go too far. Any such requirement would appear to require that Larson render a legal opinion against its own client and (except in very rare and extreme circumstances) that probably would violate Larson's ethical obligations, including its duty of loyalty to Mr. Wahab, Jr.

To be clear, if Larson learns of facts that might give rise to claims by Debtor against Mr. Wahab, Jr. then, in addition to (x) disclosing such facts to Debtor as set forth above, it will be necessary (y) for Larson and Debtor, with the advice of general bankruptcy counsel (Ms. Cohen), to assess whether there is an actual or potential conflict that requires disclosure to all parties in interest and this Court. In addition, they will need to assess whether any such facts require Larson's withdrawal from representing Mr. Wahab, Jr. or Debtor or both, or some other course of action.

(vi) Sustain: Kaiser's objection about who pays Larson's fees

Kaiser also states that Debtor should provide information about how Larson's charges are to be shared as between Debtor and Mr. Wahab, Jr. and

[i]f the Debtor is paying for Mr. Wahab [Jr.]'s defense, it should disclose its legal basis for doing so. According to the Schedules, the Debtor has no employment, indemnification, or similar agreement with Mr. Wahab [Jr.]. See Schedules, p. 20 (Schedule G). Moreover, the Notice of Setting/Increasing Insider Compensation – Amended (Dkt. 42) ("Insider Compensation Notice") for Mr. Wahab [Jr.] does not disclose that he has or asserts any right to indemnification or has received any benefit under such an arrangement. [Kaiser Resp. (dkt. 58), p. 5:21-26.]

Debtor replies that because Mr. Wahab, Jr. is "an officer and board member of the Debtor, [it] has the power to indemnify [him] given his capacity as an 'agent' as defined by California Corporations Law section 317." Reply (dkt. 63), p. 2:18-20. The tentative ruling is that this is insufficient.

First, although Debtor has the *power* to indemnify "agents" in *some*

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CONT...

Wasatch Co.

Chapter 11

circumstances, Debtor has not shown that it has actually exercised that power to agree prepetition to any indemnification (or has obtained authorization to do so postpetition). Nor has Debtor shown that the requisite circumstances exist. See, e.g., Cal. Corp. C. 317(b) (indemnification only if the agent "acted in good faith and in a manner the person reasonably believed to be in the best interests of the corporation") and 317(e) (prerequisites for corporate approval of indemnification).

Second, even if Debtor were to comply with corporate law for indemnification of Mr. Wahab, Jr., this Court is not required to approve the proposed employment of Larson to defend him at Debtor's expense. The tentative ruling is that the costs of defense must be shared, and that the burden is on Mr. Wahab, Jr. and Debtor to show any reason why Debtor should bear more than 50% of Larson's fees and expenses, and likewise the burden is on Kaiser to show any reason why Debtor should bear any less than 50%.

The parties are directed to address whether they request briefing or an evidentiary hearing on any different allocation from a 50/50 share as to Larson's fees and expenses.

(vii) Larson's recognition of its duties

This Court's prior tentative ruling on September 14, 2021 stated:

... In connection with any non-bankruptcy litigation, Debtor's bankruptcy counsel is directed to inform any other proposed professionals that they must disclose and address potential conflicts if multiple defendants are involved. In addition, Debtor's bankruptcy counsel is directed to inform any other proposed professionals that they have a duty to make a cost/benefit assessment of all work based on whether the likelihood of any net benefit to the bankruptcy estate may be outweighed by the projected expense of obtaining that benefit and the risks of a negative outcome.

The tentative ruling is to require Larson expressly to acknowledge the foregoing at the hearing.

(viii) Conclusion as to Larson's employment

The tentative ruling is that, if Larson, Mr. Wahab, Jr., and Debtor are prepared to agree to the above clarifications and/or modifications to Larson's employment, then this Court will approve that employment under 11 U.S.C. 327(e) and authorize compensation pursuant to the usual procedures under

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11 U.S.C. 330 and 331. Otherwise, the tentative ruling is to deny the application to employ Larson.

(c) Liquidation of Kaiser's claim

This Court has reviewed Debtor's most recent Status Report (dkt. 60) and notes the parties' efforts to move forward with examinations under Rule 2004 (Fed. R. Bankr. P.). The parties are directed to address whether there are any outstanding disputes on which this Court should set any briefing schedules and/or hearings, and whether this Court should order this matter to mandatory mediation.

(2) Dates/procedures. This Subchapter V case was filed on 8/12/21.

(a) Bar date: 10/21/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 12).

(b) Procedures order: dkt. 7 (timely served, dkt. 9)

(c) Plan/Disclosure Statement: file by 11/10/21 (DO NOT SERVE - except on the U.S. Trustee). See the "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

(d) Continued status conference: 11/30/21 at 1:00 p.m. No written status report is required.

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

Wasatch Co.

Represented By
Leslie A Cohen

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2:19-24048 110 West Properties, LLC

Chapter 11

#8.00 Hrg re: Debtor's objection to Tarzana Crossing, A Merchant Faire, LLC's proof of claim nos. 23-1/23-2

Docket 309

***** VACATED *** REASON: Continued to 11/16/21 at 1:00 p.m. pursuant to stipulation (dkt. 315) and order thereon**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing
Jong-Ju Chang

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2:19-24048 110 West Properties, LLC

Chapter 11

Adv#: 2:20-01012 Tarzana Crossing, a Merchant Faire, LLC v. 110 West Properties, LLC et al

#9.00 Cont'd Status Conference re: Notice of Removal
fr. 03/31/20, 5/12/20, 6/30/20, 8/18/20, 10/27/20
12/8/20, 1/26/21, 2/9/21, 03/02/21, 4/6/21, 4/27/21,
5/11/21, 6/1/21, 08/03/21, 9/28/21

Docket 1

***** VACATED *** REASON: Continued to 11/16/21 at 1:00 p.m. pursuant
to the parties' stipulation (adv. dkt. 63) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing
Jong-Ju Chang

Defendant(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron

RU, LLC

Pro Se

Dos Cabezas Properties, LLC

Represented By
Robert P Goe
Charity J Manee

Criscione-Meyer Entitlement, LLC

Pro Se

Michael Criscione

Pro Se

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CONT... 110 West Properties, LLC
First American Title Company

Pro Se

Chapter 11

Plaintiff(s):

Tarzana Crossing, a Merchant Faire,

Represented By
Alan M Feld
Peter C. Bronson
Peter C Bronson
Paul J Johnson

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2:19-24048 110 West Properties, LLC

Chapter 11

#10.00 Cont'd status conference re: Post Confirmation
fr. 12/17/19, 1/28/20, 02/18/20, 3/31/20, 4/21/20,
5/12/20, 6/2/20, 6/30/20, 8/18/20, 9/15/20, 10/27/20,
12/8/20, 1/26/21, 2/9/21, 03/02/21, 4/6/21, 4/27/21,
5/11/21, 6/1/21, 6/29/21, 9/28/21

Docket 5

Tentative Ruling:

Tentative Ruling for 10/26/21:

Continue as set forth below. Appearances are not required on 10/26/21.

(1) Current issues

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

(2) Deadlines/dates

This case was filed on 11/29/19, and Debtor's plan was confirmed on 6/4/21 (dkt. 283). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 11/16/21 at 1:00 p.m., concurrent with other matters. No written post-confirmation status report required.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

110 West Properties, LLC

Represented By
Gregory K Jones
Jeffrey Huron
Danielle N Rushing
Jong-Ju Chang

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2:21-15810 Reeves Primary Residence, LLC, a Michigan Limited

Chapter 11

#11.00 Cont'd Status Conference re: Chapter 11 Case
fr. 8/31/21, 9/14/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Appearances required by Debtor's counsel.

(1) Current issues

(a) Status of DIP financing

This Court's order authorizing Debtor to obtain DIP financing (dkt. 54, amended in part by dkt. 59) directed Debtor "to file a declaration, prior to any closing of the loan, providing evidence of the contemplated \$200,000.00 payment on the lien held by Mr. Feigen has been made" (dkt. 54, p. 4:5-8). As of the preparation of this tentative ruling no declaration is on file. Debtor should be prepared to provide an update on the status of that financing.

(2) Dates/procedures. This case was filed on 7/19/21.

(a) Bar date: 12/9/21 (dkt. 46; timely served, dkt. 51)

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

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 11/9/21 at 1:00 p.m., concurrent with other matters. No written status report required.

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULING OMITTED]

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CONT... Reeves Primary Residence, LLC, a Michigan Limited

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Debtor(s):

Reeves Primary Residence, LLC, a

Represented By
Victor A Sahn

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2:20-10357 Reijo Kustaa Myllyla

Chapter 11

#12.00 Cont'd Status Conference re: Chapter 11 Case
fr. 02/04/20, 02/18/20, 3/3/20, 4/7/20, 5/12/20,
6/16/20, 7/14/20, 9/1/20, 10/6/20, 11/20/20,
12/22/20, 1/26/21,4/6/21, 6/15/21, 7/20/21, 9/28/21

Docket 6

***** VACATED *** REASON: Order granting Debtor's Motion to Dismiss
case entered 10/13/21 (dkt. 94).**

Tentative Ruling:

Party Information

Debtor(s):

Reijo Kustaa Myllyla

Represented By
Byron Z Moldo

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2:21-10956 LAX In-Flite Services, LLC

Chapter 11

Adv#: 2:21-01079 Gonzales et al v. LAX In-Flite Services, LLC

#13.00 Cont'd status conference re: Complaint for determination that debt is nondischargeable (11 U.S.C. sections 523(a)(6); 523(a)(7))
fr. 7/6/21, 8/31/21, 9/28/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Please see the tentative ruling for the main case status conference (Calendar No. 14, 10/26/21 at 1:00 p.m.).

Tentative Ruling for 9/28/21:

Please see the tentative ruling for the main case status conference (Calendar No. 12, 9/28/21 at 1:00 p.m.).

Tentative Ruling for 8/31/21:

Please see the tentative ruling for the main case status conference (Calendar No. 13, 8/31/21 at 1:00 p.m.).

Revised Tentative Ruling for 7/6/21:

Continue to 8/31/21 at 1:00 p.m. per stipulation (adv. dkt. 6) and order thereon. Appearances are not required on 7/6/21.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the

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CONT... LAX In-Flite Services, LLC

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first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 7/6/21:
Appearances required.

(1) Current issues

(a) Background

No Answer is on file. Nor are there any motions to dismiss or other pleadings on file.

That said, the tentative ruling is that the lack of response is not dispositive because the docket in this adversary proceeding does not reflect proper service of the summons, Complaint, etc. on Debtor to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment of law (Rule 7004(b)(3), Fed. R. Bankr. P.), at an address that appears to be reasonably calculated to reach the officer (*e.g.*, corporate headquarters). Note: Judge Bason does not require that a specific individual be named -- "Attn: Officer or Managing/General Agent" is sufficient.

(b) The Complaint fails to state a claim for relief under section 523(a)

The tentative ruling is to dismiss the Complaint on this Court's own motion, under Rule 12(b)(6) (Fed. R. Civ. P.) (incorporated by Rule 7012, Fed. R. Bankr. P.), for failure to state a claim for relief. The two claims asserted in the Complaint (dkt. 1, 3) are brought under 11 U.S.C. 523(a)(6) or (a)(7); but section 523(a), by its express language, only applies to **individual** debtors and not **corporate** debtors such as LAX In-Flight Services, LLC. See *In re Gordon's Music & Sound, Inc.*, 2012 Bankr. LEXIS 6133, at *2, 2012 WL 8250009, at *1-2 (Bankr. E.D. Cal. Oct. 12, 2012) (dismissing 523(a)(6) claim against corporate debtor and reasoning that "Congress clearly did not intend the term 'corporate debtor' to be used interchangeably with the term 'individual debtor'" (internal quotations and citations omitted); see also *Omar v. Sea-Land Serv. Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) (citing *Wong v. Bell*, 642 F.2d 359, 361-62 (9th Cir. 1981) ("A trial court may dismiss a claim sua sponte under Fed. R. Civ. P. 12(b)(6) ... [s]uch dismissal may be made without notice where the claimant cannot possibly win relief").

The tentative ruling is to dismiss with leave to amend, because the

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factual allegations in the Complaint, and its assertions about asserted violations of nonbankruptcy law, might be the basis to assert a cognizable claim. The tentative ruling is (i) to set a deadline of 7/20/21 for Plaintiffs to file a first amended complaint ("FAC") and serve their summons, FAC, etc. on Defendant/Debtor; and to set a continued status conference for 8/17/21 at 1:00 p.m., with a joint status report on this Court's Local Form due 8/3/21.

In addition, the parties are directed to address how to this matter can best be handled efficiently. For example, is mandatory mediation appropriate?

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

LAX In-Flite Services, LLC

Represented By
Jeremy H Rothstein
Yi S Kim

Defendant(s):

LAX In-Flite Services, LLC

Pro Se

Plaintiff(s):

Ruth Gonzales

Represented By
Moses S Bardavid

Andres Braubert

Represented By

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Moses S Bardavid

Guillermo Gutierrez

Represented By
Moses S Bardavid

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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2:21-10956 LAX In-Flite Services, LLC

Chapter 11

#14.00 Cont'd Status Conference re: Chapter 11 Case
fr. 02/25/21, 03/02/21, 4/6/21, 4/27/21, 5/11/21,
5/19/21, 5/26/21, 6/15/21, 6/29/21, 7/6/21, 7/20/21,
8/31/21, 9/28/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Continue as set forth below. Appearances are not required on 10/26/21. (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

(a) Main case status conference

At the hearing on 9/28/21, this Court directed creditor Susana Castaneda to lodge a proposed order on her stipulation with Debtor (dkt. 158) for relief from stay. This Court notes that on 9/29/21 Ms. Castaneda filed a proposed order on the docket (dkt. 161), but that is not the same thing as lodging a proposed order with this Court's Lodged Order Uploading ("LOU") system. Debtor is directed to work with Ms. Castaneda and her counsel to arrange for someone to lodge a proposed order within 7 days after this hearing date.

(b) Gonzales et al v. LAX In-Flite Services (2:21-ap-01079-NB)

Continue this matter concurrent with the continued status conference in the bankruptcy case (see below).

(2) Dates/procedures. This case was filed on 2/5/21.

(a) Bar date: 4/16/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt.16).

(b) Procedures order: dkt.3 (timely served, dkt.9)

(c) AmPlan/AmDisclosure Statement: file by 11/1/21 (per dkt. 167 and

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order thereon) (DO NOT SERVE - except on the U.S. Trustee).

See the "Procedures of Judge Bason" (available at
www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

(d) Continued status conference: 11/9/21 at 1:00 p.m. No written
status report required.

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

If you are making an appearance, note that hearings are now simultaneously
(1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov
telephone. For ZoomGov instructions for all matters on calendar, please see
page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

LAX In-Flite Services, LLC

Represented By
Jeremy H Rothstein
Yi S Kim

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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2:21-12517 Law Offices of Brian D. Witzer

Chapter 11

Adv#: 2:21-01084 Law Offices of Brian D. Witzer, Inc. v. Pravati Credit Fund III, LLP

- #15.00** Cont'd Status Conference re: Complaint for (1) Injunctive Relief (11 U.S.C. Section 105(a)); (2) For Violation of the Automatic Stay (11 U.S.C. Section 362(a)); (3) Avoidance of Preference [11 U.S.C. Section 547]; (4) Recovery of Avoided Transfer [11 U.S.C. Section 550(a)]; and (5) Automatic Preservation of Avoided Transfer [11 U.S.C. Section 551]
fr. 07/06/21, 08/17/21, 09/14/21, 9/22/21

Docket 2

Tentative Ruling:

Tentative Ruling for 10/26/21:

Please see the tentative ruling for the Status Conference in this bankruptcy case (Calendar No. 16, 10/26/21 at 1:00 p.m.).

Tentative Ruling for 9/22/21:

Please see the tentative ruling for the Status Conference in this bankruptcy case (Calendar No. 2, 9/22/21 at 1:00 p.m.).

Tentative Ruling for 8/17/21:

Please see the tentative ruling for the Status Conference in this bankruptcy case (Calendar No. 14, 8/17/21 at 1:00 p.m.).

Tentative Ruling for 7/6/21:

Appearances required.

(A) Current Issues

(1) Motion to Dismiss ("MTD") filed by Defendant Pravati Credit Fund III, LLP ("Pravati") (adv. dkt. 6), Pravati's Request for Judicial Notice (adv. dkt. 7), Plaintiff/Debtor's Opposition (adv. dkt. 10), Pravati's Reply (adv. dkt. 11)

Please see the tentative ruling for the Status Conference in this bankruptcy case (Calendar No. 8, 7/6/21 at 2:00 p.m.).

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CONT... Law Offices of Brian D. Witzer

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(B) Standard requirements

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

(1) Venue/jurisdiction/authority

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

(2) Mediation

Is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a **deadline of 7/20/21** 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 chose among them, or issue his own order).

(3) Deadlines

This adversary proceeding has been pending since 5/10/21. Pursuant

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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: 8/3/21.

Continued status conference: 8/17/21 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

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

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Law Offices of Brian D. Witzer

Represented By

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CONT... Law Offices of Brian D. Witzer

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Michael Jay Berger

Defendant(s):

Pravati Credit Fund III, LLP

Pro Se

Plaintiff(s):

Law Offices of Brian D. Witzer, Inc.

Represented By
Michael Jay Berger

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

Chapter 11

#16.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/31/21, 4/27/21, 5/11/21, 6/15/21, 6/29/21,
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Docket 1

Tentative Ruling:

**Tentative Ruling for 10/26/21:
Appearances required.**

(1) Current issues

(a) Pending disputes and settlement

This Court previously directed the parties to mediation and issued an order (dkt. 161) staying all matters in this bankruptcy case and the associated adversary proceeding (2:21-ap-01084-NB) pending mediation. Although that mediation did not result in a settlement, this Court was persuaded to continue this matter to this date in order for the parties to try to reach a settlement once more. There is no tentative ruling, but the parties should be prepared to address what progress they have made toward reaching a possible settlement and, if no progress has been made, what deadlines, if any, this Court should set for filing briefs and other documents to move this case forward.

(b) Monthly Operating Reports ("MORs")

Debtor's latest MOR (dkt. 169, for month ending 8/31/21) shows continuing losses, and less than \$6,000 of cash at the end of the month. Is Debtor's principal willing and able to continue financing Debtor's operations?

(2) Dates/procedures. This case was filed on 3/29/21.

(a) Bar date: 7/6/21.

(b) Procedures order: dkt. 4 (service cured, see dkt. 8, 82)

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference (both in adversary proceeding and in main case): 11/9/21 at 1:00 p.m. No written status report

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Hearing Room 1545

1:00 PM

CONT...

Law Offices of Brian D. Witzer
required.

Chapter 11

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael Jay Berger

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1:00 PM

2:20-14175 Tea Station Investment Inc.

Chapter 11

#17.00 Cont'd hrg re: Debtor's Motion Objecting to Proof of Claims of Baodi Zhou, or in the Alternative, Motion to Estimate Claims fr. 04/27/21, 5/4/21, 6/15/21, 8/31/21, 9/14/21, 9/28/21

Docket 184

Tentative Ruling:

Tentative Ruling for 10/26/21:

Please see the tentative ruling for the status conference (Calendar No. 18, 10/26/21).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen

Movant(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen
Leslie A Cohen

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 26, 2021

Hearing Room 1545

1:00 PM

2:20-14175 Tea Station Investment Inc.

Chapter 11

#18.00 Cont'd Status Conference re: Chapter 11 Case
fr. 7/28/20, 9/1/20, 9/15/20, 9/29/20, 12/22/20,
1/26/21, 3/9/21, 4/6/21, 04/27/21, 5/4/21, 6/1/21,
6/15/21, 8/3/21, 8/31/21, 9/14/21, 9/28/21

Docket 15

Tentative Ruling:

**Tentative Ruling for 10/26/21:
Appearances required.**

(1) Current issues

(a) Debtors' Motion Objecting to Proof of Claims of Baodi Zhou, or in the Alternative, Motion to Estimate Claims (the "Claim Objection," dkt. 184), interim Order (dkt. 226), Debtors' Supplement (dkt. 234-37), Claimant Ms. Baodi Zhou's Brief (dkt. 245), Debtors' Reply (dkt. 256-59), Order Assigning Matter to Mediation (dkt. 268), Mediator's report (no settlement) (dkt. 275)

This Court anticipates issuing a written Memorandum Decision on Monday 10/25/21.

(2) Dates/procedures. This case was filed on 5/4/20 and converted from chapter 7 to chapter 11 on 7/1/20 (dkt.17). The petition was amended to elect Subchapter V on 7/14/20 (dkt.27). On 9/4/20 this Court ordered joint administration with affiliated debtors (dkt.64).

(a) Bar date: (i) Investment 9/9/20 (dkt. 40; timely served, dkt. 43);
Affiliated Debtors 11/10/20.

(b) Procedures order: dkt.18 (timely served, dkt.20) (also timely served in each jointly administered case).

(c) Plan (dkt. 137): hearing TBD.

(d) Continued status conference: 11/9/21 at 1:00 p.m. No written status report required.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see

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CONT... Tea Station Investment Inc.
page 1 of the posted tentative rulings.

Chapter 11

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen

Movant(s):

Tea Station Investment Inc.

Represented By
Leslie A Cohen
Leslie A Cohen

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

2:00 PM

2:21-15809 Jose Guillermo Ontiveros, Jr.

Chapter 11

#1.00 Hrg re: Motion in individual chapter 11 case for order authorizing debtor to provide adequate assurance of payment to utility service providers

Docket 40

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 1.1, 10/26/21 at 2:00 p.m.).

Party Information

Debtor(s):

Jose Guillermo Ontiveros Jr.

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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Hearing Room 1545

2:00 PM

2:21-15809 Jose Guillermo Ontiveros, Jr.

Chapter 11

#1.10 Cont'd Status conference re: Chapter 11 case
fr. 8/31/21,10/12/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Continue as set forth below. Appearances are not required on 10/26/21. (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

(a) Debtor's Utility Motion (dkt. 40-42); no opposition is on file as of the preparation of this tentative ruling

This Court has concerns about whether service on the one utility at issue, the Los Angeles Department of Water and Power ("LADWP"), was in compliance with Rule 7004(a)(6) (Fed. R. Bankr. P.) (service must be on person or office required by State law, or CEO) (see *also* CCP 416.50, service on public entity). Nevertheless, the tentative ruling is that (x) the LADWP appears to have received sufficient notice for due process concerns; (y) it can always seek reconsideration; and meanwhile, (z) although the proposed "assurance of payment" does not appear to meet the requirements of 11 U.S.C. 366(c)(1)(A), nevertheless it appears to be in the interests of both LADWP and the bankruptcy estate to confirm that Debtor may continue to make regular monthly payments, as requested in the Utility Motion. Therefore, the tentative ruling is to grant the Utility Motion.

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

(b) Monthly Operating Reports ("MORs")

Debtor's second amended MOR for August, 2021 (dkt. 54) still fails to

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CONT...

Jose Guillermo Ontiveros, Jr.

Chapter 11

provide information regarding Debtor's income from rental properties. As stated in this Court's Tentative Ruling for 10/12/21, part "(1)(b)(i)" (reproduced below):

(i) No breakdown of monthly income

Debtor apparently has monthly income from both employment and real property, but has failed both in his bankruptcy Schedule "I" **and his MORs** to provide a breakdown for each real property of gross receipts, ordinary and necessary business expenses, and a calculation of the resulting monthly net income. ... [Emphasis added.]

Debtor is, once again, directed to correct this issue. According to Debtor's amended Bankruptcy Schedules "I" and "J" (dkt. 53 at PDF p.8), Debtor has substantial income and expenses related to several different rental properties, so this is a very troubling omission and calls into question whether Debtor is taking his responsibilities in this case with sufficient seriousness.

The tentative ruling is to set a **deadline of 11/2/21** for Debtor to file a third amended MOR for August, 2021 with (A) separate bank account statements for each rental property and (B) a summary of income and expenses, separately reported by rental property, similar to what is provided in Debtor's amended Bankruptcy Schedules "I" and "J." See dkt. 53 at PDF p.8.

(2) Dates/procedures. This case was filed on 7/19/21.

(a) Bar date: 11/16/21 (dkt. 26, timely served, dkt. 35 & 56)

(b) Procedures order: dkt. 6 (belatedly served, dkt. 16 & 55)

(c) Plan/Disclosure Statement: file by 1/14/22

(d) Continued status conference: 11/9/21 at 2:00 p.m., concurrent with other matters. No written status report is required.

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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... Jose Guillermo Ontiveros, Jr.

Chapter 11

Tentative Ruling for 10/12/21:

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

(1) Current issues

(a) Eviction efforts

Debtor should be prepared to address the status of any efforts to evict tenants in the 1763 and Anzac properties.

(b) Monthly operating reports ("MORs")

Debtor should be prepared to address the following issues.

(i) No breakdown of monthly income

Debtor apparently has monthly income from both employment and real property, but has failed both in his bankruptcy Schedule "I" and his MORs to provide a breakdown for each real property of gross receipts, ordinary and necessary business expenses, and a calculation of the resulting monthly net income. See dkt. 1, PDF pp. 34-35 (Schedule "I" and instructions for line "8a"). Where is Debtor's money coming from?

(ii) August expenses

According to Debtor's MOR for the month of August, Debtor only had \$31 worth of expenses, living and/or other (dkt. 28, p.4, lines 8g-h). Is Debtor accurately representing his expenses?

(iii) Cash balance at beginning of August

Debtor's MOR for August also states a cash balance of \$0.00 at the beginning of the month (dkt. 28, p. 2, line 1a). But Debtor's MOR for the prior month states Debtor's cash balance at the end of July was \$235 (dkt. 27, p.2, line 1d). Where is the disconnect?

(iv) Transaction history

Debtor has provided a detailed transaction history of one of his Wells Fargo accounts for (most of) the month of July (dkt. 27, Exhibit, at PDF pp. 26-29), but has failed to submit any similar breakdown for the month of August. Why?

The tentative ruling is to set a **deadline of 10/19/21** for Debtor to file corrected MORs.

(c) Mandatory court form

Based on this Court's review of the record, Debtor's counsel has filed a "Declaration of Service" (See dkts. 16 & 35) instead of the Court's mandatory

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CONT...

Jose Guillermo Ontiveros, Jr.

Chapter 11

proof of service form (F9013-3.3.1.PROOF.SERVICE) on multiple occasions. This is problematic as it requires Court staff to do an additional line by line comparison to ensure compliance and, more importantly, it fails to include the server's declaration under penalty of perjury. Although this Court notes that Debtor's counsel has previously utilized the mandatory form (See dkt. 14, 21, 33), Debtor's counsel is cautioned that failure to use this Court-mandated form in future without permission of the Court may result in this Court striking non-compliant papers or other adverse consequences. In addition, the tentative ruling is to set **a deadline of 10/19/21** for Debtor to file corrected proofs of service.

(2) Dates/procedures. This case was filed on 7/19/21.

- (a) Bar date: 11/16/21 (dkt. 26, timely served, dkt. 35)
- (b) Procedures order: dkt. 6 (served, dkt. 16, but not timely)
- (c) Plan/Disclosure Statement: file by 1/14/22
- (d) Continued status conference: 10/26/21 at 2:00 p.m., concurrent with other matters. No written status report is required.

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (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):

Jose Guillermo Ontiveros Jr.

Represented By
Onyinye N Anyama

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2:21-10368 Mrudula Kothari

Chapter 11

#2.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/9/21, 03/02/21, 4/6/21, 4/27/21, 6/1/21, 7/20/21,
8/31/21, 9/28/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Continue as set forth below. Appearances are not required on 10/26/21.

(1) Current issues

This Court only recently entered an order (dkt. 123) directing Debtor, the Subchapter V Trustee, and Royal Business Bank to mediation and, unsurprisingly, the docket does not reflect that mediation has concluded. In addition, this Court has reviewed the latest monthly operating report (dkt. 125) and the rest of the docket, and has no issues to raise *sua sponte* at this time. Therefore, the tentative ruling is to continue this status conference as set forth below.

(2) Dates/procedures. This case was filed on 1/19/21 .

(a) Bar date: 3/30/21 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 11).

(b) Procedures order: dkt. 8 (timely served, dkt. 12)

(c) AmPlan: TBD

(d) Continued status conference: 12/14/21 at 1:00 p.m. *Brief* status report due 11/30/21.

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED]

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2:00 PM

CONT... Mrudula Kothari

Chapter 11

Party Information

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

Trustee(s):

Susan K Seflin (TR)

Pro Se

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Hearing Room 1545

2:00 PM

2:20-17525 Nicole R. Prause

Chapter 7

Adv#: 2:20-01662 Minc v. Prause

#3.00 Cont'd Status Conference re: Complaint for Monetary and Equitable Relief and Demand for a Jury Trial fr. 01/26/21, 2/9/21, 03/02/21, 4/6/21, 6/15/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:

Continue as set forth below. Appearances are not required on 10/26/21. (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.")

This nondischargeability matter has continued a number of times to give the parties an opportunity to explore settlement, but, despite repeated mediations, the mediator reports (adv. dkt. 19) that this matter did not settle. Meanwhile, this Court has issued an order (dkt. 80) terminating the automatic stay to permit plaintiff Mr. Minc to proceed with the underlying litigation against Debtor (and, at least previously, other person(s)) in the State courts of Ohio. This Court issued another order (adv. dkt. 10) staying this adversary proceeding.

The tentative ruling is to continue this status conference out several months, in the expectation (x) that the State Court litigation will be issue preclusive on relevant elements of the nondischargeability claim, and (y) that, once a final judgment is rendered in the State Court litigation, one or both parties will file appropriate papers in this adversary proceeding seeking to remove the stay of this nondischargeability matter and then do whatever may be necessary or appropriate to conclude their litigation before this Court.

Based on all of the foregoing, the tentative ruling is to continue this Status Conference to **2/15/21 at 2:00 p.m.**, with a *brief status report due 2/1/21*.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov

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CONT... Nicole R. Prause Chapter 7

telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Nicole R. Prause

Represented By
Michael Jay Berger

Defendant(s):

Nicole R. Prause

Represented By
Michael Jay Berger

Plaintiff(s):

Aaron M Minc

Pro Se

Trustee(s):

Elissa Miller (TR)

Pro Se

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Hearing Room 1545

2:00 PM

2:19-14137 Zeta Graff

Chapter 7

Adv#: 2:20-01677 Leslie v. Graff

#4.00 Cont'd Status Conference re: Complaint to Deny / Revoke Debtor's Discharge Pursuant to 11 U.S.C. 727(a)(6) and (d)(3) fr. 2/9/21, 4/27/21, 5/4/21, 7/20/21

Docket 1

Tentative Ruling:

**Tentative Ruling for 10/26/21:
Appearances required.**

(A) Current issues

In view of the parties' status report (adv. dkt. 38), their stipulation to modify deadlines (adv. dkt. 39), and this Court's order thereon (adv. dkt. 41), the tentative ruling is to set the new dates provided below.

(B) Standard requirements

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

(1) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited at prior hearing(s) and status reports, including on 2/9/21 and dkt. 38, p. 5.

(2) Mediation

Although Defendant/Debtor indicates a preference for mediation (adv. dkt. 38, p.3), Plaintiff/UST does not. *Id.* The tentative ruling is that, in view of Plaintiff/UST's present lack of interest in mediation, it would not appear to be productive at this time, so this Court will not order it.

(3) Deadlines

This adversary proceeding has been pending since 12/7/20. This

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CONT...

Zeta Graff

Chapter 7

Court previously issued an order (adv. dkt. 29) setting new deadlines. Now, as noted above, the parties have stipulated to some new deadlines, and left others to be determined.

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

Discovery cutoff (for *completion* of discovery): 1/14/22 (per stip. & order, dkt. 39, 41).

Dispositive motions to be heard no later than: 2/15/22 (the parties had stipulated to 2/14/22 (dkt. 39), but this Court has no hearings on that date).

Joint Status Report: none required.

Continued status conference: 12/14/21 at **11:00 a.m.**

Lodge Joint Proposed Pre-Trial Order: 2/22/22

Pretrial conference: 3/1/22 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 3/14/21 (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: 3/17/22 at 9:00 a.m.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Zeta Graff

Represented By
Damion Robinson

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CONT... Zeta Graff

Chapter 7

Defendant(s):

Zeta Graff

Pro Se

Plaintiff(s):

Sam S. Leslie

Represented By
Elissa Miller

Trustee(s):

Sam S Leslie (TR)

Represented By
Elissa Miller

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2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#5.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 10/1/19, 11/12/19, 11/21/19, 01/14/20, 03/03/20,
04/07/20, 5/19/20, 7/14/20, 7/28/20, 8/4/20, 9/15/20,
10/27/20, 01/26/21, 4/27/21, 6/1/21, 7/8/21, 8/18/21,
8/19/21, 9/9/21, 9/28/21, 10/12/21

BOBS, LLC
vs
DEBTOR

Docket 936

Tentative Ruling:

Tentative Ruling for 10/26/21:

Please see the tentative ruling for the status conference (Calendar No. 6,
10/26/21 at 2:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

Movant(s):

Bobs, LLC

Represented By
David I Brownstein
Gerrick Warrington
M. Jonathan Hayes
Matthew D. Resnik

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2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#6.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/9/18, 3/20/18, 3/21/18, 4/17/18, 5/3/18, 5/7/18,
6/12/18, 6/22/18, 7/16/18, 8/3/18, 9/4/18, 11/6/18,
01/15/19, 1/29/19, 2/26/19, 3/26/19, 4/16/19;
04/29/19, 05/21/19, 5/28/19, 6/18/19, 7/2/19; 08/06/19,
10/15/19, 11/12/19, 11/21/19, 01/14/20, 3/3/20, 3/10/20,
04/07/20, 5/19/20, 6/16/20, 6/30/20, 7/14/20, 7/28/20,
8/4/20, 09/15/20, 10/27/20, 12/08/20, 1/21/21, 02/25/21,
3/23/21, 4/27/21, 6/1/21, 6/15/21, 7/8/21, 7/20/21, 8/18/21,
8/19/21, 9/9/21, 9/28/21, 10/12/21

Docket 1

Tentative Ruling:

Tentative Ruling for 10/26/21:
Appearances required.

(1) Current issues

(a) Motion of Bobs LLC ("Bobs") For Relief From The Automatic Stay ("R/S Motion," dkt. 936), Prior Responses (dkt. 948-952), Bobs' Prior Reply (dkt. 958, 959), Joinder in Prior Response (dkt. 1005), Bobs' Supplement (dkt. 1413), Supp. Response of Dean G. Rallis, Jr., Court Appointed Agent ("Agent") (dkt. 1415), Agent's Evidentiary Objections (dkt. 1416), Supp. Joinder of The Bird Nest, LLC ("Bird") and the Roman Catholic Archbishop of Los Angeles and the California Institute of the Sisters of the Most Holy and Immaculate Heart of the Blessed Virgin Mary (collectively, "Church") (dkt. 1417), Scheduling Order (dkt. 1419), Participation request of Church (dkt. 1428) and Order thereon (dkt. 1467), Participation Request of Deanna Stats (dkt. 1429) and Order thereon (dkt. 1465), Bobs's Pretrial Brief (dkt. 1476), Church/Bird's Pretrial Brief (dkt. 1479), Agent's Pretrial Brief (dkt. 1482), Joint Pretrial Stipulation (dkt. 1483), Transcript of 8/19/21 hearing (dkt. 1503), Bobs' proposed order (dkt. 1525), Church & Bird Response (dkt. 1527, 1531), Select Portfolio Response (dkt. 1529), Agent Response (dkt. 1530), Supplemental Memorandum Decision ("MemDispo," dkt. 1533), Bobs Response (dkt. 1538), Agent Response (dkt. 1539)

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CONT...

Dana Hollister

Chapter 11

At the hearing on 9/28/21, this Court was persuaded to continue this matter to today's date in order for the parties to adequately review Bobs' most recent offer. There is no tentative ruling, but the parties should be prepared to address the status of that offer and whether any progress has been made toward settlement.

If no progress has been made, this Court tentatively anticipates accepting Bobs' waiver or forfeiture of any additional adequate protection beyond the protection that it already enjoys by virtue of the existing efforts to market and sell The Paramour for the highest and best price. Again, as this Court has stated throughout (see dkt. 1503, 1533), this Court remains open to any equivalent or lesser adequate protection terms.

Proposed order(s): Unless otherwise ordered, Church and Bird are directed to lodge a proposed order on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling.

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

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

(b) Plan/Disclosure Statement: TBD. See the "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

(c) Continued status conference: 11/9/21 at 1:00 p.m., concurrent with other matters. No written status report required.

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

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED (for principal issues, see dkt. 238, 239, 528, 547, 557, 1330, 1382-83, 1410, 1497, 1503, 1533)]

Party Information

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

Tuesday, October 26, 2021

Hearing Room 1545

2:00 PM

CONT... Dana Hollister

Chapter 11

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul