

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

Tuesday, November 4, 2025

Hearing Room 1545

9:00 AM

2:00-000000

Chapter

#0.00 A. SHUTDOWN NOTICE:

The following procedures apply notwithstanding any usual rules and procedures. As set forth below, any party in interest may contest whether any matter should or should not proceed during the (partial) government shutdown, pursuant to the usual procedures for contesting tentative rulings under the "Procedures of Judge Bason" (posted at www.cacb.uscourts.gov) (the "Bason Procedures").

1. General rule: only matters essential to protection of property will proceed

Due to the current lapse in appropriations for the Judiciary, this Court is operating pursuant to its *Shutdown Plan*, version 1.7 (Oct. 2025), which was adopted pursuant to the Anti-Deficiency Act (31 U.S.C. § 1341) as well as Volume 13, Chapter 2, Section 230.50 of the *Guide to Judiciary Policy* and the Office of General Counsel's memorandum dated October 13, 2023. Certain operations of this Court must cease.

Among the exceptions to this general rule, this Court should address "emergency circumstances, such that the suspense of the function would threaten the safety of human life or the protection of property." *Shutdown Plan*, part I(A)(2) (emphasis added). Such emergencies do not include "ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property." 31 U.S.C. § 1341.

In general, matters involving relief from the automatic stay will proceed as usual, as will "first day" motions, but certain adversary proceedings, certain chapter 11 confirmation hearings, and other matters should be continued. See *Shutdown Plan*, Attachment 1 (Excepted Activity Guidelines).

2. This Court's tentative rulings already take the shutdown into account, and the tentative ruling whether to proceed on any matter can be contested

Notwithstanding the general shutdown, judges "should continue to work full-time during an appropriations lapse" (*id.* part II.(A)), and each judge may employ the services of law clerks and other staff as needed. *Id.* For that reason, and to assure that the shutdown is handled in an orderly manner and that when it is over normal activities can be resumed in an orderly manner, tentative rulings have been prepared for all matters on calendar

Those tentative rulings attempt to take into account whether each matter

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Chapter

does or does not constitute an emergency situation in which this Court's involvement is required to protect property. All parties in interest are invited to challenge whether any matter on calendar should or should not proceed in view of the government shutdown. Parties may do so by contesting the tentative ruling pursuant to the usual Bason Procedures for doing so.

3. The United States Trustee ("UST") and other governmental units

The tentative ruling is that, in view of the (partial) shutdown of the federal government including the Office of the UST, any deadline for responses to any requests for relief in this case will not apply to the UST or other governmental unit that has been unable to respond due to the governmental shutdown, and once the governmental unit is able to participate again in cases before this Court it may file and serve any appropriate responses or requests for relief, including any requests for reconsideration. All rights are reserved for the governmental unit and all other parties in interest to request any additional or different procedures, either at future status conferences or by filing appropriate papers.

B. REGULAR NOTICES:

Hearings in Judge Bason's courtroom (1545) are simultaneously:

- (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices),
- (2) via ZoomGov video, and
- (3) via ZoomGov telephone.

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

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 161 427 7646

Password: 410011

Meeting URL: <https://cacb.zoomgov.com/j/1614277646>

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.

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Chapter

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

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

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

Zoomgov hearing etiquette: (a) wait until the judge calls on you, so everyone is not talking at once; (b) when you first speak, state your name and, if you are an attorney, whom you represent (do not make your argument until asked to do so); (c) when you make your argument, please pause from time to time so that, for example, the judge can ask a question or anyone else can make an objection; (d) if the judge does not see that you want to speak, or forgets to call on you, please say so when other parties have finished speaking (do not send a "chat" message, which the judge might not see); and (e) please let the judge know if he mispronounces your name, uses the title for you, etc.

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:23-16782 Cesar Augusto Archila and Blanca E. Archila

Chapter 13

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

BANK OF AMERICA, N.A.
vs
DEBTOR

Docket 55

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address:

- (a) whether the alleged arrears have been brought current
- (b) whether they will agree to the terms of an adequate protection order
- (c) the request of the Chapter 13 Trustee ("Trustee") to make Trustee the disbursing agent for payments to Movant (see Trustee's response (dkt. 58) and Debtor's response (dkt. 60)).

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

Party Information

Debtor(s):

Cesar Augusto Archila

Represented By
D Justin Harelik

Joint Debtor(s):

Blanca E. Archila

Represented By
D Justin Harelik

Movant(s):

BANK OF AMERICA, N.A.

Represented By

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CONT...

Cesar Augusto Archila and Blanca E. Archila
Christina J Khil

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

10:00 AM

2:25-14821 Clifton Kerr

Chapter 7

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

U.S. BANK NATIONAL ASSOCIATION
vs
DEBTOR

Docket 77

Tentative Ruling:

Grant as set forth below.

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

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

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

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

The automatic stay does not apply

Grant the motion under 11 U.S.C. 362(c)(3) and (j): there is no automatic stay because (a) Debtor's prior case (2:24-bk-15212-NB) was dismissed (on 7/1/24) within one year before this case was filed (on 6/6/25), (b) that dismissal was not under 11 U.S.C. 707(b), and (c) no finding of good faith was timely sought and obtained. See Order Denying Motion to

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CONT... Clifton Kerr

Chapter 7

Reimpose Automatic Stay, dkt. 10. The automatic stay has terminated both as to Debtor *in personam* and as to property of Debtor. See *In re Reswick*, 446 B.R. 362 (9th Cir. BAP 2011); *In re Hernandez*, case no. 2:11-bk-53730-NB, docket #40 (Memorandum Decision).

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

Note regarding mootness: As provided in the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov), the tentative ruling is that a motion for relief from the automatic stay is not mooted even when the tentative ruling is that the stay no longer exists, for the following reasons:

- a. Multiple, alternative grounds for relief should all be reached.
When a motion seeks the same relief on multiple alternative grounds, all of those grounds usually should be ruled on because a tentative or final ruling on any one ground might be reversed or altered later on. For example, movants often seek a ruling that the automatic stay does not prevent them from pursuing their remedies both (i) because the stay does not apply (e.g., after dismissal of the bankruptcy case, per 11 U.S.C. §§ 349(b)(3), 362(c)) and alternatively (ii) because relief from the stay is appropriate (under 11 U.S.C. § 362(d)). If the first ground later turns out to be reversed or altered (e.g., if a dismissal is vacated), the movant would be prejudiced if this Court had refused to reach the movant's alternative argument that the stay should be lifted. See also, e.g., *In re Krueger*, 88 B.R. 238, 241-42 (9th Cir. BAP 1988) (notwithstanding dismissal, stay held to continue due to lack of proper notice re dismissal).
- b. Annulment, *in rem* relief, etc. Some matters always remain relevant, notwithstanding dismissal, closing of a case, or other grounds on which the stay might not currently exist. See *In re Aheong*, 276 B.R. 233 (9th Cir. BAP 2002).

For the foregoing 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)(4).

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CONT...

Clifton Kerr

Chapter 7

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

Relief notwithstanding *future* bankruptcy cases

Grant the following relief pursuant to 11 U.S.C. 362(d)(4) and the legal analysis in *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017), and/or *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31), as applicable:

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

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

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

No prejudice to Debtor intended. Based on the record, it appears that this might be a "hijacked" case, and that Debtor might be innocent of any involvement. See *e.g.*, *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017) (describing hijacking); *In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012) (same). In a hijacking case, the Debtor faces the legitimate concern of being subject to a 180-day bar and other adverse consequences if, for example, Debtor later requests and obtains a voluntary dismissal and subsequently needs to file another bankruptcy petition. See, *e.g.*, 11 U.S.C. 109(g)(2), 362(b)(21)(A). There is authority that section 109 "eligibility issues" are nonjurisdictional, can be waived, forfeited, or subject to estoppel, and should not be applied if that would produce an "illogical, unjust, or capricious result, or when the benefit of dismissal would inure to a bad faith creditor." *In re*

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CONT... Clifton Kerr

Chapter 7

Leafty, 489 B.R. 545, 550-51 (9th Cir. BAP 2012) (citing cases including under 109(g)(2)). *See also In re Mendez*, 367 B.R. 109, 116-17 (9th Cir. BAP 2007); *In re Luna*, 122 B.R. 575, 577 (9th Cir. BAP 1991); *Dorsey*, 476 B.R. 261, 270. The same principles apply to any other adverse consequences from a hijacking. Accordingly, the tentative ruling is to condition the relief from the automatic stay granted in this tentative ruling such that no adverse consequences apply to Debtor from the hijacking, including under 11 U.S.C. 109(g)(2) or 362(b)(21)(A). Note: None of the foregoing will shield Debtor if it turns out that Debtor was not, in fact, innocent of any involvement in the apparent hijacking or other abusive scheme.

Effective date of relief

Grant the request to waive the 14-day stay provided by Rule 4001(a) (4) (Fed. R. Bankr. P.).

Co-debtor stay

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

Party Information

Debtor(s):

Clifton Kerr

Pro Se

Movant(s):

U.S. Bank National Association

Represented By
Jennifer C Wong

Trustee(s):

Wesley H Avery (TR)

Pro Se

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10:00 AM

2:23-17678 Fredy Lopez and Blanca Iliana Lopez

Chapter 13

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

CARRINGTON MORTGAGE SERVICES, LLC
vs
DEBTOR

Docket 39

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fredy Lopez

Represented By
Hale Andrew Antico

Joint Debtor(s):

Blanca Iliana Lopez

Represented By
Hale Andrew Antico

Movant(s):

Carrington Mortgage Services, LLC

Represented By
Chad L Butler
Randall Miller

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:23-15025 Russell Kham Phan Ros and Mary Sok Puth-Ros

Chapter 13

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

LAKEVIEW LOAN SERVICING, LLC
vs
DEBTOR

Docket 96

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address:

- (a) whether the alleged arrears have been brought current
- (b) whether they will agree to the terms of an adequate protection order
- (c) the request of the Chapter 13 Trustee ("Trustee") to make Trustee the disbursing agent for payments to Movant (see Trustee's response (dkt. 99)).

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

Party Information

Debtor(s):

Russell Kham Phan Ros

Represented By
Jacqueline D Serrao

Joint Debtor(s):

Mary Sok Puth-Ros

Represented By
Jacqueline D Serrao

Movant(s):

Lakeview Loan Servicing, LLC

Represented By

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Russell Kham Phan Ros and Mary Sok Puth-Ros

Chapter 13

Darlene C Vigil
Cassandra J Richey
Joseph C Delmotte

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:25-15843 Adam Thomas Cooke

Chapter 7

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

MERCEDES-BENZ FINANCIAL SERVICES USA LLC
vs
DEBTOR

Docket 19

Tentative Ruling:

Grant.

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

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

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

Key documents reviewed (in addition to motion papers): Debtor's non-opposition (dkt. 23)

Termination

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

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

Effective date of relief

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

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CONT... Adam Thomas Cooke
(4) (Fed. R. Bankr. P.).

Chapter 7

Co-debtor stay

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

Party Information

Debtor(s):

Adam Thomas Cooke

Represented By
Michael N Nicaastro

Movant(s):

Mercedes-Benz Financial Services

Represented By
Sheryl K Ith

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Rosendo Gonzalez

**United States Bankruptcy Court
Central District of California
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:25-12616 Frieda Danielle Hickson

Chapter 13

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

TD BANK, N.A.
vs
DEBTOR

Docket 39

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frieda Danielle Hickson

Represented By
Jeffrey N Wishman

Movant(s):

TD Bank, N.A.

Represented By
Sheryl K Ith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:25-18325 Jhowanna Chavez Salansang

Chapter 7

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

TD BANK, N.A.
vs
DEBTOR

Docket 8

Tentative Ruling:

Grant.

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

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

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

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

Termination

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

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

Effective date of relief

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

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CONT... **Jhowanna Chavez Salansang**
(4) (Fed. R. Bankr. P.).

Chapter 7

Co-debtor stay

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

Party Information

Debtor(s):

Jhowanna Chavez Salansang

Represented By
Raj T Wadhwani

Movant(s):

TD Bank, N.A.

Represented By
Sheryl K Ith

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

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

10:00 AM

2:25-13048 RD William Whittington

Chapter 7

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

PORSCHE LEASING, LTD.
vs
DEBTOR

Docket 70

Tentative Ruling:

Grant.

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

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

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

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

Termination

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

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

Effective date of relief

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

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CONT... **RD William Whittington**
(4) (Fed. R. Bankr. P.).

Chapter 7

Co-debtor stay

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

Party Information

Debtor(s):

RD William Whittington

Represented By
Matthew D. Resnik

Movant(s):

Porsche Financial Services, Inc. dba

Represented By
Stacey A Miller

Porsche Leasing Ltd.

Represented By
Stacey A Miller

Trustee(s):

John P Pringle (TR)

Pro Se

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10:00 AM

2:25-13048 RD William Whittington

Chapter 7

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

PORSCHE LEASING LTD.
vs
DEBTOR

Docket 71

Tentative Ruling:

Grant in part and deny in part as set forth below.

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

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

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

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

Termination

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

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

Deny the request for relief under 11 U.S.C. 362(d)(2) because, based on this Court's review of Movant's evidence, it appears Debtor has a very small amount of equity in the subject property. See dkt. 71, p. 8 [\$140,525.00]

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CONT... RD William Whittington

Chapter 7

(FMV) - \$138,436.53 (Movant's claim) = \$2,088.47 (equity)].

Effective date of relief

Grant the request to waive the 14-day stay provided by Rule 4001(a) (4) (Fed. R. Bankr. P.).

Co-debtor stay

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

Party Information

Debtor(s):

RD William Whittington

Represented By
Matthew D. Resnik

Movant(s):

Porsche Financial Services, Inc. dba

Represented By
Stacey A Miller

Porsche Leasing Ltd.

Represented By
Stacey A Miller

Trustee(s):

John P Pringle (TR)

Pro Se

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:23-11247 Edmund Lincoln Anderson

Chapter 13

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

ONNI BROADWAY BLOCK LONG BEACH LLC
vs
DEBTOR

Docket 203

Tentative Ruling:

Grant in part and deny in part as set forth below.

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

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

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

Key documents reviewed (in addition to motion papers): Debtor's non-opposition (dkt. 207)

The automatic stay appears to apply on this limited record

Deny the request for an order confirming that no stay is in effect. Movant has not established an exception to the automatic stay under 11 U.S.C. 362(b) or (c) because, although the motion references 11 U.S.C. 362(b)(22) and (23), the elements of those sections have not been established (e.g., a prepetition judgment for possession).

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

CONT... Edmund Lincoln Anderson

Chapter 13

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).

Retroactive relief

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

Effective date of relief

Grant the request to waive the 14-day stay provided by Rule 4001(a) (4) (Fed. R. Bankr. P.).

Co-debtor stay

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

Party Information

Debtor(s):

Edmund Lincoln Anderson

Represented By
Stella A Havkin

Movant(s):

Onni Broadway Block Long Beach

Represented By
Agop Gary Arakelian

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

CONT... Edmund Lincoln Anderson

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:25-19163 Barbara Michelle Quam

Chapter 13

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

Docket 12

Tentative Ruling:

Grant subject to the following conditions, and also subject to any opposition at the hearing. Appearances required.

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

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

Shortened time: The motion papers were served on shortened time on 10/20/25 (*i.e.*, 15 days before the hearing), which is permissible without prior Court authorization pursuant to the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) but, contrary to those Procedures, Movant gave an incorrect deadline for any opposition: Movant stated that oppositions are due 14 days before the hearing (*i.e.*, by 10/21/25) instead of five days before the hearing. See Motion (dkt. 12), pp. 1-2.

This Court presumes that, if there are no opposition at the hearing, counsel for the Movant will not seek to charge the debtor or the estate any fees for appearing at this hearing because such appearance would have been unnecessary if the correct procedures had been followed (if counsel intends to do otherwise, that must be raised and argued at the hearing).

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

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

CONT...

Barbara Michelle Quam

Chapter 13

modifications and conditions:

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

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

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

Party Information

Debtor(s):

Barbara Michelle Quam

Represented By
Aaron Lipton

Movant(s):

Barbara Michelle Quam

Represented By
Aaron Lipton

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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10:00 AM

CONT... Barbara Michelle Quam

Chapter 13

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:25-19175 Eleanor Pearl Dahl

Chapter 13

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

Docket 8

Tentative Ruling:

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

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

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

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

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

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

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

CONT...

Eleanor Pearl Dahl

Chapter 13

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

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

Party Information

Debtor(s):

Eleanor Pearl Dahl

Represented By
Kevin Tang

Movant(s):

Eleanor Pearl Dahl

Represented By
Kevin Tang

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:24-18114 Genesis Maritza Junkermeier

Chapter 13

#13.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 8/5/25, 10/7/25

SERVBANK, SB
vs
DEBTOR

Docket 35

Tentative Ruling:

Tentative Ruling for 11/4/25:

Appearances required.

At the hearing on 10/7/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 10/7/25:

Appearances required.

At the hearing on 8/5/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

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Central District of California
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

CONT... Genesis Maritza Junkermeier

Chapter 13

Tentative Ruling for 8/5/25:

Appearances required. There is no tentative ruling, but the parties should be prepared to address their position with respect to (x) Debtor's response (dkt. 43) and (y) the motion of the Chapter 13 Trustee ("Trustee") to modify Debtor's confirmed plan to make Trustee the disbursing agent with respect to all payments pertaining to the mortgage obligation on Debtor's primary residence (see Trustee's response (dkt. 38) and Trustee's motion to modify plan (dkt. 37)).

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

Party Information

Debtor(s):

Genesis Maritza Junkermeier

Represented By
Onyinye N Anyama

Movant(s):

Servbank, SB

Represented By
Paul W Cervenka
Kirsten Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:23-10115 Marilyn Warren Marks-Wynne

Chapter 13

#14.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 12/3/24, 1/7/25, 2/25/25, 4/8/25, 5/6/25, 6/17/25
8/5/25, 10/7/25

U.S. BANK TRUST COMPANY
vs
DEBTOR

Docket 51

Tentative Ruling:

Tentative Ruling for 11/4/25:

Appearances required.

At the hearing on 10/7/25 this Court was persuaded to grant a final continuance of this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court issue its oral ruling at the hearing.

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

Tentative Ruling for 10/7/25:

Appearances required.

This hearing has been continued many times. The parties are directed to address whether this Court should make any further continuance a final continuance.

At the hearing on 8/5/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

If you are making an appearance, you may do so (1) in person in the

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

CONT... Marilyn Warren Marks-Wynne

Chapter 13

courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Tentative Ruling for 8/5/25:

Appearances required.

At the hearing on 6/17/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 6/17/25:

Appearances required.

At the hearing on 5/6/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 5/6/25:

Appearances required.

At the hearing on 4/8/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

CONT... Marilyn Warren Marks-Wynne

Chapter 13

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

Tentative Ruling for 4/8/25:

Appearances required.

At the hearing on 2/25/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 2/25/25:

Appearances required.

At the hearing on 1/7/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 1/7/25:

Appearances required.

At the hearing on 12/3/24 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

CONT... Marilyn Warren Marks-Wynne

Chapter 13

prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 12/3/24:

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

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

Party Information

Debtor(s):

Marilynn Warren Marks-Wynne

Represented By
Joshua Sternberg

Movant(s):

U.S. Bank Trust Company, National

Represented By
Sean C Ferry
Sarah Arlene Dooley-Lewis

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:24-17482 Noreen Leanora Hill

Chapter 13

#15.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 10/7/25

U.S. BANK TRUST COMPANY, N.A.
vs
DEBTOR

Docket 47

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Noreen Leanora Hill

Represented By
Tyson Takeuchi

Movant(s):

U.S. Bank Trust Company, National

Represented By
Jennifer C Wong

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

2:24-16656 Sarva Moghbel

Chapter 13

#16.00 Con'td hrg re: Motion for relief from stay [RP]
fr. 9/23/25, 10/21/25

CITIBANK, N.A.
vs
DEBTOR

Docket 57

Tentative Ruling:

Tentative Ruling for 11/4/25:

Appearances required.

At the hearing on 10/21/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

Tentative Ruling for 10/21/25:

Appearances required.

At the hearing on 9/23/25 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter, and whether this Court should set any briefing schedules, any hearings, or any other procedures.

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

**United States Bankruptcy Court
Central District of California
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Tuesday, November 4, 2025

Hearing Room 1545

10:00 AM

CONT... Sarva Moghbel

Chapter 13

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

Tentative Ruling for 9/23/25:

Appearances required. There is no tentative ruling, but the parties should be prepared to address:

- (a) whether the alleged arrears have been brought current
- (b) whether they will agree to the terms of an adequate protection order
- (c) the request of the Chapter 13 Trustee ("Trustee") to make Trustee the disbursing agent for payments to Movant (see Trustee's response, dkt. 60; Debtor's response, dkt. 63, 64).

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

Party Information

Debtor(s):

Sarva Moghbel

Represented By
Frank J Alvarado

Movant(s):

Citibank, N.A., not in its individual

Represented By
Edward A Treder
Cassandra J Richey

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

Tuesday, November 4, 2025

Hearing Room 1545

11:00 AM

2:25-13927 Shuchi Tsai

Chapter 7

#1.00 Cont'd hrg re: Motion to Avoid Lien under 11 USC section 522(f)
fr. 10/21/25

Docket 19

Tentative Ruling:

Tentative Ruling for 11/04/25:

Continue to 11/18/25 at 11:00 a.m. due to the (partial) government shutdown. In this phase of the shutdown, this Court's employees are not permitted to work on matters except emergencies that "imminently threaten the safety of human life or the protection of property." 31 U.S.C. 1342 (the Anti-Deficiency Act) (emphasis added). Appearances are not required on 11/4/25.

Background: At the hearing on 10/21/25 this Court was persuaded to continue this matter to today.

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

Tentative Ruling for 10/21/25:

Grant.

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

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

If you are making an appearance, you may do so (1) in person in the

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, November 4, 2025

Hearing Room 1545

11:00 AM

CONT... Shuchi Tsai

Chapter 7

courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): opposition (dkt. 23, amended by dkt. 25); Debtor's supplement (dkt. 27).

Analysis:

The tentative ruling is that even if the property value is as high as suggested by creditor STC Gardenwalk, LLC ("Gardenwalk"), that would not make any difference because Debtor could amend her claim of exemptions to assert at least the minimum exemption of \$300,000.00, leaving \$-0- of equity to which the judgment lien could attach. The specifics are further explained below.

Debtor's motion asserts that the subject real estate is worth \$768,000 and, after deducting the alleged \$568,480 balance of the first lien as of the bankruptcy petition date, that leaves under \$200,000 of value, which is entirely covered by Debtor's existing homestead exemption of \$214,000. True, as Gardenwalk rightly points out, Debtor's initial valuation was solely a personal opinion as the owner of the property, without any supporting analysis or data. But, first, Debtor's supplement provides an appraisal of a licensed real estate appraiser valuing the property at \$769,000 as of 9/15/25; and, second, Gardenwalk asserts that the value could be as much as \$811,400 or more.

The tentative ruling is that, even using Gardenwalk's higher valuation, Debtor can freely amend the exemptions at any time, and under CCP 704.730 the homestead exemption is "the greater of" \$300,000 or a formula up to \$600,000, which would result in \$-0- of equity as shown in the following table:

<i>Debtor</i>	<i>Gardenwalk</i>
\$769,000	\$811,400
(\$568,480)	(\$568,480)
(\$214,000)	(\$300,000) (CCP 704.730 min.)
<u>\$-0-</u>	<u>\$-0-</u>

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 4, 2025

Hearing Room 1545

11:00 AM

CONT...

Shuchi Tsai

Chapter 7

In sum, although Debtor's motion is supported by only weak evidence, it is still some evidence; and although Gardenwalk suggests that it could overcome Debtor's evidence if this Court were to hold an evidentiary hearing, the tentative ruling is that this would make no difference because Debtor could simply amend the claimed exemption to exempt all of the equity in the property. Accordingly, the tentative ruling is to overrule the opposition and grant the motion.

Party Information

Debtor(s):

Shuchi Tsai

Represented By
Christopher J. Langley
Michael Smith

Movant(s):

Shuchi Tsai

Represented By
Christopher J. Langley
Christopher J. Langley
Michael Smith
Michael Smith

Trustee(s):

Elissa Miller (TR)

Pro Se

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

Tuesday, November 4, 2025

Hearing Room 1545

11:00 AM

2:25-13083 Alfonso Luna

Chapter 7

#2.00 Status Conference re: Removal

Docket 85

Tentative Ruling:

Vacate the notice of removal of the Unlawful Detainer Action. Appearances required.

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

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

Key documents reviewed: Order Setting Status Conference on Notice of Removal (dkt. 85, the "Order") (per the Order, parties have been stayed from filing any papers in advance of this status conference)

According to a complaint filed by Debtor and his non-filing spouse on 5/27/25, Debtor was evicted from property located at 1123 W. 18th Street, Los Angeles, CA (the "Property") on 5/13/25. Complaint (Adv. No. 2:25-ap-01203-NB, adv. dkt. 1) p. 5:20–22. (This Court dismissed that Complaint, without leave to amend, on 9/19/25. Adv. dkt. 14, Adv. No. 2:25-ap-01203-NB.)

On 10/3/25, Debtor filed a Notice of Removal (dkt. 83), which purported to remove the unlawful detainer action (Los Angeles Superior Court No. 25STUD00175, the "Unlawful Detainer Action") that had led to Debtor's eviction from the Property from the Superior Court of the State of California for the County of Los Angeles (the "State Court") to this Bankruptcy Court.

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Unless an unlawful detainer proceeding is consolidated with another proceeding, the only triable issue in an unlawful detainer proceeding "is the right to possession of the disputed premises, along with incidental damages resulting from the unlawful detention." *Martin-Bragg v. Moore*, 219 Cal. App. 4th 367, 385 (Cal. Ct. App. 2013). The record of the Unlawful Detainer Action is not before this Court. But, given that Debtor was apparently evicted from the Property on 5/13/25, and that an unlawful detainer action is a summary proceeding in California, it appears that there are no issues that could be properly brought before this Bankruptcy Court and that the Notice of Removal serves no purpose and should be vacated.

As further support for the foregoing tentative ruling, this Court notes that on 9/26/25, it denied Debtor's request for waiver of an appellate filing fee, based upon a determination that Debtor was engaging in improper litigation conduct:

In the view of this Court, Debtor's appeal is frivolous and has been filed solely for improper purposes including (A) to further hinder and delay U.S. Bank's ability to exercise its remedies with respect to the Property, which has already been foreclosed upon and from which Debtor has already been evicted and (B) to cause needless increase in the cost of litigation. This Court believes it would be inappropriate to require U.S. Bank to bear the burden of defending against Debtor's frivolous appeal while removing even the minimal burden on Debtor of paying the appellate filing fee. [Order Denying Application for Fee Waiver (dkt. 72) p. 4:15–21.]

In addition, on 9/11/25, this Court dismissed Debtor's bankruptcy case, and imposed a one-year bar upon Debtor being a debtor in bankruptcy (see dkt. 57), based upon a determination that Debtor was "abusing the bankruptcy system by [filing multiple bankruptcy cases and then] failing to properly prosecute [those] bankruptcy cases in order to simply delay foreclosure or eviction proceedings." United States Trustee's Motion to Dismiss (dkt. 40) p. 3:7–9.

The tentative ruling is that the filing of the Notice of Removal is nothing more than another attempt by Debtor to hinder and delay U.S. Bank's ability to exercise its remedies with respect to the Property, which is yet another reason why vacating the Notice of Removal is appropriate.

Party Information

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CONT... Alfonso Luna

Chapter 7

Debtor(s):

Alfonso Luna

Pro Se

Trustee(s):

John J Menchaca (TR)

Pro Se

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2:24-14131 KS Bennett Enterprises

Chapter 7

#3.00 Cont'd hrg re: Chapter 7 trustee's motion for order authorizing substantive consolidation of (i) Mac Bennett Enterprises dba International Realty & Investments; (ii) 11215 South Western Ave LLC; (iii) 5200 Saint Andrews LLC; (iv) 142 West 94th St., LLC and (v) 9620 S. Figueroa St. LLC with debtor's estate
fr. 7/8/25, 8/5/25, 9/23/25

Docket 42

***** VACATED *** REASON: Cont'd to 12/16/25 per stipulation (dkt. 49)
and order thereon**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

KS Bennett Enterprises

Represented By
Jeffrey Lee Costell

Movant(s):

Sam S Leslie (TR)

Represented By
Toan B Chung

Trustee(s):

Sam S Leslie (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
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Tuesday, November 4, 2025

Hearing Room 1545

11:00 AM

2:25-13696 Suren Hakoyan

Chapter 7

Adv#: 2:25-01346 Hakoyan et al v. FP Financial et al

#4.00 Hrg re: Plaintiff's Motion for Default Judgment under LBR 7055-1

Docket 15

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 5, 11/4/25 at 11:00 a.m.).

Party Information

Debtor(s):

Suren Hakoyan

Represented By
Sevan Gorginian

Defendant(s):

FP Financial

Pro Se

Alexi Amiri

Pro Se

Menoua Mirzakhanyan

Pro Se

Joint Debtor(s):

Narine Hakoyan

Represented By
Sevan Gorginian

Movant(s):

Narine Hakoyan

Represented By
Sevan Gorginian

Suren Hakoyan

Represented By
Sevan Gorginian

Plaintiff(s):

Narine Hakoyan

Represented By
Sevan Gorginian

**United States Bankruptcy Court
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CONT... **Suren Hakoyan**
Suren Hakoyan

Represented By
Sevan Gorginian

Chapter 7

Trustee(s):

Wesley H Avery (TR)

Pro Se

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11:00 AM

2:25-13696 Suren Hakoyan

Chapter 7

Adv#: 2:25-01346 Hakoyan et al v. FP Financial et al

#5.00 Status Conference re: Complaint for declaratory judgment to determine validity, priority and extent of a lien

Docket 1

Tentative Ruling:

Deny Plaintiffs' motion for default judgment (adv. dkt. 17) because there is no stand-alone claim for declaratory relief, but with leave to file an amended complaint seeking quiet title or other appropriate relief by a **deadline of 12/2/25**, and continue the status conference as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed Plaintiffs' unilateral status report (adv. dkt. 17) and the other filed documents and records in this adversary proceeding.

(a) Plaintiffs' motion for default judgment (adv. dkt. 15), no opposition on file

Plaintiffs seek entry of default judgment on their sole claim for declaratory relief regarding the validity and extent of two deeds of trust that they allege were fraudulently recorded and secure liens against their real property located at 7172 Summitrose Street, Tujunga, CA 91042 ("Property"). But the tentative ruling is that a "claim for declaratory relief is not a stand-alone claim," and depends upon some other substantive basis to support the requested declaratory relief. *Glasswerks LA, Inc., v. Liberty Ins. Corp.*, 2021 U.S. Dist. LEXIS 46882, at *8 (C.D. Cal. March 10, 2021). Accordingly, the

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Suren Hakoyan

Chapter 7

tentative ruling is that Plaintiffs have not stated a plausible claim for relief, so the motion for default judgment must be denied.

But the tentative ruling is that the Complaint easily can be amended to state a claim for quiet title (or any other appropriate relief). See Rule 15 (Fed. R. Civ. P.), made applicable pursuant to Rule 7015 (Fed. R. Bankr. P.).

Note: If this Court had granted the motion for a default judgment it is possible that Plaintiffs would have been left in a vulnerable position because it is conceivable that a future court could have determined that granting relief on a non-existent claim was beyond this Court's jurisdiction. In other words, Defendants might have been able to establish that they were not bound by this Court's judgment.

In addition, it is conceivable that a title insurer would not have been comfortable issuing title insurance. In other words, Plaintiffs might have been left with a cloud on their title.

In addition, it is inappropriate to shift the burden to this Court's staff to research and address the issues described in this tentative ruling *sua sponte*.

Plaintiffs' counsel is reminded to keep the foregoing issues in mind in future. They can undermine otherwise commendable work and accomplishments.

Proposed order(s): Unless otherwise ordered, Plaintiffs/Debtors are directed to lodge a proposed order denying the motion for default judgment LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)). It is not necessary to attach this entire tentative ruling to that proposed order. Instead, it can simply state the following, or words to the same effect, as the basis for this Court's ruling:

A "claim for declaratory relief is not a stand-alone claim," and depends upon some other substantive basis to support the requested declaratory relief. *Glasswerks LA, Inc., v. Liberty Ins. Corp.*, 2021 U.S. Dist. LEXIS 46882, at *8 (C.D. Cal. March 10, 2021).

(2) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these

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CONT... Suren Hakoyan

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issues in their status report, they need not repeat their positions at the status conference.)

(a) Venue/jurisdiction/authority

The tentative ruling is that venue is proper and that this Court has jurisdiction. The tentative ruling is also that this Court has authority to enter a final judgment in this matter.

(b) Mediation [Intentionally omitted]

(c) Deadlines

This adversary proceeding has been pending since 8/25/25. The tentative ruling is to continue the status conference to 1/20/26 at 11:00 a.m. No written status report is required.

Party Information

Debtor(s):

Suren Hakoyan

Represented By
Sevan Gorginian

Defendant(s):

FP Financial

Pro Se

Alexi Amiri

Pro Se

Menoua Mirzakhanyan

Pro Se

Joint Debtor(s):

Narine Hakoyan

Represented By
Sevan Gorginian

Plaintiff(s):

Narine Hakoyan

Represented By
Sevan Gorginian

Suren Hakoyan

Represented By
Sevan Gorginian

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Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:24-16947 Oxford Gold Group Inc.

Chapter 7

Adv#: 2:24-01280 Dye v. Adler et al

#6.00 Cont'd status conference re: Amended Complaint for: 1. Actual fraudulent transfer [bankruptcy code section 548(1)(a); CAL. CIV.Code section 3439.04 (A)(1)]; 2. Constructive fraudulent transfer [bankruptcy code section 548 (1)(b); CAL. CIV. CODE sections 3439.04(B)(2) and 3439.05]; 3 To recover shareholder loans; 4. For money had and received fr. 3/4/25, 4/8/25, 6/17/25, 8/19/25, 9/23/25, 10/7/25, 10/21/25

Docket 103

Tentative Ruling:

Tentative Ruling for 11/4/25:

Set updated litigation deadlines and continue the status conference, all as set forth below. Appearances are not required on 11/4/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed the status report filed on 10/28/25 (adv. dkt. 199) and has no issues to raise *sua sponte*.

(2) Standard requirements

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

(a) Venue/jurisdiction/authority

The tentative ruling is that issues of venue, jurisdiction, and authority

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CONT... Oxford Gold Group Inc.

Chapter 7

have been determined and/or waived or forfeited in the parties' filed papers, or at prior status conferences.

(b) Mediation

A mediation conference in this matter was held on 4/28/25, with M. Jonathan Hayes acting as mediator. Adv. dkt. 117. The matter did not settle. The tentative ruling is to decline to order further formal mediation at this time.

(c) Deadlines

This adversary proceeding has been pending since 12/30/24. The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 192) except as modified/supplemented below. Plaintiff is directed to lodge a written order memorializing the following deadlines **no later than 11/11/25**.

Joinder of parties/amendment of pleadings-deadline: 1/16/26

Discovery cutoff (for completion of discovery): 1/30/26

Expert(s) - deadline for reports: 2/6/26 (if any expert testimony will be presented).

Expert(s) - discovery cutoff (if different from above): 2/13/26 (if any expert testimony will be presented).

Dispositive motions to be heard no later than: 3/24/26

Joint Status Report: 12/23/25

Continued status conference: 1/6/26 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

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

Trial commencement: TBD

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Oxford Gold Group Inc.

Pro Se

Defendant(s):

Jonathan Adler

Represented By

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CONT... Oxford Gold Group Inc.

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Pedram Granfar

Michael Jay Berger

Represented By
Marc Weitz

Patrick Granfar

Pro Se

Laura Adler

Pro Se

Plaintiff(s):

Carolyn Dye

Represented By
James A Dumas Jr
Christian T Kim

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim
Maria Severson

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2:24-16947 Oxford Gold Group Inc.

Chapter 7

#7.00 Cont'd hrg re: Trustee's Motion for Order Approving Compromise
with Equity Trust Company Pursuant to Bankruptcy Rule 9019
fr. 10/7/25, 10/21/25

Docket 130

***** VACATED *** REASON: Cont'd to 1/6/2026 at 11:00 am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oxford Gold Group Inc.

Pro Se

Movant(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim
Maria Severson

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim
Maria Severson

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11:00 AM

2:24-16947 Oxford Gold Group Inc.

Chapter 7

#8.00 Cont'd status conference re: Involuntary Petition
fr. 10/8/24, 11/19/24, 1/21/25, 2/5/25, 2/11/25,
3/4/25, 4/8/25, 6/17/25, 8/19/25, 10/21/25

Docket 1

***** VACATED *** REASON: Cont'd to 1/6/2026 at 11:00 am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oxford Gold Group Inc.

Pro Se

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim
Maria Severson

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:25-18758 Alireza Ashraf and Maryam Yeganhneh

Chapter 11

#1.00 Hrg re: Motion in individual Chapter 11 Case for order authorizing use of cash collateral

Docket 12

Tentative Ruling:

Grant the motion (dkt. 12), subject to the conditions set forth below.
Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

Judge Bason's standard conditions for use of cash collateral and/or postpetition financing (by creditors holding prepetition claims)

(1) Written order

(a) Form. Use local form

F2081-2.1.ORDER.CASH.COLLATERAL or the equivalent. Attach a copy of this tentative ruling as an exhibit, thereby adopting it as the written ruling of this Court, subject to any changes ordered at the hearing. Do not repeat the terms set forth in the motion or any stipulation. Incorporate those terms by reference (including the docket number of the document), subject to any modification by this Court.

(b) Timing. Lodge the proposed order within 7 days after the hearing. See LBR 9021-1(b)(1)(B).

(2) Minimum adequate protection

In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be approved, Debtor shall provide at least the following protection to any creditor with a

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CONT... Alireza Ashraf and Maryam Yeganhneh

Chapter 11

security interest in the subject property (pursuant to 11 U.S.C. 361-364, as applicable):

(a) Insurance. For all collateral of a type that typically is insured (e.g., real property and improvements), Debtor is directed to maintain insurance in a dollar amount at least equal to Debtor's good faith estimate of the value of such creditor's interest in the collateral, and such insurance shall name such creditor as an additional insured. Debtor is directed to remain current on payments for such insurance.

(b) Taxes. Debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. Debtor is directed to provide, upon such creditor's reasonable request, periodic accountings of the foregoing insurance and tax obligations and payments, as well as postpetition proceeds, products, offspring, or profits from the collateral, including gross revenues and expenses and a calculation of net revenues. Debtor is directed to provide appropriate documentation of those accountings, and access for purposes of inspection or appraisal.

(3) Grant of, and limitation on, postpetition liens

The tentative ruling is to grant postpetition liens to any creditors holding secured claims by granting replacement liens, but such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or this Court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date. For example, if prepetition liens extended to inventory and accounts receivable but not equipment then postpetition liens are likewise limited (unless otherwise expressly provided by order of this Court). In addition, postpetition liens shall not extend to any avoidance actions or the proceeds thereof, any claim or recoveries under 11 U.S.C. 506(c), any "carveout" under 11 U.S.C. 552, or any claim or recoveries under 11 U.S.C. 724(a).

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the

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Chapter 11

secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any *automatic* perfection of such liens shall be subject to any applicable limitations regarding the Court's authority, jurisdiction, or due process.

(4) Automatic disapproval of insufficiently disclosed provisions

Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either: (a) such provision is specifically and prominently disclosed in the motion papers in a checklist (such as local form F4001-2), or alternatively (b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

(5) Disputes

In the event of any disputes regarding the rulings in this order, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact Judge Bason's chambers to arrange a mutually convenient time for either a telephonic or in-person hearing to address such disputes.

Party Information

Debtor(s):

Alireza Ashraf

Represented By
Onyinye N Anyama

Joint Debtor(s):

Maryam Yeganhneh

Represented By
Onyinye N Anyama

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CONT... Alireza Ashraf and Maryam Yeganhneh

Chapter 11

Movant(s):

Alireza Ashraf

Represented By
Onyinye N Anyama

Maryam Yeganhneh

Represented By
Onyinye N Anyama

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2:25-18758 Alireza Ashraf and Maryam Yeganhneh

Chapter 11

#1.10 Hrg re: Motion in Individual Ch 11 Case for Order Approving A
Budget For the Use of The Debtor's Cash and PostPetition Income

Docket 13

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 2,
11/4/25 at 1:00 p.m.).

Party Information

Debtor(s):

Alireza Ashraf

Represented By
Onyinye N Anyama

Joint Debtor(s):

Maryam Yeganhneh

Represented By
Onyinye N Anyama

Movant(s):

Alireza Ashraf

Represented By
Onyinye N Anyama

Maryam Yeganhneh

Represented By
Onyinye N Anyama

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2:25-18758 Alireza Ashraf and Maryam Yeganhneh

Chapter 11

#2.00 Status conference re: Chapter 11 case

Docket 1

Tentative Ruling:

Appearances required by counsel for Debtor and by Debtors themselves. The tentative ruling is to grant the cash collateral motion, set a **deadline of 11/14/25** for Debtors to cure several issues as set forth below, and continue the hearing on the budget motion and the status conference, all as set forth below.

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

(1) Current issues

(a) Cash collateral motion (dkt. 12), no opposition on file

Grant subject to the conditions set forth in the tentative ruling for calendar no. 1 on today's calendar (11/4/25 at 1:00 p.m.).

(b) Budget motion (dkt. 13)

The tentative ruling is that, no later than the deadline set forth at the start of this tentative ruling, Debtors must file and serve an amended budget motion, together with whatever briefing and declaration(s) are necessary or appropriate to address the following issues.

Debtors disclose a 100% ownership interest in Benz N Beamers, Inc., (dkt. 1, PDF p. 23) but Debtors' budget motion does not disclose any income or expenses for that company, apart from Debtors' employment income, despite the requirement in the "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (the "Procedures") that debtors provide a breakdown of the income and expenses for any business(es).

The tentative ruling is that Debtors' counsel should amend the budget motion to add the missing information. That is critical because otherwise

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CONT... Alireza Ashraf and Maryam Yeganhneh

Chapter 11

creditors (and this Court) have no way of knowing if, for example, Benz N Beamers is paying exorbitant salaries to insiders (or, alternatively, underpaying Debtors to reduce their reported income), or paying debts that are guaranteed by the Debtors while ignoring other debts, or other things that should be disclosed.

The lack of disclosure is heightened because Debtors disclose that Benz N Beamers leases a portion of their rental property (see *dk. 16*, p. 8) so it is unclear whether, for example, Debtors are unintentionally or intentionally charging below market rate rent as a way of reducing their reported income.

To be clear, this Court makes no presumption that Debtors are actually engaging in any improper transactions. The point is only that, without disclosure, there is no way to know.

(c) Inaccurate and/or incomplete Bankruptcy Schedule I (*dk. 1*, PDF pp. 49-50) and Statement of Financial Affairs ("SOFA") (*id.*, PDF pp. 54 & 59)

Similarly, (x) Debtors' Bankruptcy Schedule I ignores the instruction to "[a]ttach a statement for each property or business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income" (*dk. 1*, PDF p. 50) (emphasis added), and (y) Debtors' SOFA omits any income from operating Benz N Beamers (*id.*, PDF p. 54) and fails to disclose Debtors' ownership interest in Benz N Beamers in Part 27 (*id.*, PDF p. 59).

The tentative ruling is to that, no later than the deadline set forth at the start of this tentative ruling, Debtors must to file amended Bankruptcy Schedules and an amended SOFA to correct the foregoing, and any other, inaccuracies and/or omissions.

(d) Service of order setting principal status conference

This Court's order setting principal status conference (*dk. 6*) required Debtors to serve this order on all parties in interest and file a proof of service at least 14 days before the principal status conference. As of the drafting of this tentative ruling, the docket does not reflect such service. Was the order served?

If not, the tentative ruling is that, no later than the deadline set forth at the start of this tentative ruling, Debtors must file and serve a Notice, with a copy of the Procedures Order attached as an exhibit, informing all parties in interest that "Debtors failed to serve the Procedures Order on all parties in

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CONT... Alireza Ashraf and Maryam Yeganhneh

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interest as directed by the Bankruptcy Court, which may have prejudiced some parties. The Bankruptcy Court has directed Debtors to serve this Notice, with a copy of the Procedures Order, on all parties in interest, both to inform all parties of the procedures in the Procedures Order and so that any party who was prejudiced by the lack of earlier service has an opportunity to seek any appropriate relief."

In addition, Debtors are cautioned that failure to comply with this Court's orders may result in adverse consequences.

(e) Government shutdown issues

Please see the tentative ruling at the start of this calendar (the entry for 9:00 a.m.).

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

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

(a) Bar date: 1/29/26 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Procedures Order: dkt. 6 (no proof of service on file)

(c) Plan/Disclosure Statement: file by 2/24/26 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 12/16/25 at 1:00 p.m. No written status report required.

Party Information

Debtor(s):

Alireza Ashraf

Represented By
Onyinye N Anyama

Joint Debtor(s):

Maryam Yeganhneh

Represented By
Onyinye N Anyama

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2:25-14484 Geoffrey Gunnar Goebel

Chapter 11

#3.00 Hrg re: Motion for order determining value of collateral
[11 U.S.C. Section 506(a); FRBP 3012]

Docket 41

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 4,
11/4/25 at 1:00 p.m.).

Party Information

Debtor(s):

Geoffrey Gunnar Goebel

Represented By
Derrick Talerico

Movant(s):

Geoffrey Gunnar Goebel

Represented By
Derrick Talerico
Derrick Talerico
Derrick Talerico

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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2:25-14484 Geoffrey Gunnar Goebel

Chapter 11

#4.00 Cont'd status conference re: Chapter 11 case
fr. 6/24/25, 8/5/25, 9/23/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Continue all hearings set for today, in view of the government shutdown (see the first entry on today's calendar, for 9:00 a.m.), but with notification to the parties of the issues set forth below. Appearances are not required on 11/4/25.

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

(1) Current issues

(a) Debtor's motion to value 2183 Argyle Avenue property (dkt. 41, "Motion to Value"), Proof of service (dkt. 42), Oppositions of Real Time Resolutions, Inc. as agent for RRA CP Opportunity Trust 1 ("2nd Lienholder") (dkt. 45 & 46) and Julie McCoy ("3rd Lienholder") (dkt. 48); Stipulation between Debtor and 2nd Lienholder (dkt. 49)

The tentative ruling is to continue this matter to the same date and time proposed for the continued status conference (see Part "(2)(d)" below). In addition to the government shutdown, another reason for the continuance is to provide sufficient time for 2nd Lienholder to obtain an appraisal and for the parties to file supplemental papers by the deadlines contemplated in the parties' stipulation (dkt. 49, p. 2:12-15).

The tentative ruling is that Debtor is directed to provide reasonable access for that purpose. Note: The tentative ruling at any future valuation hearing (which can be contested later, in connection with future proceedings with respect to any such hearing) is to require valuations *at or near the petition date*. See *In re Gutierrez*, 503 B.R. 458 (Bankr. C.D. Cal. 2013).

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The parties are also directed to meet and confer about any dispute as to the valuation date, and also how they propose to resolve their disputes at the continued hearing - e.g., (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

(b) Debtor's amended subchapter V plan (dkt. 40, "AmPlan"); 2nd Lienholder's objection (dkt. 45)

The tentative ruling is that 2nd Lienholder's objection is premature because this Court has not yet authorized Debtor to distribute a voting package and solicit votes in support of any plan.

But, the tentative ruling is also that Debtor will need to file a further amended plan once the outcome of his Motion to Value has been determined and, to the extent that the 2nd or 3rd Lienholder's liens are not fully avoided, Debtor will need to state more clearly what treatment he is proposing on account of Lienholders' secured claims (*i.e.*, the dollar amounts of any monthly payments, proposed interest rate, duration of payments, etc.). The tentative ruling is not to set a deadline for Debtor to file a second amended subchapter V plan at this time.

(c) Feasibility of any future plan

Debtor's Monthly Operating Reports ("MORs") for August and September reflect negative net cash flow of (\$2,059.54) and (\$1,682.33), respectively. See August MOR (dkt. 39), p. 2 & September MOR (dkt. 47), p. 2. The tentative ruling is that the lack of consistently positive net cash flow for several months is an additional reason why it would be premature to set any deadline to file an amended Plan (which will be moot if this bankruptcy case turns out not to be viable).

(d) Government shutdown issues

Please see the tentative ruling at the start of this calendar (the entry for 9:00 a.m.).

(2) Dates/procedures. This Subchapter V case was filed on 5/28/25.

(a) Bar date: 8/6/25 per General Order 20-01 (70 days after petition

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Chapter 11

date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 14).

(b) Procedures Order: dkt. 6 (timely served, dkt. 8)

(c) Amended Subchapter V Plan/Disclosures (dkt. 40): see above.

(d) Continued status conference: 1/6/26 at 1:00 p.m., no written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Geoffrey Gunnar Goebel

Represented By
Derrick Talerico

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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2:25-14827 Dog Robber Inc.

Chapter 11

#5.00 Hrg re: Motion for order extending time to assume
or reject contracts and unexpired nonresidential real
property leases pursuant to 11 U.S.C. § 365(d)(4)

Docket 116

Tentative Ruling:

Please see the tentative ruling for the status conference in Dog Robber Inc.
(Calendar No. 6, 11/4/25 at 1:00 p.m.).

Party Information

Debtor(s):

Dog Robber Inc.

Represented By
Richard L. Sturdevant
Andy C Warshaw

Movant(s):

MIMOSAS A CALI LIFE LLC

Represented By
David M Goodrich

Benny and Marys Irvine, LLC

Represented By
David M Goodrich

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2:25-14827 Dog Robber Inc.

Chapter 11

#5.10 Hrg re: Debtor's motion for an order authorizing the debtor to assume non- residential real property with Navus, LLC

Docket 114

Tentative Ruling:

Please see the tentative ruling for the status conference in Dog Robber Inc. (Calendar No. 6, 11/4/25 at 1:00 p.m.).

Party Information

Debtor(s):

Dog Robber Inc.

Represented By
Richard L. Sturdevant
Andy C Warshaw

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2:25-14827 Dog Robber Inc.

Chapter 11

#6.00 Cont'd Status Conference re: Chapter 11 Case
fr. 6/12/25, 6/17/25, 7/8/25, 8/19/25, 9/9/25, 10/7/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Grant Debtors' motion to extend the deadline to assume or reject executory contracts and unexpired nonresidential real property leases (dkt. 116, "Extension Motion"); subject to sufficient offers of proof, grant Debtor's motion to assume its lease with Navus, LLC ("Navus") (dkt. 114, "Navus Assumption Motion"); set a deadline for Debtors to file an amended declaration regarding service of the Voting Package; and continue the status conferences for all related Debtors, all as set forth below. Appearances required only as to the Navus Assumption Motion and Status Conference. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Motion to extend deadline to assume or reject executory contracts and unexpired nonresidential real property leases (applies to all Debtors) (dkt. 116), Notice (dkt. 117), No opposition on file

Grant. Appearances are not required on this matter.

(b) Navus Assumption Motion (dkt. 114); Order setting this hearing (dkt. 137)

Debtor's counsel is directed at the hearing to make offers of proof on the issues described in this Court's order (dkt. 137). Counsel is cautioned (i) that an offer of proof must meet evidentiary standards (e.g., that if called to

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CONT...

Dog Robber Inc.

Chapter 11

testify under penalty of perjury a specific witness could and would testify to specific facts) and (ii) that there must be a sufficient foundation for each assertion (e.g., not just that the location is "expected to be profitable," but that a specific person has "done the math" based on actual projections and has reached a reasonable expectation that shutting down or moving this location would have \$V financial cost and W down-sides whereas assumption of this lease is projected to reach a sustainable gross profit of \$X/month within Y months, as against projected expenses of \$Z/month, showing a sufficient net profit to justify any risks from assumption of this lease).

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

(c) Declaration regarding service of Joint Chapter 11 Plan and Disclosure Statement (dkt. 139)

The declaration of David M. Fitzgerald (dkt. 139) regarding service of the Joint Chapter 11 Plan and Disclosure statement attests that Voting Package was served upon all parties in interest, but no list delineating the parties in interest served is attached to that declaration. To assure a complete record, the tentative ruling is to **set a deadline of 11/11/25** for Debtors to file an amended declaration that includes a list setting forth the names and addresses of all parties upon whom the Voting Package was served.

(e) Government shutdown issues

Please see the tentative ruling at the start of this calendar (the entry for 9:00 a.m.).

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

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

(b) Procedures Order: Dog Robber dkt. 4 (timely served, dkt. 6); Benny & Marys dkt. 3 (timely served, dkt. 5); Mimosas Mimosas dkt. 6 (timely served, dkt. 8)

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(c) Plan/Disclosure Statement: timely filed (dkt. 136) and served (dkt. 139).

(d) Continued status conferences (all related cases): 12/2/25 at 1:00 p.m., concurrent with the Confirmation Hearing. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Dog Robber Inc.

Represented By
Richard L. Sturdevant
Andy C Warshaw

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2:25-14830 Benny and Marys Irvine, LLC

Chapter 11

#7.00 Cont'd Status conference re: Chapter 11 case
fr. 6/17/25, 6/24/25, 7/8/25, 8/5/25, 8/19/25, 9/9/25,
10/7/25

Docket 1

Tentative Ruling:

Please see the tentative ruling for the status conference in Dog Robber Inc.
(Calendar No. 6, 11/4/25 at 1:00 p.m.).

Party Information

Debtor(s):

Benny and Marys Irvine, LLC

Represented By
Christopher A, Minier
David M Goodrich

Trustee(s):

Mark M Sharf (TR)

Pro Se

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2:25-14956 MIMOSAS A CALI LIFE LLC

Chapter 11

#8.00 Cont'd status conference re: Chapter 11 case
fr. 6/20/25, 7/8/25, 8/19/25, 9/9/25, 10/7/25

Docket 1

Tentative Ruling:

Please see the tentative ruling for the status conference in Dog Robber Inc.
(Calendar No. 6, 11/4/25 at 1:00 p.m.).

Party Information

Debtor(s):

MIMOSAS A CALI LIFE LLC

Represented By
David M Goodrich

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:23-14528 Brian D Witzer

Chapter 7

Adv#: 2:23-01445 Pravati Credit Fund III, LP v. Witzer

#9.00 Cont'd Status Conference re: Complaint for Determination of Nondischargeability of Debt Pursuant to Section 523(a)(2)(A) & (B) and Section 523(a)(4)
fr. 1/2/24, 5/7/24, 6/26/24, 8/6/24, 10/08/24, 11/5/24, 12/3/24, 1/21/25, 3/18/25, 6/17/25, 6/23/25, 7/23/25, 7/25/25, 7/29/25, 10/7/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Continue as set forth below. Appearances are not required on 11/4/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has no issues to raise *sua sponte* at this time. The matter is under submission and, although this Court had anticipated issuing a written disposition prior to this hearing, (a) the government shutdown is in effect and (b) additional, unforeseen circumstances arose which prevented this Court from issuing a written decision in advance of this hearing. This Court hopes to be in a position to issue a written disposition prior to the continued hearing.

(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

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CONT... **Brian D Witzer**
conference.)

Chapter 7

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 5, 13, 21).

(b) Mediation [N/A]

(c) Deadlines

This adversary proceeding has been pending since 10/23/23. Trial took place on 7/23/25, 7/25/25 and 7/29/25 and the matter is under submission. The tentative ruling is to continue the status conference to 12/2/25 at 1:00 p.m. No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Brian D Witzer

Represented By
David S Hagen
Michael S Kogan

Defendant(s):

Brian D Witzer

Represented By
Michael S Kogan

Plaintiff(s):

Pravati Credit Fund III, LP

Represented By
Jennifer Witherell Crastz
Christopher Crowell

Trustee(s):

Sam S Leslie (TR)

Represented By
Jeremy Faith
Jonathan Serrano

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2:25-10181 Jamie Mazur

Chapter 11

#10.00 Cont'd status conference re: Chapter 11 Case
fr. 2/11/25, 3/18/25, 4/8/25, 5/6/25, 6/3/25, 6/17/25,
07/15/25, 8/19/25, 9/9/25, 9/23/25, 10/21/25

Docket 1

***** VACATED *** REASON: Cont'd to 12/2/25 at 1:00pm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamie Mazur

Represented By
Michael Jay Berger

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2:23-16758 Clark Edward Parker

Chapter 11

#11.00 Cont'd hrg re: Motion to Appoint Trustee and Enforce Settlement Agreement
fr. 10/21/25

Docket 168

Tentative Ruling:

Deny the motion to appoint a Chapter 11 Trustee. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

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

Key documents reviewed: Motion to appoint trustee etc. (dkt. 168, 169, the "Trustee Motion"); Debtor's opposition (dkt. 175); Reply (dkt. 176); Order re settlement and dismissal (dkt. 148); Order approving settlement (dkt. 152); Order dismissing case (dkt. 153); Order reopening case (but not vacating dismissal) (dkt. 158).

Capitalized terms not otherwise defined in this tentative ruling have the meanings set forth in the parties' papers.

(1) Adjudication of the Motion to Appoint a Chapter 11 Trustee notwithstanding the government shutdown

As a result of the current lapse in appropriations for the Judiciary, this Court is limited to adjudicating matters that qualify as "emergencies involving

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Chapter 11

the safety of human life or the protection of property." 31 U.S.C. 1342 (emphasis added). The phrase "emergencies involving the safety of human life or the protection of property" does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property." 31 U.S.C. 1342 (emphasis added).

The tentative ruling is that notwithstanding the lapse in appropriations, it is nonetheless appropriate for this Court to hear the motion to appoint a Chapter 11 Trustee ("Trustee") brought by the California Department of Education (the "Department"), because prompt adjudication of that motion is required to ensure the safety, and maintain the value, of the real estate required to be sold under the Settlement Agreement. This is illustrated by the fact that, as the Department points out, at one of the properties a fire occurred "that ... destroyed many of the rooms" Schechter Decl. (dkt. 168) p. 29:16–17.

To be clear, this Court is not assigning blame for the fire. The only point is that as long as control over the properties remains disputed and uncertain, the Parkers are disincentivized (or might lack the financial flexibility and funds) to maintain and safeguard those properties, and the Department may lack any authority to do so. That makes future damage and/or lack of maintenance at the properties an immediate danger and threat to the value of those properties. The tentative ruling is that the threat to the properties posed by this continuing uncertainty is sufficiently imminent to require the hearing to go forward. For additional analysis regarding the (partial) shutdown of the federal government, see the tentative ruling for the first matter on calendar today (at 9:00 a.m.).

(2) Jurisdiction

(a) This Court has jurisdiction in general

(i) Background

As of 10/25/24, the Parkers and the Department entered into a Settlement Agreement and Release of Claims ("Settlement Agreement"), subsequently approved by this Court, which provided in part:

[This Court] will retain nonexclusive jurisdiction to enforce and/or interpret this Agreement without prejudice to the Department using any other means to enforce it. If the Parkers fail to cure [a material]

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breach [of any covenant] ... the Department shall have the right to immediately enforce its Stipulated Judgment by any available means, including (but not limited to) writs of execution, appointment of a trustee, receivership, or judicial sale of the Residential Real Property and the Non-Residential Properties. [Settlement Agreement (Ex. A to Trustee Motion, dkt. 175 at PDF pp. 26 et seq.), p. 5, para. 12 (PDF p. 31) (emphasis added).]

True, paragraph 18 of the Settlement Agreement states that "Any action under this Agreement shall be brought in the Los Angeles Superior Court." See Settlement Agreement p. 6, para. 18 (dkt. 175 at PDF p. 32) (emphasis added). But the tentative ruling is that an action "under" the Settlement Agreement means an action that seeks relief that can be granted by a State Court, whereas claims seeking bankruptcy relief is not an action "under" the Settlement Agreement, and such an action can be brought in this Bankruptcy Court, even if those claims involve the interpretation and enforcement of the Settlement Agreement and might involve supplemental jurisdiction over claims that would otherwise have to be brought in the State Courts.

For example, a request to appoint a bankruptcy Trustee (as in this instance) can be based on an alleged breach of the Settlement Agreement, even though a straightforward request for damages that was not coupled with any request for bankruptcy relief would have to be brought in the State Court. That is this Court's interpretation of the parties' agreement in paragraphs 12 and 18 of the Settlement Agreement.

In any event, on 1/14/25, this Court dismissed Debtor's case with a one-year bar against being a debtor in bankruptcy. See dkt. 153 (the "Dismissal Order"). In the Dismissal Order, this Court retained "non-exclusive jurisdiction to the extent provided by LBR 1017-2(f), including to interpret and enforce the Debtor's settlement agreement with the California Department of Education." Dismissal Order (dkt. 153) p. 2:10–13.

(ii) Analysis

"When a court's order dismissing a case ... incorporates the terms of a settlement agreement, the court retains ancillary jurisdiction to enforce the agreement because a breach of the incorporated agreement is a violation of the dismissal order." *Kelly v. Wengler*, 822 F.3d 1085, 1094 (9th Cir. 2016).

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Similarly, "[w]here a settlement agreement led to the dismissal of a case, a court has jurisdiction to vindicate its authority or effectuate its decree if the court's dismissal order explicitly retained jurisdiction or incorporated the terms of the settlement agreement." *In re Valdez Fisheries Dev. Ass'n, Inc.*, 439 F.3d 545, 549 (9th Cir. 2006) (emphasis added).

Because of the retention of jurisdiction in the Settlement Agreement, and alternatively because of the express retention of jurisdiction in the Dismissal Order - especially when dismissal was predicated on the Settlement Agreement - this Court has jurisdiction to address bankruptcy-related aspects of the Settlement Agreement. But the scope of that jurisdiction is limited as set forth above (this Court only has jurisdiction if bankruptcy relief is among the claims asserted) and as set forth below (the relief that is requested must be within this Court's power to grant). *See also, generally, In re Parks Diversified, L.P.*, 661 B.R. 401, 425 (C.D. Cal. 2024), *reh'g denied*, No. 8:21-BK-11558-TA, 2024 WL 4405242 (C.D. Cal. Aug. 9, 2024) ("The Ninth Circuit has narrowly circumscribed the limits of a bankruptcy court's ancillary jurisdiction.").

(b) Lack of jurisdiction to grant the requested relief on the present record

The tentative ruling is that this Court does **not** have jurisdiction to grant the primary relief sought by the Department – appointment of a Trustee. Under 11 U.S.C. 349, all property of Debtor's former estate revested in Debtor upon dismissal, by operation of law, so there is nothing for a Trustee to administer or for this Court to preside over.

True, the statute permits this Court to order otherwise (11 U.S.C. 349), but the Dismissal Order did not order otherwise. The Department argues to the contrary, but retention of jurisdiction to enforce the Settlement Agreement does not mean that property interests remained vested in the bankruptcy estate. *See Reply* (dkt. 176) p. 2:20-23.

Of course, this Court recognizes that it has reopened this case, but dismissal and closing (or reopening) are two separate events. Unless the dismissal of this case were to be vacated, or another bankruptcy case were to be filed, there is no bankruptcy estate and no property over which this Court can exercise jurisdiction or over which any Trustee could exercise authority. *See In re Cambridge Land Co. II, LLC*, 626 B.R. 319, 324 (9th Cir. BAP 2021) ("A dismissal under § 349(b) is distinct from a fully administered case.... With

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Hearing Room 1545

1:00 PM

CONT... Clark Edward Parker

Chapter 11

a dismissal, there is no estate and there are no assets remaining to be abandoned or administered.").

The tentative ruling is that this Court also lacks jurisdiction to grant the alternative relief requested by the Department: issuance of a finding that Debtor has materially breached the Settlement Agreement. There are two reasons.

First, the tentative ruling is that Debtor is partially correct that an adversary proceeding would be required in some circumstances - *e.g.*, if the Department were seeking relief that could only be obtained through an adversary proceeding, such as injunctive relief, then any declaratory relief would require an adversary proceeding. See Rule 7001(g)&(i), Fed. R. Bankr. P.). Second, although this Court could grant declaratory relief in connection with any contested matter properly before this Court, there is no such contested matter because declaratory relief is not an independent claim (it is a form of relief on other claims, not an independent claim in and of itself) and, as set forth above, no other claims are properly before this Court because this Court lacks jurisdiction to appoint a Trustee unless there is a bankruptcy estate over which this Court could exercise jurisdiction and over which the Trustee could assert control.

(3) Conclusion

This Court lacks jurisdiction in this dismissed case either to appoint a Trustee or to issue a finding of fact and/or conclusion of law that Debtor is in breach of the Settlement Agreement. Therefore, the tentative ruling is to deny the Department's motion.

Note: This Court expresses no opinion whether there are sufficient grounds to vacate the dismissal of this case, nor whether, even if dismissal were vacated, the Department would continue to be bound by the Settlement Agreement's provision that "the Department shall not file an additional Motion to Appoint a Trustee unless the Parkers file for bankruptcy again." Settlement Agreement, p. 2, para. 4 (dkt. 175 at PDF p. 28). Nor does this Court express any opinion whether any other form of bankruptcy relief would be available to the Department, or if instead its sole remedies (if any) lie in the State Courts. All rights are reserved for all parties on those issues.

Party Information

**United States Bankruptcy Court
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CONT... Clark Edward Parker

Chapter 11

Debtor(s):

Clark Edward Parker

Represented By
Leslie A Cohen

Movant(s):

California Department of Education

Represented By
Matthew C. Heyn
Hutchison B Meltzer

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

Tuesday, November 4, 2025

Hearing Room 1545

1:00 PM

2:23-16758 Clark Edward Parker

Chapter 11

#12.00 Cont'd Status Conference re: Chapter 11 Case
fr. 11/14/23, 11/28/23, 12/5/23, 12/19/23, 3/5/24,
3/12/24, 4/30/24, 6/4/24, 7/16/24, 8/27/24, 10/22/24,
11/19/24, 12/10/24, 1/21/25, 8/12/25, 10/7/25, 10/21/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Deny the California Department of Education's motion to appoint a Chapter 11 Trustee and continue the status conference, all as set forth below.

Appearances are not required on 11/4/25.

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

(1) Current issues

(a) Motion to appoint a trustee and enforce settlement agreement (dkt. 168 & 169, "Trustee Motion") filed by the California Department of Education ("Department"); Stipulation & order continuing hearing (dkt. 170 & 172); Debtor's opposition (dkt. 175); Department's reply (dkt. 176)

Please see the tentative ruling for Cal. No. 11 (11/4/25 at 1:00 p.m.).

(b) Proposed order denying Debtor's motion in aid of enforcement of settlement agreement (dkt. 159)

This Court's tentative ruling for Calendar No. 1 for 8/12/25 at 1:00 p.m., calendar no. 1 (available at www.cacb.uscourts.gov), directed Department to lodge a proposed order denying Debtor's Motion in Aid of Enforcement of Settlement Agreement for the reasons set forth therein. As of the preparation of this tentative ruling, no proposed order has been lodged.

The Department is again directed to lodge a proposed order denying

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CONT...

Clark Edward Parker

Chapter 11

that motion via LOU within 7 days after this hearing (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

(2) Dates/deadlines. This case was filed on 10/16/23. On 1/14/25, this Court issued an order granting Debtor's motion to dismiss this case (dkt. 153). On 7/23/25, the case was reopened. Dkt. 161. The tentative ruling is to continue this status conference to 12/16/25 at 1:00 p.m. No written status report is required.

If the docket does not reflect any matters that appear to warrant keeping this case open, this Court anticipates that the tentative ruling for that continued status conference might be to conclude the status conference (*i.e.*, no further continuance) and close this case.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Clark Edward Parker

Represented By
Leslie A Cohen

**United States Bankruptcy Court
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1:00 PM

2:25-11042 Kingsman Real Estate Corporation

Chapter 11

#13.00 Cont'd hrg re: Motion of Debtor and Debtor in Possession
to Assume Nonresidential Lease Agreement
fr. 8/5/25

Docket 78

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference (Calendar No. 14,
11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Kingsman Real Estate Corporation

Represented By
Frank J Alvarado

Movant(s):

Kingsman Real Estate Corporation

Represented By
Frank J Alvarado

**United States Bankruptcy Court
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1:00 PM

2:25-11042 Kingsman Real Estate Corporation

Chapter 11

#14.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/4/25, 3/18/25, 4/8/25, 5/20/25, 6/24/25, 8/5/25,
9/9/25, 10/7/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Continue all matters as set forth below. Appearances are not required on 11/4/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Government shutdown

The tentative ruling is to continue all matters in this case as set forth below, due to the (partial) shutdown of the federal government (see first item on today's calendar, at 9:00 a.m.).

(b) Debtor's motion to assume Mirasol Property lease (dkt. 78, "Assumption Motion"), Opposition of Pizazz Investments, LLC ("Landlord") (dkt. 91) & Request for judicial notice (dkt. 92); Opposition of U.S. Trustee (dkt. 95), Debtor's reply (dkt. 99); Landlord's evidentiary objections (dkt. 103 & 104), Interim order (dkt. 113); Debtor's status report (dkt. 165)

Alternatively, even if there were no government shutdown, the tentative ruling is to continue this matter to the same date and time as the continued status conference (see Part "(2)(d)" below) because, so far as this Court is aware, the State Court has not issued any final ruling(s) adjudicating the

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CONT... Kingsman Real Estate Corporation Chapter 11

parties' disputes so any ruling by this Court on the Assumption Motion would be premature.

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

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

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

(c) AmPlan/AmDisclosure Statement: TBD

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Kingsman Real Estate Corporation

Represented By
Frank J Alvarado

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:25-13052 Raymond Martin Camarillo

Chapter 11

#15.00 Cont'd Status conference re: Chapter 11 case
fr. 5/20/25, 6/3/25, 6/24/25, 8/19/25, 10/7/25,
10/21/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Continue the status conference to the date of the confirmation hearing, as set forth below. Appearances are not required on 11/4/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Confirmation hearing

On 10/31/25, this Court issued an order setting deadlines pertaining to plan confirmation, including the date of the confirmation hearing. Dkt. 113. The tentative ruling is to continue the status conference to the date of the confirmation hearing (see part "(2)(d)," below).

(b) Government shutdown

Parties in interest are cautioned that the confirmation hearing might be continued, or there might be other effects, if the government shutdown continues through the confirmation hearing date, or otherwise has a material effect on confirmation procedures. This Court anticipates posting a tentative ruling prior to the confirmation hearing that will provide further guidance.

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CONT... Raymond Martin Camarillo

Chapter 11

- (2) Dates/procedures. This case was filed on 4/14/25.
- (a) Bar date: 8/18/25 (dkt. 53) (timely served, dkt. 54)
 - (b) Procedures Order: dkt. 6 (timely served, dkt. 9)
 - (c) Plan/Disclosure Statement (dkt. 111 & 112): filed on 10/31/25 (three days late). Serve on all parties in interest by 11/4/25. See dkt. 113.
 - (d) Continued status conference: 12/16/25 at 1:00 p.m., concurrent with the confirmation hearing. No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Raymond Martin Camarillo

Represented By
Onyinye N Anyama

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Hearing Room 1545

1:00 PM

2:24-19904 Georgia K Bode

Chapter 11

Adv#: 2:24-01273 Bode v. Luna et al

#16.00 Cont'd status conference re: Complaint for Turnover of
Property and Release of Frozen Accounts
fr. 2/25/25, 5/6/25, 8/5/25, 9/23/25, 10/7/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference in Debtor's
bankruptcy case-in-chief (Calendar No. 19, 11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Georgia K Bode

Represented By
David B Zolkin
Sean A OKeefe

Defendant(s):

Robert G Luna

Pro Se

Antonio Leon

Represented By
Armen Manasserian

JPMORGAN CHASE BANK, N.A.

Represented By
Christopher R Fredrich

J.P. Morgan Securities, LLC

Represented By
Christopher R Fredrich

CITIBANK, N.A.

Pro Se

WELLS FARGO BANK, N.A.

Represented By
Lisa Yun Pruitt

**United States Bankruptcy Court
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Los Angeles
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1:00 PM

CONT... Georgia K Bode

Chapter 11

Plaintiff(s):

Georgia K Bode

Represented By
David B Zolkin
Sean A OKeefe

**United States Bankruptcy Court
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Tuesday, November 4, 2025

Hearing Room 1545

1:00 PM

2:24-19904 Georgia K Bode

Chapter 11

Adv#: 2:24-01273 Bode v. Luna et al

#17.00 Cont'd hrg re: Debtor's motion for summary adjudication
of facts and issues of law
fr. 8/5/25, 9/23/25, 10/7/25

Docket 74

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference in Debtor's
bankruptcy case-in-chief (Calendar No. 19, 11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Georgia K Bode

Represented By
David B Zolkin
Sean A OKeefe

Defendant(s):

Robert G Luna

Pro Se

Antonio Leon

Represented By
Armen Manasserian

JPMORGAN CHASE BANK, N.A.

Represented By
Christopher R Fredrich

J.P. Morgan Securities, LLC

Represented By
Christopher R Fredrich

CITIBANK, N.A.

Pro Se

WELLS FARGO BANK, N.A.

Represented By
Lisa Yun Pruitt

**United States Bankruptcy Court
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CONT... Georgia K Bode

Chapter 11

Movant(s):

Georgia K Bode

Represented By
David B Zolkin
Sean A OKeefe

Georgia K Bode

Represented By
David B Zolkin

Plaintiff(s):

Georgia K Bode

Represented By
David B Zolkin
Sean A OKeefe

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1:00 PM

2:24-19904 Georgia K Bode

Chapter 11

#18.00 Cont'd hrg re: Motion in Individual Ch 11 Case for Order approving budget for the use of the debtor's cash and postpetition income fr. 2/25/25, 5/6/25, 8/5/25, 9/23/25, 10/7/25

Docket 31

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference in Debtor's bankruptcy case-in-chief (Calendar No. 19, 11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Georgia K Bode

Represented By
David B Zolkin
Sean A OKeefe

Movant(s):

Georgia K Bode

Represented By
David B Zolkin
David B Zolkin
Sean A OKeefe
Sean A OKeefe

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1:00 PM

2:24-19904 Georgia K Bode

Chapter 11

#19.00 Cont'd status conference re: Chapter 11 case
fr. 1/7/25, 2/25/25, 4/8/25, 5/6/25, 6/24/25, 8/5/25,
9/23/25, 10/7/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Advise the parties that this Court will shortly issue a Memorandum Decision denying Plaintiff/Debtor's motion for summary judgment; direct the parties to meet and confer; and continue the status conference and other matters on calendar, all as set forth below. Appearances are not required on 11/4/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

(a) Budget motion (dkt. 31), Opposition of Judgment Creditor (dkt. 42), Notice of hearing (dkt. 46), Debtor's reply (dkt. 49), Order granting budget motion in part (dkt. 54)

Continue to the date of the continued status conference (see part "(2) (d)," below).

(b) Turnover Action (Adv. No. 2:24-ap-01273-NB)

This Court will shortly issue a Memorandum Decision denying the motion for summary judgment (adv. dkt. 74–79, the "MSJ") filed by Plaintiff/Debtor. Between now and the date of the continued status

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CONT... Georgia K Bode

Chapter 11

conference (see part “(2)(d),” below), the parties are directed to meet and confer regarding (A) dates and deadlines pertaining to trial, (B) selecting a mediator, (C) whether trial preparation and mediation should proceed concurrently, and/or (D) whether this Court should require only one of those two things to proceed.

(2) Dates/procedures. This case was filed on 12/4/24.

(a) Bar date: 4/11/25 (dkt. 33) (timely served, dkt. 36).

(b) Procedures Order: dkt. 6 (not timely served, but served soon after deadline, which gives notice of matters therein, dkt. 10)

(c) Plan/Disclosure Statement: file by 11/26/25 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

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

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Georgia K Bode

Represented By
David B Zolkin
Sean A OKeefe

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Hearing Room 1545

1:00 PM

2:25-19049 Hardwood Restaurant Holdings, LLC

Chapter 11

#20.00 Cont'd hrg re: Motion in Chapter 11 Case for Order Approving a Budget
for the Use of Debtor's Cash and Post-Petition Income
fr. 10/21/25

Docket 11

Tentative Ruling:

Please see the tentative ruling for the status conference (Cal. No. 21, 11/4/25
at 1:00 p.m.).

Party Information

Debtor(s):

Hardwood Restaurant Holdings,

Represented By
Michael Jay Berger

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
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1:00 PM

2:25-19049 Hardwood Restaurant Holdings, LLC

Chapter 11

#21.00 Cont'd status conference re: Chapter 11 Case
fr. 10/21/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Grant the budget motion and continue the status conference as set forth below. Appearances are not required on 11/4/25.

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

(1) Current issues

(a) Budget Motion (dkt. 11), Order shortening time (dkt. 17, the "OST"), Notice of hearing on shortened time (dkt. 21), Nipha Decl. re: service (dkt. 23), Interim order granting Budget Motion (dkt. 35), No opposition on file

Grant the Budget Motion (dkt. 11) on a final basis, on the same terms and conditions as set forth in the Interim Order Granting Budget Motion (dkt. 35).

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

(b) Government shutdown

The tentative ruling is that it is appropriate to continue this "Principal" status conference in view of the (partial) shutdown of the federal government, with the caveat that counsel for Debtor is directed to convey to Debtor's principal the duties of a debtor in possession, acting as a trustee for the benefit of creditors, which include comprehensive disclosure requirements, frequent notices to creditors with opportunities to object, and court approval

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CONT... Hardwood Restaurant Holdings, LLC

Chapter 11

for many matters, all of which mandates (i) frequent communication with Debtor's counsel and (ii) advance planning, to provide sufficient time for notice, a hearing, and issuance of court orders. For additional information about the government shutdown, see the first matter on today's calendar (for 9:00 a.m.).

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

- (a) Bar date: 12/19/25 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, dkt. 16).
- (b) Procedures Order: dkt. 2 (timely served, dkt. 6).
- (c) Plan/Disclosure Statement: file by 90 days after the petition date (per 11 U.S.C. 1189(b)) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 12/16/25 at 1:00 p.m. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Hardwood Restaurant Holdings,

Represented By
Michael Jay Berger

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:24-12614 Boisson Inc.

Chapter 11

#22.00 Cont'd hrg re: Motion To Extend The Time To Object To
Proof Of Claim 55 Filed By The California Department
Of Resources Recycling And Recovery
fr. 4/8/25, 5/20/25, 7/8/25, 8/5/25, 9/9/25, 10/7/25

Docket 248

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference (Calendar No. 24,
11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Movant(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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1:00 PM

2:24-12614 Boisson Inc.

Chapter 11

#23.00 Cont'd hrg re: Motion for Order to Allow / Deem Timely Filing
of Proof of Claim by California Department of Resources
Recycling and Recovery
fr. 2/25/25, 4/8/25, 5/20/25, 7/8/25, 8/5/25, 9/9/25, 10/7/25

Docket 237

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference (Calendar No. 24,
11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Movant(s):

CA Department of Resources

Represented By
Annadel A Almendras
Barbara Spiegel

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

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1:00 PM

2:24-12614 Boisson Inc.

Chapter 11

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

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Continue as set forth below in view of the government shutdown (see first item on today's calendar (at 9:00 a.m.). Appearances are not required on 11/4/25.

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

(1) Current issues

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

Continue concurrent with the continued status conference (see part "(2)" of this tentative ruling, below).

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

Same as above.

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CONT... Boisson Inc.

Chapter 11

(2) Dates/deadlines

This subchapter V case was filed on 4/4/24, and this Court confirmed a plan on 8/29/24 (dkt. 185). The tentative ruling is to continue this status conference to 12/2/25 at 1:00 p.m. No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Boisson Inc.

Represented By
Ron Bender
Todd M Arnold

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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1:00 PM

2:25-18746 Completely Concrete Structures Inc.

Chapter 11

#25.00 Cont'd hrg re: Motion in Chapter 11 Case for Order Approving a Budget
for the Use of the Debtor's Cash and Post-Petition Income
fr. 10/7/25, 10/10/25,

Docket 11

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference (Calendar No. 28,
11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Completely Concrete Structures Inc.

Represented By
Michael Jay Berger

Movant(s):

Completely Concrete Structures Inc.

Represented By
Michael Jay Berger

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

Tuesday, November 4, 2025

Hearing Room 1545

1:00 PM

2:25-18746 Completely Concrete Structures Inc.

Chapter 11

#26.00 Cont'd hrg re: Debtor's Motion for Order Authorizing Payment
of Pre-Petition Wages and Related Expenses
fr. 10/7/25,10/10/25,

Docket 10

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference (Calendar No. 28,
11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Completely Concrete Structures Inc.

Represented By
Michael Jay Berger

Movant(s):

Completely Concrete Structures Inc.

Represented By
Michael Jay Berger

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

Tuesday, November 4, 2025

Hearing Room 1545

1:00 PM

2:25-18746 Completely Concrete Structures Inc.

Chapter 11

#27.00 Cont'd hrg re: Debtor's Motion for an Order Authorizing Interim
Use of Cash Collateral Pursuant To 11 U.S.C. § 363
fr. 10/7/25, 10/10/25,

Docket 8

Tentative Ruling:

Tentative Ruling for 11/4/25:

Please see the tentative ruling for the status conference (Calendar No. 28,
11/4/25 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Completely Concrete Structures Inc.

Represented By
Michael Jay Berger

Movant(s):

Completely Concrete Structures Inc.

Represented By
Michael Jay Berger

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

Tuesday, November 4, 2025

Hearing Room 1545

1:00 PM

2:25-18746 Completely Concrete Structures Inc.

Chapter 11

#28.00 Cont'd status conference re: Chapter 11 Case
fr. 10/7/25, 10/10/25,

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Continue as set forth below, in view of the government shutdown (see the first item on today's calendar, at 9:00 a.m.). Appearances are not required on 11/4/25.

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

(1) Current issues

(a) Cash Collateral Motion (dkt. 8-9), Application for order shortening time (dkt. 12, "App for OST"), Order shortening time (dkt. 20, "OST"), notices/proofs of service (dkt. 21-24, 26), Interim cash collateral orders (dkt. 30 & 44), notice of continued hearing (dkt. 38), Supplemental Orenstein declarations (dkt. 52, 55), no oppositions on file

Grant on a final basis on the same terms and conditions set forth in the interim cash collateral orders.

(b) Payroll Motion (dkt. 10), App for OST (dkt. 12), OST (dkt. 20), notices/proofs of service (dkt. 21-24, 26), Interim payroll orders (dkt. 31 & 45), notice of continued hearing (dkt. 38), no oppositions on file

Grant on a final basis.

(c) Budget Motion (dkt. 10), App for OST (dkt. 12), OST (dkt. 20), notices/proofs of service (dkt. 21-24, 26), Interim budget order (dkt. 46), notice of continued hearing (dkt. 38), oppositions on file

Approve the revised budget attached as Exhibit 1 to the Supplemental

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CONT... **Completely Concrete Structures Inc.**
Orenstein Declaration (dkt. 55, PDF p. 6).

Chapter 11

(d) Consumer Privacy Ombudsman?

Debtor's status report (dkt. 54, p. 11) checked the form box for appointment of a consumer privacy ombudsman pursuant to 11 U.S.C. 332 but it is unclear why that would be necessary in this case. This Court presumes that selection was inadvertent but, if not, Debtor's counsel is directed to file a declaration addressing that issue by a **deadline of 11/11/25**.

(e) Application to employ the Law Offices of Michael Jay Berger (dkt. 42, "Employment Application")

This matter is not on for hearing today because Debtor has elected to proceed on what is colloquially referred to as "negative notice" pursuant to Local Bankruptcy Rule 9013-1(o). But the tentative ruling is to require Debtor to file an additional declaration from Mr. Orenstein in support of the Employment Application.

The Employment Application discloses that proposed counsel has received \$13,000.00 in funds towards its retainer from Debtor's Chief Financial Officer, Noah Orenstein. Dkt. 42, p. 4:3-5 & Orenstein Decl., PDF p. 22:14-16. Serious ethical concerns are raised by any arrangement for payment of attorneys fees by a non-debtor to fund counsel for a debtor, as set forth in the "Procedures of Judge Bason" (available at www.cacb.uscourts.gov, the "Procedures") and the sources referenced therein. The tentative ruling is that, although the Orenstein Declaration addresses some of those concerns (see dkt. 42, PDF p. 22:17-22), it does not disclose (x) Mr. Orenstein was advised about the actual and potential conflicts of interest, and that the sole attorney-client relationship and duty of loyalty is with Debtor, not Mr. Orenstein, and whether Mr. Orenstein had an opportunity to obtain independent counsel, or (y) all relevant connections which, under the revised Procedures, must be disclosed on a marked-up version of Local Form F 2014-1.

The tentative ruling is to direct Debtor to file, and serve on the U.S. Trustee, a marked-up version of Local Form F 2014-1, prior to lodging a proposed order on the Employment Application.

Proposed orders: Unless otherwise ordered, Debtor is directed to lodge proposed orders on the matter(s) addressed here via LOU

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CONT...

Completely Concrete Structures Inc.

Chapter 11

within 7 days after the hearing date and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling. See LBR 9021-1(b)(1)(B).

(f) Government shutdown

The tentative ruling is that it is appropriate to continue this "Principal" status conference in view of the (partial) shutdown of the federal government, with the caveat that counsel for Debtor is directed to convey to Debtor's principal the duties of a debtor in possession, acting as a trustee for the benefit of creditors, which include comprehensive disclosure requirements, frequent notices to creditors with opportunities to object, and court approval for many matters, all of which mandates (i) frequent communication with Debtor's counsel and (ii) advance planning, to provide sufficient time for notice, a hearing, and issuance of court orders. For additional information about the government shutdown, see the first matter on today's calendar (for 9:00 a.m.).

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

- (a) Bar date: 1/6/26 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
- (b) Procedures Order: dkt. 4 (timely served, dkt. 39)
- (c) Plan/Disclosure Statement: file by 1/29/26 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 12/2/25 at 1:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Completely Concrete Structures Inc.

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
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2:24-18171 Hays Tabernacle CME Church

Chapter 11

#29.00 Cont'd Combined hrg re: Final Approval of Disclosures and
Plan Confirmation
fr. 07/17/25, 8/19/25, 9/23/25, 10/7/25

Docket 1

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 30,
11/4/25 at 1:00 p.m.).

Party Information

Debtor(s):

Hays Tabernacle CME Church

Represented By
Lewis R Landau

Trustee(s):

Mark M Sharf (TR)

Pro Se

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

1:00 PM

2:24-18171 Hays Tabernacle CME Church

Chapter 11

#30.00 Cont'd status conference re: Chapter 11 Case
fr. 4/8/25, 4/22/25, 6/24/25, 07/17/25, 8/19/25, 9/23/25,
10/7/25

Docket 1

Tentative Ruling:

Tentative Ruling 11/4/25:

Continue as set forth below, in view of the government shutdown (see the first item on today's calendar, at 9:00 a.m.). Appearances are not required on 11/4/25.

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

(1) Current issues

(a) Debtor's proposed Plan (dkt. 98); Objections by Evergreen Advantage, LLC ("Evergreen") (dkt. 138, 139); Ballot Summary (dkt. 143); Debtor's response (dkt. 144-45); Debtor's status report re: Plan confirmation (dkt. 163); Order on case status hearing and plan confirmation matters (dkt. 169)

The tentative ruling is to continue this matter to be concurrent with the continued status conference (see part "(2)(d)" of this tentative ruling, below). At the continued hearing the parties are directed to provide update regarding the status of discovery.

(2) Dates/procedures. This case was filed on 10/6/24 and reassigned to Judge Bason on 3/3/25 (dkt. 65).

(a) Bar date: 3/14/25 (Bar Date Order (dkt. 60) timely served, dkt. 59)

(b) Procedures Order: dkt. 67 (served on 3/11/25, dkt. 79 pp. 15–16)

(c) Plan/Disclosure Statement: timely filed on 5/29/25 (dkt. 129).

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CONT...

Hays Tabernacle CME Church

Chapter 11

(d) Continued status conference: 12/2/25 at 1:00 p.m. *Brief status report due by 11/25/25.*

* * *

[EXCERPTS FROM:] Tentative Ruling for 8/19/25:

* * *

(1) Current issues

* * *

(e) Debtor's proposed Plan (dkt. 98); Objections by Evergreen Advantage, LLC ("Evergreen") (dkt. 138, 139); Ballot Summary (dkt. 143); Debtor's response (dkt. 144-45); Debtor's status report re: Plan confirmation (dkt. 163)

The tentative ruling is not to set any briefing schedule at this time, and instead to direct the parties to continue their efforts to conclude discovery and continue to meet and confer about scheduling and procedures. Meanwhile, the tentative ruling is to continue the confirmation hearing to be concurrent with the continued Status Conference (see part "(2)(d)" of this Tentative Ruling, below).

* * *

[EXCERPTS FROM:] Tentative Ruling for 7/17/25:

Appearances required.

* * *

(1) Current issues

(a) Background

Debtor, a church with historic roots that is located in the Watts neighborhood of Los Angeles, seeks confirmation of its Subchapter V Plan of Reorganization (dkt. 98, the "Plan"). A key component of the Plan is the sale of property located at 1407 E. Kramer Drive, Carson, CA 90746 (the "Kramer Property"), which Debtor previously used as a parsonage. The hearing to confirm Debtor's Plan (the "Confirmation Hearing") has been scheduled to take place concurrently with the hearing on Debtor's motion to approve the sale of the Kramer Property (dkt. 131–32, 134, & 136–37, the "Sale Motion").

In addition to the Kramer Property, Debtor also owns several adjacent parcels of real property – located at 10121 S. Central Ave., 10207 S. Central

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CONT... Hays Tabernacle CME Church

Chapter 11

Ave., 10203 S. Central Ave., and 1143/1149 E. 102d St., Los Angeles, CA – which Debtor operates as a church (the "Church Property"). (The Church Property consists of a commercial building that Debtor uses to conduct worship services and an adjacent parking lot.)

Evergreen Advantage, LLC ("Evergreen") asserts a secured claim against the Church Property, in the amount of approximately \$2,587,622.91, plus attorney fees, costs of collection, and interest (the "Evergreen Claim"). Evergreen Opp. (dkt. 138) p. 4:13–17. Debtor has commenced an action against Evergreen in the Superior Court of the State of California for the County of Los Angeles (the "State Court") challenging the validity of the Evergreen claim. Plan (dkt. 98) Ex. E (the "State Court Litigation").

Debtor's plan hinges upon a sale of the Kramer Property [which has been authorized and has now closed, with net proceeds of \$575,643.53: see dkt. 161]. * * * [See *also*] Issa Decl. (dkt. 144) ¶ 6 (p. 15:7–14) [projecting \$587,179.00 net proceeds available to fund the Plan]. Debtor also represents that it has received "a Plan funding commitment from the Christian Methodist Church for up to \$125,000.00 to fund any operating or Plan requirements over the Plan term" Plan (dkt. 98) art. 7, ¶ 2 (p. 5).

Pending resolution of Debtor's challenge to the validity of the Evergreen Claim, Debtor's Plan proposes to make interest-only payments to Evergreen of \$12,500.00 per month for 36 months (calculated by paying 6.2% interest on the \$2,445,201.54 amount set forth in Evergreen's proof of claim). Issa Decl. (dkt. 144) ¶¶ 11 & 14 (p. 16:15–16 & 17:13–16); Plan (dkt. 98) art. 7 ¶ 8 (p. 5); Reply (dkt. 144) p. 5:19–25. J. Michael Issa, Debtor's valuation expert, testifies that the contemplated interest payments are "consistent with the current market terms for church real estate loans." Issa Decl. (dkt. 144) ¶ 14 (p. 17:13–18). These interest-only payments would be funded from the net proceeds of the sale of the Kramer Property and the contribution from Christian Methodist Church. Issa Decl. (dkt. 144) ¶ 18(a) (p. 19:4–7). The Plan provides that any amount remaining on the Evergreen Claim after the 36 months of interest-only payments will be satisfied through a balloon payment funded "from additional contributions" or "refinancing or sale" of the Church Property. Plan (dkt. 98) art. 7 ¶ 8 (p. 5).

* * *

(b) Sale motion ...

* * *

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Chapter 11

(c) Debtor's proposed Plan (dkt. 98); Objections by Evergreen Advantage, LLC ("Evergreen") (dkt. 138, 139); Ballot Summary (dkt. 143); Debtor's response (dkt. 144-45)

(i) Cramdown standards

The requirements for confirmation of a Subchapter V plan are set forth in 11 U.S.C. 1191, which generally incorporates with modifications 11 U.S.C. 1129(a)-(b). A nonconsensual plan nevertheless may be confirmed if "the plan does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the plan." 11 U.S.C. 1191(b).

(A) Unfair discrimination

A plan unfairly discriminates if similar claims are treated differently without a reasonable basis for the disparate treatment. *See, e.g., In re Acequia, Inc.*, 787 F.2d 1352, 1364 (9th Cir. 1986) ("The Collier treatise states that this provision requires that a plan 'allocate[] value to the class in a manner consistent with the treatment afforded to other classes with similar legal claims against the debtor'") (citation omitted).

(B) Fair and equitable

"[T]he condition that a plan be fair and equitable with respect ... to a class of secured claims" includes the requirement that "the plan meets the requirements of section 1129(b)(2)(A)." 11 U.S.C. 1191(c)(1). Under 11 U.S.C. 1129(b)(2)(A), the "fair and equitable" requirement includes the following requirement:

(i)

- (I) that the holders of such claims retain the liens securing such claims, whether the property subject to such liens is retained by the debtor or transferred to another entity, to the extent of the allowed amount of such claims; and
- (II) that each holder of a claim of such class receive on account of such claim deferred cash payments totaling at least the allowed amount of such claim, of a value, as of the effective date of the plan, of at least the value of such holder's interest in the estate's interest in such property;

(ii) for the sale, subject to section 363(k) of this title, of any property that is subject to the liens securing such claims, free

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and clear of such liens, with such liens to attach to the proceeds of such sale, and the treatment of such liens on proceeds under clause (i) or (iii) of this subparagraph; or (iii) for the realization by such holders of the indubitable equivalent of such claims. [11 U.S.C. 1129(b)(2)(A).]

Section 1191(b) specifies additional requirements that are necessary, but not sufficient, to satisfy the “fair and equitable” test. (As one court explained in, the statute uses the term “includes” to make clear that the specific requirements delineated therein are only the “minimal standards [that] plans must meet,” and that the statute “is not to be interpreted as requiring that every plan not prohibited be approved.” *Matter of D & F Const. Inc.*, 865 F.2d 673, 675 (5th Cir. 1989).) Those additional requirements are as follows:

- (2) As of the effective date of the plan--
 - (A) the plan provides that all of the projected disposable income of the debtor to be received in the 3-year period, or such longer period not to exceed 5 years as the court may fix, beginning on the date that the first payment is due under the plan will be applied to make payments under the plan; or
 - (B) the value of the property to be distributed under the plan in the 3-year period, or such longer period not to exceed 5 years as the court may fix, beginning on the date on which the first distribution is due under the plan is not less than the projected disposable income of the debtor.
- (3)
 - (A) The debtor will be able to make all payments under the plan; or
 - (B)
 - (i) there is a reasonable likelihood that the debtor will be able to make all payments under the plan; and
 - (ii) the plan provides appropriate remedies, which may include the liquidation of nonexempt assets, to protect the holders of claims or interests in the

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event that the payments are not made. [11 U.S.C. 1191(c)(2)–(3).]

(ii) "Good faith" and allegedly "unfair discrimination" objections:
overrule in part

The tentative ruling is that the "good faith" inquiry is narrow. The authorities cited by Debtor are far more on point about the scope of the "good faith" inquiry than Evergreen's citations. As Debtor correctly notes, the Court of Appeals for the Ninth Circuit (the "Ninth Circuit") has held that the statute "directs courts to look only to the proposal of a plan, not the terms of the plan." *Garvin v. Cook Investments NW, SPNWY, LLC*, 922 F.3d 1031, 1035 (9th Cir. 2019) (emphasis added, citations omitted).

Note 3: *Garvin* also stated that "[c]ases directing courts to look to the 'totality of the circumstances' to determine whether a plan was proposed in good faith do not change the analysis here," and courts must still "determine whether the plan achieves a result consistent with the objectives and purposes of the Code." *Id.* at 1036 n. 3 (citations omitted; emphasis added). In this Court's view, *Garvin* is best understood as refining but not changing the analysis. That is, the primary focus of the "good faith" inquiry must be upon whether the plan "was lawfully proposed," *Garvin*, 922 F.3d. 1031, 1036. But in conducting that inquiry, this Court need not disregard other considerations – including, for example, whether the Plan achieves results consistent with the objectives and purposes of the Code.

The tentative ruling is that Evergreen has not made a sufficient showing that the filing of this bankruptcy case was lacking in good faith, for two reasons. (A) Debtor is a charitable/religious institution, and Evergreen has not shown any way that Debtor could have posted a bond or paid Evergreen without liquidating some of the assets that it uses for its charitable/religious activities, so Debtor had a legitimate need for bankruptcy relief. (B) Although Evergreen emphasizes that it is in the business of short term and high interest loans, it took the risk when it made the loan of a future bankruptcy case by Debtor, including the possibility that the loan repayment terms would be adjusted as permitted by the Bankruptcy Code.

Similarly, the tentative ruling is that Evergreen has not shown that it is unfair to provide for payment of (undisputed and small) claims immediately

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upon the effective date of the proposed Plan while deferring payments on the (much larger, disputed) claim of Evergreen until after final resolution of that claim, and thereafter for some months so that Debtor has some time to pay any such allowed claim through a refinance, a sale, or other means, without unduly disrupting Debtor's charitable/religious functions. *See, e.g., In re Barakat*, 99 F.3d 1520, 1524–25 (9th Cir. 1996) (permitting separate classification where supported by a legitimate business or economic justification).

On the other hand, Debtor has not responded to Evergreen's allegation that Debtor has allowed the State Court litigation to languish during this bankruptcy case, including that Debtor has not filed a motion for leave to file its proposed Fifth Amended Complaint. *See* Evergreen Obj. (dkt. 138) p. 7:10-12. Debtor is directed to address that issue at the hearing.

(iii) Feasibility and "appropriate remedies" objection: overrule

On the one hand, it is true that there are some weaknesses in Debtor's evidence of feasibility. Debtor's cash flow has not been shown to be as reliable as it might be, and Debtor provides insufficient evidence of "back stop" funding by the Ninth Episcopal District Christian Methodist Episcopal Church, Inc. because this Court does not interpret Bishop Hames' declaration as a contractual or otherwise binding and enforceable commitment to fund the full dollar amount that might be needed (up to \$125,000.00). *See* Decl. (dkt. 144) p. 13.

On the other hand, the tentative ruling is that Debtor's net proceeds from the sale of the Kramer Property (well over \$500,000.00) plus Debtor's ability in future to refinance or sell the collateral already pledged to Evergreen, are more than sufficient evidence of feasibility. *See, e.g.,* Liquidation Analysis (Plan, dkt. 98, Ex. B, at Bates p. 25) (based on Debtor's sworn schedules etc.).

Because of this more than sufficient evidence that Debtor "will" be able to make all payments under the plan (11 U.S.C. 1191(c)(3)(A)), the tentative ruling is that Debtor is not required to provide specific remedies such as liquidation of its assets (11 U.S.C. 1191(c)(3)(B)). The tentative ruling is that this is particularly appropriate in view of Debtor's charitable/religious mission, and the disruption if not destruction of that mission if liquidation were to be the draconian result of any default under the Plan. In addition, the tentative ruling is that it would be inappropriate to lock Debtor into any specific remedy,

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such as liquidation, in view of the uncertain future of interest rates and hence Debtor's ability to refinance its debt to Evergreen (if that debt is eventually allowed), as well as the uncertain future regarding any sale of the Church Property, and all other unknowns. In sum, the tentative ruling is that Debtor will be able to make all payments under the Plan, and that even if Debtor were to default under the Plan Evergreen is adequately protected, and it would be inappropriate to lock Debtor into specific remedies in the event of such a default.

(iv) Failure to provide proper calculations for present value of
lien (11 U.S.C. 1191(c)(1)): sustain in part

The Plan contemplates that Evergreen has a secured claim of roughly \$2.45 million (Plan section 2.04, dkt. 98 p. 2), and apparently contemplates an interest rate of 6.2% (see Issa Decl., dkt. 144, p. 17:14-15) (although this Court has not found that rate stated in the Plan), apparently resulting in estimated payments of \$12,500.00 per month if the claim were to be allowed in full and were to be amortized on a straight line basis. See Plan (dkt. 98) p. 5, Article 7, section 8. The parties disagree whether these provisions satisfy the "present value" requirement in 11 U.S.C. 1191(c)(1) (incorporating 11 U.S.C. 1129(b)(2)(A)).

Evergreen objects that its claim is much higher when postpetition default interest is taken into account (closer to \$2.6 million), not to mention attorney fees and any other costs and charges. See Evergreen Obj. (dkt. 138) pp. 4:28-5:7 & p. 13:8-13. Debtor counters by objecting to Evergreen's evidence of this dollar amount (dkt. 145) but, although the tentative ruling is to sustain that objection, the tentative ruling is also that this Court can take into account, as argument by Evergreen, that Debtor has not provided any backup for its own calculations, and that, under 11 U.S.C. 506(b) and decisions of higher courts, Evergreen's potential claim must include default interest during the pendency of this bankruptcy case prior to any new interest rate under any confirmed Plan. See, e.g., *Gen. Elec. Cap. Corp. v. Future Media Prods., Inc.*, 547 F.3d 956, 961 (9th Cir. 2008) (citing 4 *Collier on Bankruptcy*, ¶ 506.04[2][b][iii] (15th Ed.1996) ("The bankruptcy court should apply a presumption of allowability for the contracted for default rate, 'provided that the rate is not unenforceable under applicable nonbankruptcy law.'"); *Beltway One*, *supra*, 547 B.R. 819, 826-31.

The tentative ruling is that an evidentiary hearing will be required

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(absent an agreement of the parties) in order to determine (A) the proper dollar amount of Evergreen's (disputed) claim for purposes of any proposed Plan (e.g., as of 7/17/25 with a daily adjustment for every day thereafter) and (B) the appropriate cramdown rate of interest. The parties are directed to address whether this Court should set any evidentiary hearing and related procedures.

Alternatively, instead of setting any deadlines and evidentiary hearing at this current hearing it might be appropriate to provide a continuance and direct the parties to meet and confer about whether they can agree on the procedures or substance related to the Evergreen claim. The tentative ruling is to adopt the latter procedure and continue the hearing on confirmation of the Plan to address any proposed amendment to it, with a continued hearing on the same date and time as the continued Status Conference set forth below (see part "(2)(d)" of this Tentative Ruling, below). Meanwhile, the tentative ruling is to direct the parties to meet and confer about a possible resolution of the Evergreen objections.

(2) Dates/procedures. This case was filed on 10/6/24 and reassigned to Judge Bason on 3/3/25 (dkt. 65).

- (a) Bar date: 3/14/25 (Bar Date Order (dkt. 60) timely served, dkt. 59)
- (b) Procedures Order: dkt. 67 (served on 3/11/25, dkt. 79 pp. 15–16)
- (c) Plan/Disclosure Statement: timely filed on 5/29/25 (dkt. 129).
- (d) Continued status conference: 8/19/25 at 1:00 p.m. No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Hays Tabernacle CME Church

Represented By
Lewis R Landau

Trustee(s):

Mark M Sharf (TR)

Pro Se

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2:25-19576 Supra National Express, Inc.

Chapter 11

#31.00 Hrg re: Emergency motion for entry of an interim order: (I) Authorizing the debtor to use cash collateral; (II) Granting adequate protection; (III) Scheduling a final hearing; and (IV) Granting related relief

Docket 9

Tentative Ruling:

Grant the motion (dkt. 9) on an interim basis, subject to (x) this Court's review of any timely filed opposition(s) and, if applicable, oral reply at the hearing, (y) the conditions set forth below, with a final hearing on 12/2/25 at 1:00 p.m., and a deadline of 11/11/25 for the movant to file and serve a notice of the final hearing, and (z) the provisions for federal governmental units set forth in the tentative ruling for the first item on today's calendar (at 9:00 a.m.).

Judge Bason's standard conditions for use of cash collateral and/or postpetition financing (by creditors holding prepetition claims)

(1) Written order

(a) Form. Use local form

F2081-2.1.ORDER.CASH.COLLATERAL or the equivalent. Attach a copy of this tentative ruling as an exhibit, thereby adopting it as the written ruling of this Court, subject to any changes ordered at the hearing. Do not repeat the terms set forth in the motion or any stipulation. Incorporate those terms by reference (including the docket number of the document), subject to any modification by this Court.

(b) Timing. Lodge the proposed order within 7 days after the hearing. See LBR 9021-1(b)(1)(B).

(2) Minimum adequate protection

In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be approved, Debtor shall provide at least the following protection to any creditor with a security interest in the subject property (pursuant to 11 U.S.C. 361-364, as applicable):

(a) Insurance. For all collateral of a type that typically is insured

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(e.g., real property and improvements), Debtor is directed to maintain insurance in a dollar amount at least equal to Debtor's good faith estimate of the value of such creditor's interest in the collateral, and such insurance shall name such creditor as an additional insured. Debtor is directed to remain current on payments for such insurance.

(b) Taxes. Debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. Debtor is directed to provide, upon such creditor's reasonable request, periodic accountings of the foregoing insurance and tax obligations and payments, as well as postpetition proceeds, products, offspring, or profits from the collateral, including gross revenues and expenses and a calculation of net revenues. Debtor is directed to provide appropriate documentation of those accountings, and access for purposes of inspection or appraisal.

(3) Grant of, and limitation on, postpetition liens

The tentative ruling is to grant postpetition liens to any creditors holding secured claims by granting replacement liens, but such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or this Court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date. For example, if prepetition liens extended to inventory and accounts receivable but not equipment then postpetition liens are likewise limited (unless otherwise expressly provided by order of this Court). In addition, postpetition liens shall not extend to any avoidance actions or the proceeds thereof, any claim or recoveries under 11 U.S.C. 506(c), any "carveout" under 11 U.S.C. 552, or any claim or recoveries under 11 U.S.C. 724(a).

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition

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date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any *automatic* perfection of such liens shall be subject to any applicable limitations regarding the Court's authority, jurisdiction, or due process.

(4) Automatic disapproval of insufficiently disclosed provisions

Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either: (a) such provision is specifically and prominently disclosed in the motion papers in a checklist (such as local form F4001-2), or alternatively (b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

(5) Disputes

In the event of any disputes regarding the rulings in this order, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact Judge Bason's chambers to arrange a mutually convenient time for either a telephonic or in-person hearing to address such disputes.

Party Information

Debtor(s):

Supra National Express, Inc.

Represented By
Ron Bender
Todd M Arnold

Movant(s):

Supra National Express, Inc.

Represented By
Ron Bender
Todd M Arnold

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2:25-19576 Supra National Express, Inc.

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#32.00 Status conference re: Chapter 11 case

Docket 1

Tentative Ruling:

Appearances required by counsel for Debtor. (Note: Debtor's principal is directed to appear at the continued hearing pursuant to this Court's order setting principal status conference (dkt. 3, the "Procedures Order").)

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

(1) Current issues

(a) Cash collateral motion (dkt. 9-10), OST (dkt. 5), Notice (dkt. 11)
Grant the motion on an interim basis, subject to the terms and conditions set forth in the tentative ruling for calendar no. 31 on today's calendar (11/4/25 at 1:00 p.m.) and set a final hearing for the same date and time as the continued status conference (see Part "(2)(d)" below).

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

(2) Dates/procedures. This case was filed on 10/28/25.

- (a) Bar date: TBD
- (b) Procedures Order: dkt. 3 (proof of service due 10/31/25)
- (c) Plan/Disclosure Statement: TBD.
- (d) Continued status conference: 12/2/25 at 1:00 p.m. Local form of status report required, as directed by Procedures Order.

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Party Information

Debtor(s):

Supra National Express, Inc.

Represented By
Ron Bender
Todd M Arnold

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2:25-10593 Eugenio Alfredo Gonzalez

Chapter 11

#1.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/25/25, 3/4/25, 3/18/25, 5/6/25, 6/3/25, 7/8/25,
07/15/25, 9/23/25

Docket 1

Tentative Ruling:

Tentative Ruling for 11/4/25:

Continue this Status Conference as set forth below. Appearances are not required on 11/4/25. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

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

(1) Current issues

This Court has reviewed Debtor's status report (dkt. 102) and has no issues to raise *sua sponte* at this time, except to vacate the previously-set deadline to file a proposed Plan because of the pendency of the matters described in the status report.

(2) Dates/procedures. This case was filed on 1/27/25.

- (a) Bar date: 4/30/25 (timely served, dkt. 47).
- (b) Procedures Order: dkt. 3 (served on creditors, dkt. 9)
- (c) Plan/Disclosure Statement: TBD (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 2/10/26 at 2:00 p.m. (provided that, per the Procedures Order, a status conference will also be held concurrent with any matters that might be self-calendared for a hearing before that date). No written status report required.

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Chapter 11

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Eugenio Alfredo Gonzalez

Represented By
Leslie A Cohen