

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

Tuesday, November 28, 2023

Hearing Room 1545

9:00 AM
2:00-00000

Chapter

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

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

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 160 624 5212

Password: 937609

Meeting URL: <https://cacb.zoomgov.com/j/1606245212>

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

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

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

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

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

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

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Chapter

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

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 28, 2023

Hearing Room 1545

10:00 AM

2:23-16223 Hrachya Mkhitarian

Chapter 7

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

PENNYMAC LOAN SERVICES, LLC
vs
DEBTOR

Docket 10

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Note regarding mootness: 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

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Hrachya Mkhitarian

Chapter 7

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).

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

Effective date of relief

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

Co-debtor stay

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CONT... Hrachya Mkhitarian Chapter 7

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):

Hrachya Mkhitarian	Pro Se
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Movant(s):

PennyMac Loan Services, LLC, and	Represented By Christina J Khil
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Trustee(s):

Carolyn A Dye (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1545

10:00 AM

2:20-16192 Robert Samson Fear

Chapter 13

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

WELLS FARGO BANK, NATIONAL ASSOC
vs
DEBTOR

Docket 60

Tentative Ruling:

Grant as set forth below.

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

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

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

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

Termination

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

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

Effective date of relief

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

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CONT... Robert Samson Fear

Chapter 13

(3) for lack of sufficient cause shown.

Co-debtor stay

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

Party Information

Debtor(s):

Robert Samson Fear

Represented By
Onyinye N Anyama

Movant(s):

Wells Fargo Bank, National

Represented By
Caren J Castle

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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

2:22-16428 Karen Deshawn Taylor

Chapter 13

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

U.S. BAK, NATIONAL ASSOC
vs
DEBTOR

Docket 67

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 70).

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):

Karen Deshawn Taylor

Represented By
Lionel E Giron

Movant(s):

U.S. Bank, National Association, as

Represented By
Theron S Covey
Dane W Exnowski
Fanny Zhang Wan

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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2:23-10542 Michelle Emelle

Chapter 13

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

FIRST ENTERTAINMENT CREDIT UNION
VS
DEBTOR

Docket 35

*** VACATED *** REASON: APO

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Emelle

Represented By
Thomas B Ure

Movant(s):

First Entertainment Credit Union

Represented By
Chad L Butler

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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2:18-15781 Hanan Inas Ijlal Brown

Chapter 13

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

AMERICAN CREDIT ACCEPTANCE
vs
DEBTOR

Docket 99

Tentative Ruling:

Grant as set forth below.

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

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).

Note:

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CONT...

Hanan Inas Ijlal Brown

Chapter 13

The vehicle as to which Movant seeks stay relief (the "Vehicle") was not included in Debtor's confirmed Chapter 13 plan (dkt. 20), presumably because at the time of plan confirmation Debtor's intent was to make payments on the vehicle directly to Movant to reduce the costs of administration. To avoid confusion, the best practice would have been for Debtor to include the Vehicle in the plan in a class of claims to be paid directly by Debtor. (In the current mandatory form for Chapter 13 plans—which this Court acknowledges was not in effect at the time Debtor's plan was confirmed—the Vehicle should have been included in Class 3A, "Unimpaired Claims to be Paid Directly By Debtor.")

Effective date of relief

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

Co-debtor stay

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

Party Information

Debtor(s):

Hanan Inas Ijlal Brown

Represented By
Nathan A Berneman
Ali R Nader

Movant(s):

American Credit Acceptance

Represented By
Sheryl K Ith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:23-16467 Kai Saran Hendrix McKeiver-Williams

Chapter 13

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

NAVY FEDERAL CREDIT UNION
vs
DEBTOR

Docket 29

Tentative Ruling:

Grant as set forth below.

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

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

This case has been dismissed, which terminates the automatic stay. See 11 U.S.C. 349(b)(3) & 362(c). Further, Movant alleges that it regained possession of the vehicle pre-petition, raising the possibility that Debtor's interest in the vehicle might have been terminated pre-petition, such that the automatic stay would never have come into effect with respect to the vehicle. However, this Court is unable to determine on the present record whether the vehicle was ever property of the estate, and in any event, such a

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CONT... **Kai Saran Hendrix Mckeiver-Williams** **Chapter 13**

determination is not necessary in view of (A) the dismissal of the case and (B) this Court's ruling to grant relief from the automatic stay in the alternative and in addition, 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)(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).

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CONT... Kai Saran Hendrix Mckeiver-Williams

Chapter 13

Effective date of relief

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

Co-debtor stay

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

Party Information

Debtor(s):

Kai Saran Hendrix Mckeiver-	Pro Se
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Movant(s):

Navy Federal Credit Union	Represented By Rea Stelmach
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Trustee(s):

Kathy A Dockery (TR)	Pro Se
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**United States Bankruptcy Court
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10:00 AM

2:23-16208 Oweleo Lysette Titi

Chapter 13

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

BLVD 6200 OWNER SOUTH, LLC
vs
DEBTOR

Docket 18

Tentative Ruling:

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

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):

Oweleo Lysette Titi

Represented By
Andrew Moher

Movant(s):

Blvd 6200 Owner South, LLC

Represented By
Richard Sontag

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 28, 2023

Hearing Room 1545

10:00 AM

2:23-17379 Trisha Franklin

Chapter 13

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

Docket 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.

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CONT...

Trisha Franklin

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.

(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):

Trisha Franklin

Represented By
Thomas B Ure

Movant(s):

Trisha Franklin

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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2:19-23517 Blanca Estela Rubalcava

Chapter 13

#9.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 5/16/23, 07/18/23, 9/19/23, 11/14/23

THE BANK OF NEW YORK MELLON
vs
DEBTOR

Docket 94

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required.

At the hearing on 11/14/23 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 11/14/23:

Appearances required.

At the hearing on 9/19/23 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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CONT... Blanca Estela Rubalcava

Chapter 13

Tentative Ruling for 9/19/23:

Appearances required.

This matter was continued to today by stipulation of the parties and an order thereon. See dkt. 97 & 98. 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 7/18/23:

Appearances required.

At the hearing on 5/16/23 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 5/16/23:

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. 96).

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

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CONT... Blanca Estela Rubalcava Chapter 13

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

Party Information

Debtor(s):

Blanca Estela Rubalcava

Represented By
Lionel E Giron

Movant(s):

The Bank of New York Mellon FKA

Represented By
Kirsten Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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2:22-15246 Zaida Araceli Lopez Montes

Chapter 13

#10.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 8/15/23, 10/3/23, 11/14/23

U.S. BANK NATIONAL ASSOC
VS
DEBTOR

Docket 38

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

Tentative Ruling:

Party Information

Debtor(s):

Zaida Araceli Lopez Montes

Represented By
Travis M. Poteat

Movant(s):

U.S. Bank National Association

Represented By
Dane W Exnowski
Jennifer C Wong

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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2:23-16941 Oscar Humberto Parada

Chapter 13

#11.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 11/14/23

ROBERT L LEDNER
vs
DEBTOR

Docket 9

Tentative Ruling:

Tentative Ruling for 11/28/23:

Grant additional "in rem" relief as set forth below.

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

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): Order granting partial stay relief (dkt. 13), Notice of continued hearing to consider request for "in rem" relief (dkt. 11), Amended proof of service of notice of continued hearing (dkt. 12)

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:

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10:00 AM

CONT...

Oscar Humberto Parada

Chapter 13

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

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

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

Effective date of additional "in rem" relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a) (3) with respect to the additional "in rem" relief.

Tentative Ruling for 11/14/23:

Grant in part and continue in part to 11/28/23 at 10:00 a.m., as set forth below. Appearances are not required on 11/14/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

Option for shortened time: This Court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant serving all papers on *the day after the current hearing date*. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

Option for interim/partial order: Movant may elect to lodge a proposed order granting the *partial* relief provided in this tentative ruling, but any such order must recite that a continued hearing has been set to consider additional

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CONT... **Oscar Humberto Parada**

Chapter 13

relief (or, alternatively, that Movant no longer seeks additional relief and the Clerk's office is requested and directed to take the continued hearing off calendar).

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

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

Movant asserts that the automatic stay is not in effect, but has not shown that this is so

Movant asserts that the automatic stay is not in effect. See R/S Motion (dkt. 9) p. 5, para. 4. Movant does not explain why, but the R/S Motion does list two prior bankruptcy cases that were dismissed recently (*id.*, p. 9), and normally that means the automatic stay does not go into effect unless this Court orders it to apply after notice and a hearing. See 11 U.S.C. 362(c)(4) and (j).

In this instance, however, one of Debtor's two prior cases (#2:23-bk-16475-WB) was dismissed on 10/23/23 at 2:07 p.m. (see *id.*, dkt. 13), which is after this case was filed, on 10/23/23 at 12:31 p.m., so the elements of section 362(c)(4) do not apply. In addition, although the automatic stay might expire after 30 days under 11 U.S.C. 362(c)(3), based on Debtor's other prior bankruptcy case (#1:23-bk-10487-MB, dismissed 5/5/23), that 30-day period has not yet expired (the petition in this case was filed on 10/23/23, so the 30-day period does not expire until 11/22/23).

Nevertheless, for the reasons set forth below, the tentative ruling is to grant relief from the automatic stay.

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).

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CONT... Oscar Humberto Parada

Chapter 13

Effective date of relief

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

Relief notwithstanding future bankruptcy cases

As to the requested relief that will remain effective notwithstanding any future bankruptcy case, continue the motion to the date and time set forth at the start of this tentative ruling, for service on the persons who executed the documents through which the movant asserts its interest in the property (*i.e.*, the original borrower). Reasons: See LBR 4001-1(c)(1)(B). In addition, Judge Bason has due process concerns about granting such relief without service on the person(s) whose interests may be most directly affected. See *generally Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally). In this matter, such persons appear to include: Arthur Boyadzhan (who should be served at both the property address and the "borrower's notice address" set forth in the loan documents: PO Box 1111, Glendale, CA 91226, see dkt. 9, PDF p. 20).

Party Information

Debtor(s):

Oscar Humberto Parada

Pro Se

Movant(s):

Robert L Ledner

Represented By
Eric A Mitnick

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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11:00 AM

2:23-15215 Nanette P Leonardo and Vicente C Leonardo

Chapter 7

#1.00 Hrg re: Motion of The United States trustee for extension of deadline date for filing a complaint objecting to debtor's discharge under 11 U.S.C. section 727 and/or Motion to dismiss under section 707

Docket 14

Tentative Ruling:

Grant United States Trustee's unopposed motion for a 90-day extension of its deadlines (x) to commence an action objecting to Debtors' discharges under 11 U.S.C. 727 and/or (y) to file a motion to dismiss Debtors' case for abuse under 11 U.S.C. 707(b). (The deadlines will be extended only as to the UST and not as to any other creditors.) 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, UST is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

If you are making an appearance, 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)

Party Information

Debtor(s):

Nanette P Leonardo

Represented By
Bahram Madaen

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11:00 AM

CONT... Nanette P Leonardo and Vicente C Leonardo

Chapter 7

Joint Debtor(s):

Vicente C Leonardo

Represented By
Bahram Madaen

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 28, 2023

Hearing Room 1545

11:00 AM

2:22-13500 Moussa Moradieh Kashani

Chapter 7

Adv#: 2:23-01425 Armon Funding, LLC et al v. Kashani

#2.00 Status conference re: Complaint to
determine dischargeability of debt

Docket 1

Tentative Ruling:

Appearances required by counsel for Plaintiffs.

This adversary proceeding was filed on 9/18/23 and the Clerk's Office issued a summons (adv. dkt. 2) the following day but, as of the preparation of this tentative ruling, there is no proof of service of the summons or complaint on file and Plaintiffs do not appear to be prosecuting this action. In addition, Plaintiffs have not filed a unilateral status report as required by LBR 7016-1(a) (3).

Plaintiffs are directed to appear to address why this proceeding should not be dismissed for failure to prosecute and/or deemed an abandonment of the claim asserted in the complaint. See LBR 7016-(f) & (g).

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):

Moussa Moradieh Kashani

Represented By
Sandford L. Frey
Robyn B Sokol

Defendant(s):

Moussa Moradieh Kashani

Pro Se

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CONT... Moussa Moradieh Kashani

Chapter 7

Plaintiff(s):

Armon Funding, LLC Armon	Represented By Andrew Mase
The Ryzman Family Pa The	Represented By Andrew Mase
Benson Capital Partners, LLC	Represented By Andrew Mase
RNGF Investments #1, LLC	Represented By Andrew Mase
The Ryzman Foundation, Inc.	Represented By Andrew Mase
Rafael Ryzman	Represented By Andrew Mase
Elimor Goldwicht	Represented By Andrew Mase
Philana Chen	Represented By Andrew Mase
Michael Fenig	Represented By Andrew Mase
Elie Ryzman	Represented By Andrew Mase

Trustee(s):

CASE REOP/CONV/OR CLOSED	Pro Se
John P Pringle (TR)	Represented By Toan B Chung

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Hearing Room 1545

11:00 AM

2:19-18316 Ashley Susan Aarons

Chapter 7

#3.00 Hrg re: Motion by Asset Recovery Association, Inc. D.B.A. ClaimsXP order (1) Amending the ClaimsXP employment order; (2) Amending the Furtado Employment order; & (3) Disgorging fees already paid to Furtado

Docket 649

Tentative Ruling:

Please see the tentative ruling for Calendar No. 5 on 11/28/23 at 11:00 a.m.

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By

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

Trustee(s):

David M Goodrich (TR)

Pro Se

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Hearing Room 1545

11:00 AM

2:19-18316 Ashley Susan Aarons

Chapter 7

#4.00 Cont'd hrg re: Chapter 7 Trustee's Motion for Order Authorizing Abandonment of Property of the Estate Pursuant to 11 U.S.C. §554(a) fr. 10/17/23

Docket 643

***** VACATED *** REASON: Continued pursuant to stipulation of the parties (dkt. 664) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By

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

Movant(s):

David M Goodrich (TR)

Pro Se

Trustee(s):

David M Goodrich (TR)

Pro Se

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11:00 AM

2:19-18316 Ashley Susan Aarons

Chapter 7

#5.00 Cont'd Preliminary hrg re: Notice of compensation report & compensation report by Asset Recovery Assoc. Inc. D.B.A.Claim SXP fr. 6/27/23, 8/15/23, 9/19/23, 10/17/23

Docket 612

Tentative Ruling:

Tentative Ruling for 11/28/23:
Appearances required.

This Court anticipates hearing oral argument on the matters on today's calendar and making oral 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.

Tentative Ruling for 10/17/23:
Appearances required.

There is no tentative ruling but the parties are directed to address (i) the status of this motion, and (ii) whether this Court should set deadlines for any additional briefing and/or a date for an evidentiary 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.

[INTERIM TENTATIVE RULINGS OMITTED]

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11:00 AM

CONT... Ashley Susan Aarons

Chapter 7

**Tentative Ruling for 6/28/23:
Appearances required.**

There is no tentative ruling but the parties are directed to address (i) the issues raised in the opposition and reply papers that have been filed to date, (ii) whether this Court should order the parties to mandatory mediation at this time, and/or (iii) whether this Court should set deadlines for any additional briefing and/or a date for an evidentiary 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.

Key documents reviewed: Notice/application for compensation (dkt. 612); Order setting initial hearing and permitting only limited additional papers (dkt. 618); Notice of hearing (dkt. 622); Oppositions of Verus (dkt. 613), Law Offices of Totaro & SHanahan (dkt. 614, 615), Shulman Bastian Friedman & Bui LLP (dkt. 617), and Chapter 7 Trustee (dkt. 626); Applicant's reply (dkt. 627).

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By

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

Movant(s):

Asset Recovery Association

Represented By

Selena Rojhani

**United States Bankruptcy Court
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CONT... Ashley Susan Aarons

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:19-18316 Ashley Susan Aarons

Chapter 7

#5.10 Hrg re: Motion to Partially Strike Omnibus Reply by ClaimsXP
and Strike Declaration of Debtor Ashley Aarons

Docket 662

Tentative Ruling:

Please see the tentative ruling for Calendar No. 5 on 11/28/23 at 11:00 a.m.

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By

Shulman Bastian Friedman & Bui LLP

Richard L Antognini

David R Haberbusch

Vanessa M Haberbusch

Lane K Bogard

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Tuesday, November 28, 2023

Hearing Room 1545

11:00 AM

2:23-12389 Luis Ruiz Ramirez

Chapter 7

Adv#: 2:23-01363 The Golden 1 Credit Union, a California corporatio v. Ramirez

#6.00 Cont'd status conference re: Complaint to determine
dischargeability of debt [11 U.S.C. Section 523]
fr. 10/3/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Continue this status conference to 1/23/24 at 11:00 a.m. per Plaintiff's Unilateral Status Report (adv. dkt. 8) (in anticipation of a Motion for Default Judgment). Appearances are not required on 11/28/23. (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.

Tentative Ruling for 10/3/23:

Continue this status conference to 11/28/23 at 11:00 a.m. and set a **deadline of 11/4/23** for Plaintiff to (x) obtain a Clerk's entry of default, and (y) file and serve a motion for entry of default Judgment with a hearing concurrent with the continued status conference. Appearances are not required on 10/3/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

Note: The purported fraud appears to be that, because Debtor allegedly entered into the loan contract for the benefit of an (unnamed) third party and never made any payments, Plaintiff deduces that he never intended to make any payments, and Plaintiff relied on unspecified contrary false statements in the loan application. See *Complaint* (adv. dkt. 1) para. 5, 10, 12, 19, 34.

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CONT... Luis Ruiz Ramirez

Chapter 7

Even if there is no opposition to the anticipated motion for a default judgment, this Court anticipates addressing whether this fraud is alleged with sufficient particularity, whether any supplemental evidence should be required, and whether relief is sought under 11 U.S.C. 523(a)(2)(A) or (B). See Rules 9(b) & 55(b)(2) (Fed. R. Civ. P., incorporated by Rules 7009 & 7055, Fed. R. Bankr. P.).

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):

Luis Ruiz Ramirez

Represented By
Jaime A Cuevas Jr.

Defendant(s):

Luis Ruiz Ramirez

Pro Se

Plaintiff(s):

The Golden 1 Credit Union, a

Represented By
Karel Rocha

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:22-12110 Angel J Garcia

Chapter 7

Adv#: 2:22-01140 C.R. Laurence Co., Inc. v. Garcia

#7.00 Cont'd Status Conference re: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(6) fr. 9/20/22, 10/25/22, 11/15/22, 1/24/23, 3/7/23, 3/21/23, 5/16/23, 7/18/23, 11/14/23

Docket 1

***** VACATED *** REASON: Adversary Proceeding dismissed on 10/18/23. Adv. dkt. 57.**

Tentative Ruling:

Party Information

Debtor(s):

Angel J Garcia

Represented By
Ivette Teran

Defendant(s):

Angel J Garcia

Represented By
Ivette Teran
Ryan A Witthans

Plaintiff(s):

C.R. Laurence Co., Inc.

Represented By
Ali M Mojdehi

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:20-10046 Samini Cohen Spanos LLP

Chapter 7

Adv#: 2:21-01261 Ehrenberg (TR) v. By The Sea Realty, LLC, a California limited liabi

#8.00 Cont'd Status Conference re: Complaint for (1) Avoidance and Recovery of Preferential Transfer, (2) Avoidance and Recovery of Fraudulent Transfer (3) Preservation of Preferential and Fraudulent Transfer and (4) Disallowance of Claims
fr. 3/15/22, 5/31/22, 8/2/22, 11/15/22, 2/21/23, 05/02/23, 9/19/23

Docket 1

***** VACATED *** REASON: A pretrial conference is scheduled to be heard later today at 2:00 p.m.**

Tentative Ruling:

Party Information

Debtor(s):

Samini Cohen Spanos LLP

Represented By
Robert P Goe

Defendant(s):

By The Sea Realty, LLC, a

Represented By
Michael Tusken

Plaintiff(s):

Howard M Ehrenberg (TR)

Represented By
Steve Burnell
Daniel A Lev

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Steve Burnell

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:22-16660 Silva Agasyan

Chapter 7

Adv#: 2:23-01104 Agasyan v. Agasyan

#9.00 Cont'd Status Conference re: Complaint to
Determine Non-Dischargeability of Debt
fr. 5/30/23, 9/5/23

Docket 1

***** VACATED *** REASON: Adversary Proceeding dismissed on
10/31/23. Adv. dkt. 38.**

Tentative Ruling:

Party Information

Debtor(s):

Silva Agasyan

Represented By
Stella A Havkin

Defendant(s):

Silva Agasyan

Represented By
Lisa Rosenthal

Plaintiff(s):

Henrik Agasyan

Represented By
James A Dumas Jr
Christian T Kim

Trustee(s):

John J Menchaca (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:23-16484 Charles Weber

Chapter 11

#1.00 Hrg re: U.S. Trustee's Motion to dismiss or convert case

Docket 18

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 2, 11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

Charles Weber

Pro Se

Trustee(s):

Susan K Seflin (TR)

Pro Se

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Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:23-16484 Charles Weber

Chapter 11

#2.00 Cont'd status conference re: Chapter 11 case
fr. 10/31/23, 11/14/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Dismiss this case, subject to the conditions set forth in Debtor's Stipulation with the United States Trustee and the Subchapter V Trustee (dkt. 27) and further subject to the retention of jurisdiction 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.")

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling (including for all prior dates set forth below), 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.

(1) Current issues

(a) United States Trustee's motion to dismiss, convert, or appoint a chapter 11 trustee (dkt. 18, "MTD"); Debtor's response (dkt. 26)

Dismiss this case but reserve jurisdiction regarding any potential request for relief by any creditor or other party in interest seeking relief due to not having been served with the MTD, because of Debtor's failure to file a creditor matrix.

Reasons: At the 11/14/23 status conference Debtor's proposed bankruptcy counsel appeared and stated Debtor's intent to file responsive

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1:00 PM

CONT...

Charles Weber

Chapter 11

papers and consent to dismissal of this case. This Court orally ordered Debtor's proposed counsel to (i) file a creditor matrix and (ii) serve on all creditors and other parties in interest Debtor's papers responding to the MTD, including any stipulation consenting to dismissal of this case, thereby providing notice to all creditors of the possible dismissal of this case. As this Court explained at that prior status conference, dismissal of a case sometimes harms creditors by causing possible avoidable preference actions and other remedies to be time barred.

As of the preparation of this tentative ruling, Debtor has belatedly filed and served, on 11/24/23, a response (dkt. 26) and a stipulation to dismissal (dkt. 27). Those documents were not served in time to give creditors meaningful notice of this hearing (in addition, no creditor matrix has been filed as of this time).

The solution appears to be to preserve for creditors the right to seek any appropriate relief from this Court (*e.g.*, seeking to vacate the dismissal of this case so as to pursue avoidable transfers, if any were to be discovered). The tentative ruling is that such a solution is within this Court's discretion. *Compare, e.g., In re Bibo, Inc.*, 76 F.3d 256 (9th Cir. 1996) (discretion to fashion appropriate relief re dismissal).

(2) Dates/procedures. This Subchapter V case was filed on 10/4/23.

- (a) Bar date: 12/13/23 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 13).
- (b) Procedures Order: dkt. 7 (no proof of service filed)
- (c) Plan/Disclosure Statement: was to be filed by 90 days after the petition date (per 11 U.S.C. 1189(b)). See *also* Procedures Order.
- (d) Continued status conference: N/A.

Tentative Ruling for 11/14/23:

Appearances required by Debtor's counsel.

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

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CONT... Charles Weber
posted tentative rulings.

Chapter 11

(1) Current issues

Based upon a telephone call placed to chambers, it is this Court's understanding that Debtor, who filed the Chapter 11 petition commencing this case *pro se*, has now retained counsel. 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.

(2) Dates/procedures. This Subchapter V case was filed on 10/4/23.

- (a) Bar date: 12/13/23 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 13).
- (b) Procedures Order: dkt. 7 (no proof of service filed)
- (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: TBD

Tentative Ruling for 10/31/23:

Appearances required by Debtor himself.

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) Service of order setting principal status conference

This Court's order setting principal status conference and setting various procedures (the "Procedures Order," dkt. 7) required Debtor to serve that order on all parties in interest and file a proof of service at least 14 days before the principal status conference. As of the preparation of this tentative ruling, there is no proof of service on file. Debtor should be prepared to address whether he served the Procedures Order as required.

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If not, the tentative ruling is to direct Debtor to file and serve a Notice, with a copy of the Procedures Order attached as an exhibit, informing all parties in interest that "Debtor failed to serve the Procedures Order on all parties in interest as directed by the Bankruptcy Court, which may have prejudiced some parties. The Bankruptcy Court has directed Debtor 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, Debtor is cautioned that failure to comply with this Court's orders may result in adverse consequences.

(b) Missing status report

The Procedures Order also directed that at least fourteen days before the principal status conference Debtor must (i) file a status report on local form F 2015-3.1.SUBV.STATUS.RPT, (ii) serve it on all parties in on all parties in interest, and (iii) file a proof of service. As of the preparation of this tentative ruling Debtor has not complied.

(c) Budget motion and other "First-day" motions

The posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) state that all chapter 11 debtors are required to file a budget motion. In addition, Debtor is directed to address whether any other typical so-called "first-day" motion(s) might be required or appropriate.

(d) New deadline

The tentative ruling is to set a new **deadline of 11/7/23** for Debtor to file and serve (i) the Procedures Order and the notice set forth above, (ii) the missing Status Report, and (iii) a budget motion, to be self-calendared for a hearing on 11/28/23 at 1:00 p.m.

(e) Possible dismissal, dismissal with a bar, conversion to chapter 7, or other remedies?

This Court notes that the United States Trustee has filed a motion (dkt. 18) to dismiss or convert this case or for other remedies. In addition, this Court has concerns because (i) in this Court's experience, debtors who are not represented by experienced bankruptcy counsel have little to no chance

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of successfully confirming a chapter 11 plan of reorganization and (ii) Debtor's failure to comply with this Court's orders and deadlines and representation that he cannot afford to retain bankruptcy counsel appear to indicate that this chapter 11 case may be unrealistic.

(2) Dates/procedures. This Subchapter V case was filed on 10/4/23.

(a) Bar date: 12/13/23 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 13).

(b) Procedures Order: dkt. 7 (no proof of service filed)

(c) Plan/Disclosure Statement: file by 90 days after the petition date (per 11 U.S.C. 1189(b)) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 11/14/23 at 1:00 p.m.

Party Information

Debtor(s):

Charles Weber

Pro Se

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:23-13307 Seyed Mustafa Maghloubi

Chapter 11

#3.00 Hrg re: U.S. Trustee's Motion to dismiss or convert case

Docket 42

Tentative Ruling:

Please see the tentative ruling for the Status Conference (Calendar no. 4, 11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

Seyed Mustafa Maghloubi

Pro Se

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2:23-13307 Seyed Mustafa Maghloubi

Chapter 11

#4.00 Cont'd Status conference re: Chapter 11 case
fr. 11/14/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required by counsel for Debtor (if any) and Debtor himself.

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 non-appearance at prior ("Principal") status conference, and failure to comply with duties

Debtor failed to appear at the "Principal" status conference on 11/14/23, as ordered by this Court's Procedures Order (dkt. 32). In addition, Debtor has failed to comply with other duties in this case, as set forth in part "(1)(b)" of this tentative ruling.

The tentative ruling is to dismiss this case (for the reasons set forth below) but retain jurisdiction to issue an order (an "OSC") directing Debtor to appear at a future hearing, contemporaneous with the continued Status Conference (see part "(2)(d)" of this tentative ruling, below), and show cause why he should not be sanctioned (i) \$2,000.00 as a small punitive sanction for disregarding this Court's Procedures Order and his other duties in this bankruptcy case and (ii) additional coercive daily sanctions, starting at \$100.00 per day, commencing the day after the OSC comes on for hearing and continuing until he (belatedly) files a creditor matrix and a complete set of bankruptcy schedules ("Schedules") and a statement of financial affairs ("SOFA"), sworn under penalty of perjury. The Schedules and SOFA should provide all parties in interest with information from which they can determine whether to seek other relief.

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The tentative ruling is that, if Debtor fails or refuses to file these documents, or to appear in future in response to the OSC, this Court anticipates increasing the dollar amount of sanctions so as to coerce compliance. In addition, Debtor is cautioned that this Court might eventually request the assistance of the U.S. Marshal Service to take Debtor into custody so as to compel his appearance.

Proposed order(s): Unless otherwise ordered, after the hearing *this Court will prepare and issue the OSC.*

(b) Motion by the United States Trustee ("UST") to dismiss this bankruptcy case ("MTD," dkt. 42); Response (dkt. 57) by petitioning creditors MJ Shanahan & Associates and We Enforce Judgments, LLC (collectively, "Petitioners")

Dismiss this case with a 180-day bar against being a debtor in bankruptcy, under 11 U.S.C. 109(g)(1), for willful failure to appear in proper prosecution of this case and, alternatively, for willful failure to comply with this Court's Procedures Order (dkt. 32). The tentative ruling is to retain jurisdiction regarding the OSC described above and regarding any request for relief by any creditor or other party in interest seeking sanctions, vacating dismissal of this case, or other relief (i) due to not having been served with the MTD, because of Debtor's failure to file a creditor matrix, or alternatively (ii) due to realistic prospects for recovery of suspected income, assets, potentially avoidable transfers, or discovery of any other matters not disclosed by Debtor in the bankruptcy schedules or other filings he was required to, but did not, make.

Analysis: The background is set forth in the MTD and this Court's Tentative Ruling for 11/14/23 (reproduced below). Debtor's apparently willful disregard of his duties appears to have imposed substantial burdens and expenses on the United States Trustee ("UST"), the petitioning creditors, and this Court. Meanwhile, however, the pendency of this bankruptcy case appears likely to cause problems for any parties in interest who may be engaging in transactions with Debtor without knowing that he is a debtor in bankruptcy. Therefore it appears to be in the best interest of creditors to dismiss this case.

Although Petitioners assert that there might be income or possibly assets from which to pay creditors, the tentative ruling is that it would be inappropriate to appoint a chapter 11 trustee, who would be automatically

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charged with various investigative duties and other burdens, without much greater assurances of any *funding* to pay the trustee and any professionals retained by the trustee. The most appropriate disposition appears to be to dismiss this case as set forth above, at least in the absence of such funding, or possibly other alternatives that might address this problem such as Petitioners or other creditors taking on the burden and expenses of investigations and avoidance actions. See generally, e.g., *In re Maximus Computers, Inc.*, 278 BR 189, 197-98 (9th Cir. BAP 2002).

The tentative ruling is that dismissal with a bar, but with retention of jurisdiction regarding the OSC and an opportunity for creditors and other parties in interest to seek appropriate relief, is an appropriate solution that is within this Court's discretion. Cf., e.g., *In re Bibo, Inc.*, 76 F.3d 256 (9th Cir. 1996) (discretion regarding dismissal).

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

(2) Dates/procedures. This case was filed on 5/30/23. An Order for Relief was entered on 6/27/23, dkt. 11. The case was converted from Chapter 7 to Chapter 11 on 10/12/23, dkt. 29.

- (a) Bar date: TBD
- (b) Procedures Order: dkt. 32 (not served)
- (c) Plan/Disclosure Statement: TBD
- (d) Continued status conference: 12/19/23 at 1:00 p.m.

Tentative Ruling for 11/14/23:

Appearances required by counsel for Debtor (if any) and Debtor.

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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(1) Current issues

(a) Debtor's failure to comply with the Procedures Order (dkt. 32) and with reporting requirements imposed by the United States Trustee (the "UST")

On 10/13/23, this Court entered a Procedures Order (dkt. 32) imposing various requirements upon Debtor. There is no indication that Debtor has fulfilled any of the requirements set forth in the Procedures Order.

Debtor has not filed a proof of service establishing that he served the Procedures Order upon creditors, as required by ¶ 1 of that order. Debtor has not filed a case status report, as required by ¶ 3 of the Procedures Order.

This Court recognizes that this case was commenced as an involuntary petition. But, to the extent Debtor wished to object to becoming subject to the various obligations imposed upon individuals who are proceeding in bankruptcy, he had an opportunity to do so by contesting the allegations of the involuntary petition. Having chosen not to avail himself of that opportunity, Debtor is now a debtor-in-possession responsible for complying with the obligations imposed by the Bankruptcy Code, including orders issued by this Court.

Debtor's apparent failure to comply with any UST reporting requirements is also of significant concern. See *generally* UST Motion to Dismiss, Convert, or Direct the Appointment of a Chapter 11 Trustee (dkt. 42) (the "UST Motion to Dismiss"). Debtor is cautioned that the continued failure to comply with this Court's orders and with the reporting requirements promulgated by the UST may result in various adverse consequences, including possible sanctions.

(b) Claims bar date and other Chapter 11 deadlines

The tentative ruling is (A) to refrain from setting any deadlines pertaining to plan confirmation, such as a claims bar date and a deadline to file and serve a plan and disclosure statement, until after the UST Motion to Dismiss has been adjudicated and (B) to set a continued Status Conference concurrent with the hearing on the UST Motion to Dismiss (see Section "2(d)," below).

(2) Dates/procedures. This case was filed on 5/30/23. An Order for Relief was entered on 6/27/23, dkt. 11. The case was converted from Chapter 7 to Chapter 11 on 10/12/23, dkt. 29.

(a) Bar date: TBD

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(b) Procedures Order: dkt. 32 (not served)

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 11/28/23 at 1:00 p.m., concurrent with UST Motion to Dismiss. Status report due 11/21/23.

Party Information

Debtor(s):

Seyed Mustafa Maghloubi

Pro Se

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2:23-16758 Clark Edward Parker

Chapter 11

#5.00 Hrg re: Application of debtor and debtor in possession
to employ Leslie Cohen Law, PC as Bankruptcy Counsel

Docket 21

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 6,
11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

Clark Edward Parker

Represented By
Leslie A Cohen

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2:23-16758 Clark Edward Parker

Chapter 11

#6.00 Cont'd Status Conference re: Chapter 11 Case
fr. 11/14/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Grant the employment application and continue the status conference as set forth below. Appearances are not required on 11/28/23. (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) Application to employ Leslie Cohen Law, PC (dkt. 21, "Employment Application"), Notice (dkt. 22), Statement of disinterestedness (dkt. 23), & Supplemental Cohen Decl. (dkt. 40), no opposition on file

The tentative ruling is to grant the Employment Application subject to the standard employment terms set forth in the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) and further subject to clarification that mere notice of any future third party funder ("Funder") is insufficient: counsel must seek prior authorization before continued employment with a Funder is permitted.

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

(2) Dates/procedures. This case was filed on 10/16/23.

(a) Bar date: 1/5/24 (dkt. 34) (timely served, dkt. 39)

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(b) Procedures Order: dkt. 6 (timely served, dkt. 10)

(c) Plan/Disclosure Statement: TBD.

(d) Continued status conference: 12/5/23 at 2:00 p.m., concurrent with other matters. No written status report is required.

Party Information

Debtor(s):

Clark Edward Parker

Represented By
Leslie A Cohen

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2:23-16844 Red Roof Inc.

Chapter 11

#8.00 Cont'd Status conference re: Chapter 11 case
fr. 11/14/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required by counsel for Debtor.

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. 20, 23), Opposition of Velocity (dkt. 24) & request for judicial notice (dkt. 25), no reply on file

There is no tentative ruling. The parties should be prepared to address the issues raised in the opposition papers.

(b) Application to employ Tang & Associates (dkt. 30)

This matter is not on for hearing today, but the Application (dkt. 30, p. 6) states that Debtor's principal, Connie Kim, made or will make a "contribution" of \$6,000.00 post-petition towards proposed counsel's retainer. Elsewhere Debtor is listed as the source of funds, without disclosing that the real source is Ms. Kim. See *id.*, p. 8 & PDF p. 9 last line.

In addition proposed counsel's retainer agreement (dkt. 30, PDF pp. 15-18) erroneously lists Ms. Kim as the client, rather than Red Roof Inc. Not only is that incorrect but it calls into doubt whether Ms. Kim understands that proposed counsel has certain ethical obligations to Debtor that might require it to take positions adverse to her personal interests.

As stated in the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov), "Declarations and/or briefs" generally are required to address the ethical concerns involved whenever a retainer is paid by a third

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party. See Cal. Rule of Prof'l Conduct 1.8.6; *In re Beverly Crest, LLC* (Case No. 2:19-bk-20000-NB, dkt. 44)." Based on this Court's review of the Application, Ms. Kim and proposed counsel have not addressed the issues that this Court typically requires prior to approving proposed employment.

The tentative ruling is to set a **deadline of 12/12/23** for Ms. Kim and Mr. Tang to file and serve supplemental declarations addressing the foregoing issues, and to file and serve a notice to the United States Trustee and creditors informing them that in view of the potential ethical issues whenever a third party is paying a debtor's legal fees this Court has set a **deadline of 12/19/24** for any party in interest to object to proposed counsel's employment. If, after that deadline, no party in interest has filed an opposition and request for hearing, proposed counsel may file a declaration that no party has filed an opposition and lodge a proposed order.

(2) Dates/procedures. This case was filed on 10/19/23.

(a) Bar date: 1/12/24 (dkt. 26) (timely served, dkt. 27)

(b) Procedures Order: dkt. 9 (timely served, dkt. 15)

(c) Plan/Disclosure Statement: file by 1/17/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 12/19/23 at 1:00 p.m. No written status report is required.

Tentative Ruling for 11/14/23:

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

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

(1) Current issues

(a) Tardy status report

Debtor's status report was due 10/31/23 (see Order, dkt. 9, p. 2:7-10) but it was not filed until 11/5/23. See dkt. 19. Debtor is cautioned in future to meet applicable deadlines.

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(b) Employment application(s)

If Debtor has not filed an application to employ bankruptcy counsel and other professionals (if any) by the time of this hearing the tentative ruling is to set a **deadline of 11/21/23** for Debtor to do so.

(2) Dates/procedures. This case was filed on 10/19/23.

(a) Bar date: 1/12/24 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Procedures Order: dkt. 9 (timely served, dkt. 15)

(c) Plan/Disclosure Statement: file by 1/17/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 11/28/23 at 1:00 p.m., concurrent with other matters. No written status report is required.

Party Information

Debtor(s):

Red Roof Inc.

Represented By
Kevin Tang

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2:23-16844 Red Roof Inc.

Chapter 11

#7.00 Hrg re: Motion in Chapter 11 Case for
Order Authorizing Use of Cash Collateral

Docket 20

Tentative Ruling:

Appearances required.

As of the preparation of this tentative ruling Debtor has not filed any reply papers in support of its cash collateral motion. Debtor should be prepared to address the issues asserted in the opposition of U.S. Bank Trust Company, N.A., as Trustee for Velocity Commercial Capital Loan Trust 2021-4 ("Velocity") (dkt. 24 & 25). Additionally, Debtor has not filed mandatory LBR Form 4001-2(a) (disclosures) and Debtor is directed to provide offers of proof at the hearing regarding the required disclosures.

IF this Court is persuaded to grant the motion on an interim basis, the tentative ruling is that any such grant will be subject to the conditions set forth below, with a continued interim hearing on 12/19/23 at 1:00 p.m., and a deadline of 11/30/23 for Debtor to file and serve a notice of the final hearing.

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

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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 (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).

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(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 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):

Red Roof Inc.

Represented By
Kevin Tang

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2:23-14313 IVCINYA COMPANY LLC

Chapter 11

#9.00 Hrg re: First Interim Application RHM LAW, LLP, General Bankruptcy Counsel for Debtor, for Allowance and Reimbursement of Costs for the Period July 11, 2023 Through October 31, 2023

Docket 75

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 10, 11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

IVCINYA COMPANY LLC

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Trustee(s):

Mark M Sharf (TR)

Pro Se

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

Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:23-14313 IVCINYA COMPANY LLC

Chapter 11

#10.00 Cont'd Status Conference re: Chapter 11 Case
fr. 7/13/23, 8/8/23, 9/12/23, 10/31/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Grant the fee application and continue the status conference, all as set forth below. Appearances are not required on 11/28/23. (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) Fee application of Debtor's general bankruptcy counsel RHM Law LLP (dkt. 75-76), no opposition on file

Allow \$55,552.00 in fees and \$2,748.18 in expenses, for a total award of \$58,300.18; and authorize and direct payment of the full amounts allowed in accordance with the payment schedule proposed in the fee application (Debtor to pay \$5,000.00 upon entry of an order approving the fee application and \$1,500.00 per month until allowed fees have been paid in full, see dkt. 75 at p. 5).

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

(2) Dates/procedures. This case was filed on 7/11/23.

(a) Bar date: 9/19/23 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one

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IVCINYA COMPANY LLC

Chapter 11

has already been sent, see dkt. 21).

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

(c) Plan/Disclosure Statement: Plan filed 10/9/23 (dkt. 67); deadline for filing of contemplated First Amended Plan to be determined

(d) Continued status conference: 12/5/23 at 1:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

IVCINYA COMPANY LLC

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Mark M Sharf (TR)

Pro Se

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

1:00 PM

2:23-10384 Joseph Youshaei

Chapter 11

#11.00 Hrg re: Trustee's Motion To Approve Compromise
With Farbod Youshei And Helena Radina

Docket 118

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 12,
11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

Joseph Youshaei

Represented By
Stella A Havkin

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:23-10384 Joseph Youshaei

Chapter 11

#12.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/21/23, 3/21/23, 4/25/23, 5/30/23, 6/13/23,
8/8/23, 10/3/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:
Appearances required.

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

(1) Current issues

(a) Subchapter V Trustee's settlement motion (dkt. 118, 119); Debtor's opposition (dkt. 121, 122); Subchapter V Trustee's reply (dkt. 123); Declaration of Farbod Youshei supporting settlement (dkt. 124); untimely declaration of A. Carvalho in support of Debtor's opposition (dkt. 125); unauthorized sur-reply declaration of Z.A. Khokher (dkt. 126)

The tentative ruling is to strike the untimely documents (dkt. 125, 126). Alternatively, the tentative ruling is that those documents do not change the analysis because they do not appear to raise any issues or provide any evidence that would change the analysis already conducted by the Subchapter V Trustee.

The tentative ruling is to overrule Debtor's opposition and grant the settlement motion for the reasons set forth in the motion and reply papers. The tentative ruling is that, to the extent the reply declaration of Farbod Youshei (dkt. 124) includes new evidence, it is appropriate for this Court to take such evidence into account because

- (i) it only reinforces the assertions in the settlement motion that the Subchapter V Trustee has done his due diligence and exercised his business judgment, and

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Chapter 11

(ii) much of it does not appear to be subject to being contested,
e.g.:

- (A) the date of the Trustee's Deed by which Debtor's business acquired the cash wash property (which is different from what Debtor asserts in his opposition papers) does not appear to be subject to any genuine dispute (dkt. 124, Ex.1, at Bates pp. 6-10);
- (B) the admissions in the judgment debtor examination about Debtor's 60% ownership interest having been adjusted to 40% (*i.e.*, assuming without deciding that, notwithstanding Debtor's earlier testimony, there currently exist legitimate grounds for him to assert that he continues to have a 60% ownership interest, it is within the Subchapter V Trustee's discretion to take Debtor's earlier testimony into account in weighing the merits of the disputes that are being settled) (dkt. 124, Ex. 2, at Bates pp. 11-12, 15 & 25); and
- (C) the admissions in Debtor's declaration from another (unspecified) proceeding, allegedly filed 8/16/18, in which he declares that this cash was business was "a money losing business" (*i.e.*, again, assuming without deciding that there are legitimate grounds for Debtor to change his views on this issue, that does not change the fact that the Subchapter V Trustee can take into account Debtor's earlier declaration) (dkt. 124, Ex. 3, at Bates p. 27:7-11).

Alternatively, the tentative ruling is that even without the reply declaration of Farbod Youshei (dkt. 124), the reply itself (dkt. 123) adequately responds to the opposition papers. Specifically, this Court's analysis is as follows.

Debtor has not shown that the settlement falls below the lowest range of reasonableness and, to the contrary, the tentative ruling is that the settlement appears to be an appropriate exercise of the Subchapter V Trustee's business judgment to resolve claims Debtor's estate allegedly has against the settling parties as consideration for the settling parties' consent to the sale of the car wash and real property and resolution of outstanding disputes. See, *e.g.*, Settlement Motion (dkt. 118), p. 6:7-10 ("...should an audit/reconstruction of the financial records of Shoor Temple and Eagle

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Chapter 11

Nasher be required, litigation expenses would continue to accrue and payments to creditors would be significantly delayed ... [and] the estate currently lacks the resources to fund any significant litigation"). On this record, the tentative ruling is that the settlement appears fair and reasonable and in the best interests of the estate and its creditors.

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

(b) Outstanding Monthly Operating Reports ("MORs")

As of the preparation of this tentative ruling the Subchapter V Trustee has not filed MORs for the months of September or October. The Subchapter V Trustee should be prepared to address the status of those reports.

(2) Dates/procedures. This case was filed on 1/24/23. On 6/2/23 this Court entered an order removing Debtor from possession and expanding the Subchapter V Trustee's powers. See dkt. 86.

- (a) Bar date: 4/4/23 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 12).
- (b) Procedures Order: dkt. 6 (timely served, dkt. 10)
- (c) AmPlan/Disclosure Statement: TBD
- (d) Continued status conference: 12/19/23 at 1:00 p.m., concurrent with other matters. *Brief* status report due 12/5/23.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Joseph Youshaei

Represented By
Stella A Havkin

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Los Angeles
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CONT... Joseph Youshaei

Chapter 11

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:23-11695 2202 East Anderson Street, LLC

Chapter 11

#13.00 Hrg re: Motion for Order of Dismissal of Chapter 11 Bankruptcy Case and Authorizing Payment of administrative payment of administrative expenses and creditor claims

Docket 179

***** VACATED *** REASON: Ruling on Nov 14th, cont'd hrg to 12/19/23 at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

2202 East Anderson Street, LLC

Represented By
Raymond H. Aver

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim

**United States Bankruptcy Court
Central District of California
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2:23-11695 2202 East Anderson Street, LLC

Chapter 11

#14.00 Cont'd Status Conference re: Chapter 11 Case
fr. 4/25/23, 5/4/23, 5/12/23, 5/22/23, 5/30/23,
6/27/23, 7/18/23, 8/8/23, 9/12/23, 9/19/23,
10/3/23, 11/14/23

Docket 1

***** VACATED *** REASON: Ruling on Nov 14th, cont'd s/c to 12/19/23 at
2:00 p.m.**

Tentative Ruling:

Party Information

Debtor(s):

2202 East Anderson Street, LLC

Represented By
Raymond H. Aver

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim

**United States Bankruptcy Court
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Hearing Room 1545

1:00 PM

2:22-13987 Magic Designs, Inc.

Chapter 11

#15.00 [CASE DISMISSED on 10/30/23]

Hrg re: Application of Terzian Law Group, a professional Corporation, Bankruptcy Counsel for Debtor and Debtor in Possession, for Allowance and Payment of Compensation and Reimbursement of Expenses for the Period Beginning 1/23/23 through and Including 11/7/23 on a Final Basis

Docket 150

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 17, 11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

Magic Designs, Inc.

Represented By
Tamar Terzian

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros

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Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:22-13987 Magic Designs, Inc.

Chapter 11

#16.00 [CASE DISMISSED on 10/30/23]

Hrg re: Application for payment of Final Fees and/or Expenses
[Arturo Cisneros, subchapter V Trustee]

Docket 148

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 17,
11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

Magic Designs, Inc.

Represented By
Tamar Terzian

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros

**United States Bankruptcy Court
Central District of California
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Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:22-13987 Magic Designs, Inc.

Chapter 11

#17.00 Cont'd Status Conference re: Chapter 11 Case
fr. 7/27/22, 8/23/22, 9/27/22, 11/8/22, 1/10/23,
2/21/23, 4/18/23, 4/25/23, 5/30/23, 6/13/23, 7/11/23,
8/8/23, 9/19/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Continue the status conference and the hearing on the fee applications as a result of a service defect, all as set forth below. Appearances are not required on 11/28/23. (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) Fee applications of Terzian Law Group, APC (dkt. 150 & 151) and the Subchapter V Trustee (dkt. 148 & 151), no opposition on file

Epps & Coulson LLP ("Former Attorneys") was employed as Debtor's general bankruptcy counsel from 7/23/22 to 1/23/23, see dkt. 138 at ¶ 3. Terzian Law Group, APC ("Current Attorney") was employed as Debtor's general bankruptcy counsel from 7/23/22 until the case was dismissed, see dkt. 97.

On the Proof of Service attached to her fee application (dkt. 150, p. 36), Current Attorney testifies that on 11/7/23, she "checked the CM/ECF docket for this bankruptcy case ... and determined that" Former Attorneys received notice of the fee application via the Notice of Electronic Filing ("NEF") system. However, the electronic receipt associated with Current Attorney's fee application shows that in actuality, Former Attorneys did **not**

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Magic Designs, Inc.

Chapter 11

receive NEF notice of the fee application. The likely explanation is that when the CM/ECF docket was updated to show that Former Attorney's representation had been terminated and that Debtor was represented by Current Attorney, Former Attorney was removed from the NEF list.

The fee application filed by the Subchapter V Trustee (dkt. 148) was also not served on Former Attorneys.

The tentative ruling is (x) to continue the status conference and the hearing on the fee applications as set forth in Section "2(d)," below and (y) to set a **deadline of 11/29/23** for Current Attorney and the Subchapter V Trustee to provide notice of the continued hearing to Former Attorneys and to file Proofs of Service so indicating. (This Court notes that for tax purposes, many attorneys attempt to obtain rulings upon their fee applications before the close of the calendar year; the short notice deadline is necessary to allow this to occur.) To reduce expense, it is not necessary for notice of the continued hearing to be served upon parties who received notice of this hearing (by failing to file timely objections, such parties have waived or forfeited their ability to file an objection in connection with the continued hearing).

(2) Dates/procedures. This case was filed on 7/23/22 and dismissed on 10/30/23 (dkt. 145).

(a) Continued status conference: 12/19/23 at 1:00 p.m., concurrent with the continued hearing on the fee applications. No written status report is necessary.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Magic Designs, Inc.

Represented By
Tamar Terzian

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:22-15163 The Hacienda Company, LLC

Chapter 11

#18.00 Hrg re: First And Final Application Of Fisher & Phillips L.L.P. For Approval Of Fees And Reimbursement Of Expenses Incurred As Special Litigation Counsel For The Debtor And Debtor In Possession For The Period Of September 21, 2022 To October 16, 2023

Docket 216

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 22, 11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

The Hacienda Company, LLC

Represented By
David L. Neale
Lindsey L Smith
Juliet Y. Oh

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:22-15163 The Hacienda Company, LLC

Chapter 11

#19.00 Hrg re: First And Final Application Of Eisner LLP. For Approval Of Fees And Reimbursement Of Expenses Incurred As Special Corporate Counsel For The Debtor And Debtor In Possession For The Period Of September 21, 2022 To October 16, 2023

Docket 218

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 22, 11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

The Hacienda Company, LLC

Represented By
David L. Neale
Lindsey L Smith
Juliet Y. Oh

Trustee(s):

Susan K Seflin (TR)

Pro Se

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

Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:22-15163 The Hacienda Company, LLC

Chapter 11

#20.00 Hrg re: Application for Compensation of
Final Fees and/or Expenses
[Susan K. Seflin, SubChapter VTrustee]

Docket 220

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 22,
11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

The Hacienda Company, LLC

Represented By
David L. Neale
Lindsey L Smith
Juliet Y. Oh

Trustee(s):

Susan K Seflin (TR)

Pro Se

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

Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:22-15163 The Hacienda Company, LLC

Chapter 11

#21.00 Hrg re: Second And Final Application Of Levene, Neale, Bender, Yoo & Golubchik L.L.P. For Approval Of Fees And Reimbursement Of Expenses Incurred As General Bankruptcy Counsel For The Debtor And Debtor In Possession For The Period Of January 1, 2023 To November 6, 2023

Docket 221

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 22, 11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

The Hacienda Company, LLC

Represented By
David L. Neale
Lindsey L Smith
Juliet Y. Oh

Trustee(s):

Susan K Seflin (TR)

Pro Se

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

Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:22-15163 The Hacienda Company, LLC

Chapter 11

#22.00 Cont'd Status Conference re: Chapter 11 Case
fr. 10/25/22, 12/6/22, 12/20/22, 1/24/23, 02/07/23,
3/7/23, 4/4/23, 6/27/23, 7/11/23, 7/18/23, 8/8/23,
9/19/23, 10/3/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Grant the fee applications and continue the status conference, all as set forth below. Appearances are not required on 11/28/23. (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) Fee application of Debtor's general bankruptcy counsel Levene, Neale, Bender, Yoo & Golubchik LLP (dkt. 221 & 222), no opposition on file

Allow \$227,375.25 in fees and \$17,019.15 in expenses, for a total award of \$244,393.40 (consisting of (A) \$82,460.00 in fees and \$4,840.03 in expenses previously awarded on an interim basis, (B) \$1,756.71 in expenses incurred during the first interim fee period that were not requested in the first interim fee application, and (C) \$144,915.25 in fees and \$10,422.41 in expenses sought in connection with this final fee application); authorize and direct payment of the full amounts allowed, to the extent not previously paid; and confirm as final all fees and expenses previously awarded on an interim basis.

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1:00 PM

CONT...

The Hacienda Company, LLC

Chapter 11

(b) Fee application of Debtor's special litigation counsel Fisher & Phillips LLP (dkt. 216 & 222), no opposition on file

Allow \$9,732.55 in fees and \$3,213.60 in expenses, for a total award of \$12,946.15; and authorize and direct payment of the full amounts allowed.

(c) Fee application of Debtor's special corporate counsel Eisner LLP (dkt. 218 & 222), no opposition on file

Allow \$2,087.50 in fees and \$20.00 in expenses, for a total award of \$2,107.50; and authorize and direct payment of the full amounts allowed.

(d) Fee application of Subchapter V Trustee Susan K. Seflin (dkt. 220 & 220), no opposition on file

Allow \$17,095.50 in fees (no expenses have been requested), for a total award of \$17,095.50 (consisting of \$5,775.00 in fees previously awarded on an interim basis and \$11,320.50 in fees sought in connection with this final fee application); authorize and direct payment of the full amounts allowed, to the extent not previously paid; and confirm as final all fees and expenses previously awarded on an interim basis.

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

(2) Dates/procedures. This case was filed on 9/21/22. The petition was amended to elect Subchapter V on 9/21/22 (dkt. 6).

(a) Bar date: 11/30/22 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 15).

(b) Procedures order (dkt. 3): timely served (dkt. 5).

(c) Plan (dkt. 129): Plan confirmed on 9/19/23. See Memorandum Decision (dkt. 200 & 204).

(d) Post-confirmation status conference: 1/23/24 at 1:00 p.m. Post-confirmation status report due 1/9/24.

Note: The order confirming Debtor's Second Amended Chapter 11 Liquidating Plan (the "Confirmation Order," dkt. 204) states that the post-confirmation status conference will take place on 1/24/24 at 1:00 p.m. For the avoidance of doubt, the post-

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Chapter 11

confirmation status conference will take place on 1/23/24 at 1:00 p.m. (not on 1/24/24 at 1:00 p.m. as stated in the Confirmation Order). To ensure that all creditors have been provided notice, this Court will prepare and enter an order clarifying the date of the post-confirmation status conference, and cause such order to be served upon the entire creditor matrix.)

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

The Hacienda Company, LLC

Represented By
David L. Neale
Lindsey L Smith
Juliet Y. Oh

Trustee(s):

Susan K Seflin (TR)

Pro Se

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

1:00 PM

2:18-12429 Dana Hollister

Chapter 11

#23.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/9/18, 3/20/18, 3/21/18, 4/17/18, 5/3/18, 5/7/18,
6/12/18, 6/22/18, 7/16/18, 8/3/18, 9/4/18, 11/6/18,
01/15/19, 1/29/19, 2/26/19, 3/26/19, 4/16/19;
04/29/19, 05/21/19, 5/28/19, 6/18/19, 7/2/19; 08/06/19,
10/15/19, 11/12/19, 11/21/19, 01/14/20, 3/3/20, 3/10/20,
04/07/20, 5/19/20, 6/16/20, 6/30/20, 7/14/20, 7/28/20,
8/4/20, 09/15/20, 10/27/20, 12/08/20, 1/21/21, 02/25/21,
3/23/21, 4/27/21, 6/1/21, 6/15/21, 7/8/21, 7/20/21, 8/18/21,
3/15/22, 8/19/21, 9/9/21, 9/28/21, 10/12/21 10/26/21, 11/9/21,
12/14/21, 1/25/22, 2/15/22, 2/17/22, 2/24/22, 3/15/22, 3/29/22,
4/26/22, 5/31/22, 6/14/22, 7/26/22, 8/2/22, 8/9/22, 9/7/22,
9/19/22, 10/25/22, 11/8/22, 12/6/22, 12/13/22, 12/20/22, 1/12/23,
2/7/23, 3/7/23, 4/4/23, 4/24/23, 4/28/23, 5/30/23, 7/11/23, 7/18/23,
9/19/23, 10/17/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:
Appearances required.

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

(1) Current issues

(a) Status of Paramour's efforts to obtain new financing (Status Report, dkt. 1997)

Paramour Holdings, LLC ("Paramour") has provided a letter from J.P.

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CONT...

Dana Hollister

Chapter 11

Morgan Private Bank stating that it and affiliates have secured \$23.5 million in immediately available financing (dkt. 1997, Ex. A, p. 2). Paramour states that the parties expect to close the financing prior to this status conference, and that the funds will be sufficient both to refinance secured obligations and to fund the outstanding dollar amounts due under the confirmed Plan.

All parties should be prepared to address whether there are any other outstanding issues, and how soon the next status conference should be scheduled. The tentative ruling is to provide only a brief continuance, so that in the event any matters need to be address before the end of the calendar year there will be a hearing date at which this Court can address any issues suitable for determination at a status conference.

(b) Debtor's Motion for Entry of Final Decree & Discharge ("Final Decree/Discharge Motion," dkt. 1978), Opposition of SulmeyerKupetz as counsel to former "Agent" (dkt. 1980), Debtor's reply (dkt. 1981)

The tentative ruling is to continue the Final Decree/Discharge Motion to be concurrent with the continued status conference (see part "(2)" of this Tentative Ruling, below) because it is premature to grant such relief at this time (but, because Debtor is now self-represented, the motion should be continued rather than denied so that Debtor need not attempt to file and serve a new motion).

(2) Deadlines/dates

The tentative ruling is to continue both matters to 12/19/23 at 1:00 p.m. (no written status report required).

[PRIOR TENTATIVE RULINGS OMITTED (for principal issues, see dkt. 238, 239, 528, 547, 557, 1330, 1382-83, 1410, 1497, 1503, 1533, 1569, 1581, 1625, 1675, 1683, 1711, 1834, 1934, 1940, 1941, and adv. no. 2:21-ap-01173-NB, adv. dkt. 91)]

Party Information

Debtor(s):

Dana Hollister

Represented By
Mark A Kressel
Alan M Insul

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2:18-12429 Dana Hollister

Chapter 11

#24.00 Cont'd hrg re: Motion for entry of a Final Decree
providing for discharge of the debtor and
order closing case.
fr. 7/11/23, 9/19/23, 10/17/23

Docket 1978

Tentative Ruling:

Tentative Ruling for 11/28/23:

Please see the tentative ruling for the status conference (Calendar No. 23,
11/28/23 at 1:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Dana Hollister

Represented By
Mark A Kressel
Alan M Insul

Movant(s):

Dana Hollister

Represented By
Mark A Kressel
Alan M Insul

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2:23-12637 Robert Dwight Winter, Jr.

Chapter 11

#25.00 Cont'd Status Conference re: Chapter 11 Case
fr. 5/30/23, 6/13/23, 6/27/23, 7/11/23, 8/8/23,
10/3/23, 10/31/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:
Appearances required.

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

(1) Current issues

(a) Status of sale of property located in Australia

Debtor is directed to provide an update on the status of the sale of the property located in Australia (the "Property"), including the status of negotiations with the Australian tax authorities regarding the reserve for capital gains taxes. Debtor is also directed to provide an update with respect to the estimated timeline for filing an amended plan. All parties should be prepared to address how soon the next status conference should be scheduled.

(b) Submission of proposed order denying prior plan as moot

At the hearing on 10/31/23, this Court's tentative ruling was to confirm Debtor's prior plan; but at the hearing this Court was apprised that the proposed plan was no longer confirmable in view of the dispute with the Australian tax authorities. The parties should be prepared to address whether the denial of confirmation should be reflected in an order denying confirmation or an interim order that temporarily denies confirmation but provides for re-setting the confirmation hearing in some circumstances (e.g., if Debtor hopes to proceed with the same proposed plan, if Australian tax

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CONT... **Robert Dwight Winter, Jr.** **Chapter 11**

issues are resolved without the need for an amended plan). In any event, the tentative ruling is to set a **deadline of 12/5/23** to lodge a proposed order.

2) Dates/procedures. This case was filed on 4/28/23.

- (a) Bar date: 7/7/23 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 17).
- (b) Procedures Order: dkt. 8 (timely served, dkt. 12)
- (c) Amended Subchapter V Plan (dkt. 66): Deadline for the filing of a second amended plan to be determined
- (d) Continued status conference: 1/23/24 at 1:00 p.m. (no written status report required).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Robert Dwight Winter Jr.

Represented By
Leslie A Cohen

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:23-16398 1052 Martel, LLC

Chapter 11

#26.00 Cont'd status conference re: Chapter 11 case
fr. 10/31/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required by counsel for Debtor.

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) Employment application (dkt. 31, 32), tardy supplemental Kenig Decl. (dkt. 37)

As a preliminary matter, the adopted ruling for 10/31/23 (copied below) set a deadline of 11/7/23 for Debtor to file and serve supplemental declarations to the employment application addressing the Funder issues set forth in the Procedures, together with a notice of a hearing on the employment application. Based on this Court's review of the docket, Debtor did not file and serve those documents until 11/17/23. Debtor and Debtor's counsel are cautioned that failure to comply with this Court's deadlines and orders in future may result in the imposition of sanctions or other adverse consequences.

This Court is satisfied with the additional disclosures set forth in the Kenig Declaration (dkt. 37) so the tentative ruling is to approve the Employment Application subject to the standard employment terms set forth in the "Posted Procedures of Judge Bason" (available at www.cacb.uscourts.gov).

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7

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CONT...

1052 Martel, LLC

Chapter 11

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

(b) No proof of service of bar date order

The order setting bar date (dkt. 34) set a deadline of 11/6/23 for Debtor to serve that order on all parties in interest and file a proof of service. As of the preparation of this tentative ruling no proof of service has been filed.

Debtor is directed to address whether that order has been served and why no proof of service has been filed. The tentative ruling is that if Debtor did not timely serve the bar date order then this Court will vacate the prior order and set a **new bar date of 2/29/24**, with a caution to Debtor's counsel to be more mindful of deadlines. (As before, Debtor's counsel is directed not to file and serve the local form of notice, but instead wait for this Court's order setting a new bar date, which will include instructions for Debtor to serve a copy of that order on all parties in interest.)

In addition, if the current bar date order was not served then the tentative ruling is to continue the deadline to file a plan and disclosure statement. Debtor's counsel should be prepared to address these issues at the hearing.

(c) Monthly Operating Reports ("MORs")

As of the preparation of this tentative ruling Debtor has not filed its September or October MORs. Why not?

(2) Dates/procedures. This case was filed on 9/29/23.

(a) Bar date: 12/15/23 (dkt. 34) (no proof of service on file)

(b) Procedures Order: dkt. 17 (timely served, dkt. 23)

(c) Plan/Disclosure Statement: file by 1/8/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 1/23/24 at 1:00 p.m. No written status report is required.

Tentative Ruling for 10/31/23:

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

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

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CONT... 1052 Martel, LLC

Chapter 11

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) Compliance with requirements of United States Trustee ("UST")

Debtor's status report states that it is not in full compliance with applicable guidelines established by the UST, but is working to come into compliance. Dkt. 29, p. 2. Debtor should be prepared to address whether all issues have been resolved by the time of the hearing or describe the steps it intends to take to come into full compliance.

(b) Budget motion

Debtor's status report states that it does not intend to file a budget motion because it is not generating any revenue and expenses are being paid by Debtor's parent company. Dkt. 29, p. 3. The tentative ruling is to excuse the requirement for a budget motion.

(c) Employment application (dkt. 31, 32)

The employment application includes evidence that Debtor's principal, Ilan Kenig, and/or Debtor's parent company, FMB Consulting LLC, may be personally responsible for paying both the initial retainer of \$12,738.00 (dkt. 31, at p. 7 and at PDF p. 13, para. 3) and might be personally liable for monthly payments of \$1,500.00 commencing 11/1/23, because the retainer agreement is signed by Mr. Kenig in his individual capacity, as well as for Debtor (*id.* and at PDF p. 15). This implicate the posted "Procedures of Judge Bason" (the "Procedures," available at www.cacb.uscourts.gov) regarding any third party "Funder."

The tentative ruling is to set a **deadline of 11/7/23** for Debtor to file and serve supplemental declarations to the employment application addressing the Funder issues set forth in the Procedures, together with a notice of a hearing on the employment application concurrent with the continued status conference (see below).

(2) Dates/procedures. This case was filed on 9/29/23.

(a) Bar date: 12/15/23 (DO NOT SERVE notice yet - court will prepare

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1052 Martel, LLC

Chapter 11

an order after the status conference).

(b) Procedures Order: dkt. 17 (timely served, dkt. 23)

(c) Plan/Disclosure Statement: file by 12/28/23 (DO NOT SERVE -
except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 11/28/23 at 1:00 p.m. No written
status report is required.

Party Information

Debtor(s):

1052 Martel, LLC

Represented By
Thomas B Ure

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2:23-16398 1052 Martel, LLC

Chapter 11

#26.10 Hrg re: Motion to Employ Thomas B. Ure
as General Bankruptcy Counsel

Docket 31

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 26,
11/28/23 at 1:00 p.m.).

Party Information

Debtor(s):

1052 Martel, LLC

Represented By
Thomas B Ure

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2:21-10368 Mrudula Kothari

Chapter 11

#27.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/9/21, 03/02/21, 4/6/21, 4/27/21, 6/1/21, 7/20/21,
8/31/21, 9/28/21, 10/26/21, 12/14/21, 2/15/22, 3/15/22,
3/29/22, 4/12/22, 5/31/22, 9/6/22, 9/27/22, 10/11/22,
12/6/22, 2/7/23, 4/4/23, 6/13/23, 7/11/23, 7/18/23,
9/19/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required by Debtor and Debtor's Counsel.

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) Missing status report

The adopted ruling for 9/19/23 set a deadline of 11/14/23 for Debtor to file a status report but, as of the preparation of this tentative ruling, no status report has been filed. Why not?

Debtor's counsel is directed to appear to provide an update on the status of this case.

(b) Monthly Operating Reports ("MORs")

The information listed on Debtor's August and September MORs in the "Summary of Cash Activity for All Accounts" section is identical (see dkt. 262, p. 2 & dkt. 263, p. 2), which is obviously inaccurate. For example, even if the total cash receipts and disbursements were identical, the opening balance and ending cash on hand figures would be different. In addition, Debtor's October MOR appears to be inaccurate because the opening cash balance (\$35,337.45) does not match the ending cash balance (\$40,755.95) stated in

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Mrudula Kothari

Chapter 11

the September MOR (compare dkt. 262, p. 2 with dkt. 263, p. 2). These issues suggest that Debtor and Debtor's counsel are not reviewing MORs prior to executing and/or filing them.

This Court has previously identified inaccuracies with Debtor's MORs in this case, as well as MORs filed in other cases by Debtor's counsel's office, and has cautioned the parties that failure to file accurate MORs in future may result in the imposition of sanctions or other adverse consequences.

Debtor and Debtor's counsel are directed to appear to address why this Court should not sanction them for these continued errors.

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

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

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

(c) Amended Plan: TBD

(d) Continued status conference: 12/19/23 at 1:00 p.m. *Brief* status report due 12/5/23.

*Warning: special procedures apply (see Procedures order).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Mrudula Kothari

Represented By
Stella A Havkin

Trustee(s):

Susan K Seflin (TR)

Pro Se

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2:23-16105 1318 Flower Street, LLC

Chapter 11

#28.00 Cont'd status conference re: Chapter 11 case
fr. 10/17/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required by counsel for Debtor.

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) Status of funding to complete construction of the Property

The estate's primary asset is a partially completed hotel located at 1318 S. Flower St., Los Angeles, CA, approximately two blocks from the Crypto.com sports arena (the "Property"). Debtor has been exploring several alternatives to obtain financing to complete construction, including (x) the possible release of the remaining proceeds of a construction loan, (y) insurance proceeds payable as a result of extensive vandalism, and (z) additional investment. Debtor is directed to address the status of its efforts to obtain additional financing at the hearing.

(2) Dates/procedures. This case was filed on 9/19/23.

(a) Bar date: 1/9/24 (Bar Date Order timely served, dkt. 43)

(b) Procedures Order: dkt. 13 (not timely served, but eventually served which gives notice of matters therein, dkt. 25 & 35)

(c) Plan/Disclosure Statement: file by 1/17/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 2/6/24 at 1:00 p.m. *Brief* status report to be filed by 1/23/24.

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CONT... 1318 Flower Street, LLC

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Tentative Ruling for 10/17/23:

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

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

(1) Current issues

(a) Status of negotiations with Poppy Bank

The estate's primary asset is a partially completed hotel located at 1318 S. Flower St., Los Angeles, CA, approximately two blocks from the Crypto.com sports arena (the "Property"). Debtor states that it "may have claims against Poppy [Bank] for certain credits (prepaid interest & contractors paid and for wrongfully withholding constructions funds and initiating foreclosure," but that the parties are discussing settlement. Debtor's initial status report (dkt. 11) at ¶ 2. The parties are directed to address the progress of negotiations at the status conference.

(b) Employment application of Caceres & Shamash, LLP ("C&S") (dkt. 32, the "Employment Application") and Statement of Disinterestedness (dkt. 40)

The Employment Application is not on for hearing today; however, it is appropriate for this Court to note the following issues.

As set forth in the Employment Application, C&S' \$35,000 retainer was funded by Debtor's managing and sole member, Jayesh Kumar, "who paid the retainer out of his personal funds as a capital contribution/gift to Debtor (including \$10,000 via his personal credit card)." Employment Application at ¶ 8 (p. 5). Mr. Kumar has signed a declaration addressing issues that are required to be addressed whenever there is a third party "Funder" of a debtor's professional fees (per the posted "Procedures of Judge Bason," available at www.cacb.uscourts.gov) (Employment Application at pp. 14–17), and has been provided a letter by C&S disclosing those same issues (Employment Application, Ex. 3 (PDF pp. 26–28)). The tentative ruling is that Mr. Kumar's declaration and the disclosure letter sufficiently address third party Funder issues, at least in the absence of any objection.

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CONT... 1318 Flower Street, LLC

Chapter 11

- (2) Dates/procedures. This case was filed on 9/19/23.
- (a) Bar date: 1/9/24 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
 - (b) Procedures Order: dkt. 13 (not timely served, but eventually served which gives notice of matters therein, dkt. 25 & 35)
 - (c) Plan/Disclosure Statement: file by 1/17/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
 - (d) Continued status conference: 12/19/23 at 1:00 p.m. *Brief* status report to be filed by 12/5/23.

Party Information

Debtor(s):

1318 Flower Street, LLC

Represented By
Douglas C Biggins

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2:23-16232 9301 Cherokee Lane, LLC, a Delaware Limited Liabil

Chapter 11

#29.00 Cont'd status conference re: Chapter 11 case
fr. 10/31/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required by proposed counsel for Debtor.

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) Monthly Operating Reports ("MORs")

Debtor's September MOR was filed over a month late. Dkt. 51. Debtor is directed to file timely MORs in future.

(b) Application to employ FLP Law Group LLP as bankruptcy counsel (dkt. 44), notice (dkt. 45, "Employment Application"), & Statement of disinterestedness (dkt. 47), Supplemental declaration in support (dkt. 50) no opposition on file

This matter is not on for hearing today because Debtor has utilized the so-called "Scream or die" procedures under Local Bankruptcy Rule 9013-1(o), but the Employment Application (dkt. 44, pp. 2:16-3:7 & Fn. 2) discloses that Applicant's post-petition retainer is to be funded from a number of non-debtor sources (the "Funders"). As stated in the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov), "Declarations and/or briefs" generally are required to address the ethical concerns involved whenever a retainer is paid by a third party. See Cal. Rule of Prof'l Conduct 1.8.6; *In re Beverly Crest, LLC* (Case No. 2:19-bk-20000-NB, dkt. 44).

Although proposed counsel has addressed some issues in the supplemental declarations (dkt. 50), the disclosures do not address all of the

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CONT... **9301 Cherokee Lane, LLC, a Delaware Limited Liabil** **Chapter 11**

issues required by the Procedures. Specifically, the Holmes Declaration states that FLP has no connections to the Debtor, Shangri-La, Holmes Capital, or to Mr. Holmes (dkt. 50, p. 13:8-11), but does not disclose what the connections are between any Funders, on the one hand, and any of the other types of persons listed in FRBP 2014 (Fed. R. Bankr. P.), on the other hand --- e.g., have there been any economic or business or personal connections between the Funders and any creditor or other party in interest, or their respective attorneys or accountants? These questions may be answered, if appropriate, by referring to specific disclosures already on file.

The tentative ruling is to set a **deadline of 12/12/23** for Debtor, proposed counsel, and the Funders to file supplemental declaration(s) addressing those issues and lodge a proposed order.

- (2) Dates/procedures. This case was filed on 9/25/23.
- (a) Bar date: 12/8/23 (dkt. 40) (timely served, dkt. 42)
 - (b) Procedures Order: dkt. 4 (timely served, dkt. 10)
 - (c) Plan/Disclosure Statement: file by 12/22/23 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
 - (d) Continued status conference: 1/9/24 at 1:00 p.m. No written status report is required.

Tentative Ruling for 10/31/23:

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

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

(1) Current issues

(a) Status report (dkt. 39)

Debtor's status report is difficult to read in places. For example, on p. 4, item "B.5." has two check-boxes but text next to one of them appears to be missing and the "X" appears inbetween both boxes. Debtor's counsel is directed to explain at the hearing if this is a problem with the Court's form, or some software used by Debtor's counsel, or something else.

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CONT...

9301 Cherokee Lane, LLC, a Delaware Limited Liabil

Chapter 11

(b) Budget motion and employment application

Debtor's status report states that it does not intend to file a budget motion because it is not generating any revenue and expenses are being paid by Debtor's equity holder(s). Dkt. 39, p. 3. The posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) state that all debtors are required to file a budget motion but the tentative ruling is to excuse that requirement because Debtor is not operating.

Additionally, as of the preparation of this tentative ruling, Debtor has not filed an employment application for proposed bankruptcy counsel. If Debtor has not filed that application by the time of this hearing, the tentative ruling is to set a **deadline of 11/7/23** for Debtor to file and serve an employment application, to be self-calendared for hearing concurrent with the continued status conference (see below).

(2) Dates/procedures. This case was filed on 9/25/23.

- (a) Bar date: 12/8/23 (DO NOT SERVE notice yet - court will prepare an order after the status conference).
- (b) Procedures Order: dkt. 4 (timely served, dkt. 10)
- (c) Plan/Disclosure Statement: file by 12/22/23 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 11/28/23 at 1:00 p.m. No written status report is required.

Party Information

Debtor(s):

9301 Cherokee Lane, LLC, a

Represented By
Alexandre I Cornelius

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2:23-15752 Elite Investment Management Group, LLC

Chapter 11

#30.00 Cont'd Status conference re: Chapter 11 case
fr. 10/3/23, 10/17/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Continue as set forth below based on this Court's review of Debtor's latest status report (dkt. 47). Appearances are not required on 11/28/23. (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.

(2) Dates/procedures. This case was filed on 9/5/23.

(a) Bar date: 12/1/23 (dkt. 24) (timely served, dkt. 26, 27)

(b) Procedures Order: dkt. 5 (timely served, dkt. 8)

(c) Plan/Disclosure Statement: file by 1/5/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 12/5/23 at 1:00 p.m., concurrent with other matters. No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Elite Investment Management

Represented By

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

Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

CONT...

Elite Investment Management Group, LLC

John N Tedford IV

Zev Shechtman

Aaron E. DE Leest

Chapter 11

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

Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:22-15290 Ana M Ahmad

Chapter 11

#31.00 Cont'd Status Conference re: Chapter 11 Case
fr. 10/25/22, 12/20/22, 1/3/23, 2/7/23, 3/7/23, 4/25/23,
6/27/23, 8/15/23, 9/5/23, 9/19/23, 10/3/23, 11/14/23

Docket 6

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required.

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

(1) Current issues

(a) Notice Regarding Debtor's Breach of Order filed by Ajax Mortgage (dkt. 87)

There is no request for relief presently before this Court, but Debtor is directed to appear to address whether the alleged breach has been timely cured.

(b) Amended Chapter 11 plan (dkt. 85, "Plan") and amended disclosure statement (dkt. 86, "D/S")

Subject to Debtor satisfactorily addressing this Court's concerns with the notice discussed in Section (1)(a) of this tentative ruling, the tentative ruling is to set a **deadline of 12/5/23** for Debtor to file (but NOT SERVE on anyone except the U.S. Trustee) a further amended D/S to correct the liquidation analysis attached to the D/S as Exhibit D (dkt. 86, PDF p. 56) to include (i) chapter 7 and 11 administrative costs, (ii) the estimated percentage creditors would receive on account of their claims if this case were converted to a chapter 7 case, and (iii) the percentage creditors will receive on account

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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1:00 PM

CONT...

Ana M Ahmad

Chapter 11

of their claims under the proposed Plan.

In addition, the tentative ruling is to set a **deadline of 12/5/23** for Debtor to lodge a proposed order, substantially in the form of the order posted on Judge Bason's portion of the Court's website (www.cacb.uscourts.gov), authorizing the service of a voting package and setting a combined hearing on approval of the D/S and confirmation of the Plan for the same time as the continued status conference (see below).

(2) Dates/procedures. This case was filed on 9/29/22.

(a) Bar date: 1/13/23 (dkt. 23) (timely served, dkt. 27)

(b) Procedures Order: dkt. 6 (timely served, dkt. 10)

(c) AmPlan/AmDisclosure Statement (dkt. 85, 86): See above.

(d) Continued status conference: 2/6/24 at 1:00 p.m. No written status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ana M Ahmad

Represented By
Thomas B Ure

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

Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:23-11397 Michael R Totaro

Chapter 11

#32.00 Cont'd Status Conference re: Chapter 11 case
fr. 3/21/23, 4/4/23, 4/28/23, 5/16/23, 6/13/23,
7/18/23, 8/15/23, 10/17/23, 11/14/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Appearances required by counsel for Debtor.

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) Mediation of Totaro v. Magloubi et al. (Adv. No. 2:23-ap-01155-NB)

This adversary proceeding was referred to mediation before the Hon. Meredith A. Jury on 7/27/23, see adv. dkt. 7. Mr. Totaro is directed to address the status of the mediation at the hearing.

(b) Plans for Pacific Palisades property?

Among the estate's significant assets is property located at 17175 Avenida de Santa Ynez, Pacific Palisades, CA 90272 (the "Property"). Mr. Totaro states that he is "deciding whether it is better to put the house on the market in January, or wait until May and possibly rent out the house short term," and "may have a decision on that prior to this status conference." Status Report (dkt. 145) at ¶ 11 (p. 3). Mr. Totaro is directed to provide a further update at the hearing.

(c) Status reports

Mr. Totaro has apologized (dkt. 143) for not filing a status report as required by this Court's tentative ruling for 11/14/23 (see below). This Court accepts that apology and recognizes that (i) which aspects of the tentative

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CONT...

Michael R Totaro

Chapter 11

rulings are adopted is not always made as clear by this Court at the hearings as this Court would like (although counsel are encouraged to seek clarification at any hearing), (ii) as Mr. Totaro points out, a written status report probably was unnecessary given the short continuance, and (iii) it can be inefficient to require written status reports, and this Court's goal is always to require only those reports that will save time and expense for all parties (and burdens on this Court) whenever an oral status update at the status conference would take longer than a written report. In future, both this Court and Mr. Totaro should endeavor to be clearer about when a status report is required.

(2) Dates/procedures. This case was filed on 3/8/23.

- (a) Bar date: 6/15/23 (dkt. 73, 90); Proof of Service (dkt. 91)
- (b) Procedures order: dkt. 30 (timely served, dkt. 41).
- (c) Plan/Disclosure Statement: file by 1/12/24 (see Section 2(c), above) (DO NOT SERVE - except on the U.S. Trustee). See the "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").
- (d) Continued status conference: 1/23/24 at 1:00 p.m. No written status report required.

Tentative Ruling for 11/14/23:

Continue the Status Conference to 11/28/23 at 1:00 p.m., concurrent with the hearing on the UST's Motion to Dismiss filed in Mr. Maghloubi's Chapter 11 case (Case No. 2:23-bk-13307-NB), all as set forth below. Appearances are not required on 11/14/23. (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: NA

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

CONT...

Michael R Totaro

Chapter 11

This Status Conference was originally scheduled to take place concurrently with Mr. Totaro's motion for the appointment of a CRO (the "CRO Motion") in Mr. Maghloubi's Chapter 11 case (Case No. 2:23-bk-13307-NB). This Court has approved a stipulated dismissal of the CRO Motion. Dkt. 55, Case No. 2:23-bk-13307-NB. The UST has filed a Motion to Dismiss Mr. Maghloubi's Chapter 11 case, which is scheduled for hearing at the date and time set forth above. The tentative ruling is to continue this Status Conference to be heard concurrently with the hearing on the Motion to Dismiss in Mr. Maghloubi's case.

Mr. Totaro failed to file a Status Report by 11/7/23, as ordered at the prior Status Conference. Mr. Totaro is cautioned that the continued failure to adhere to this Court's orders may result in adverse consequences. A written status report is due by 11/21/23.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Michael R Totaro

Represented By
Andy C Warshaw

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

Tuesday, November 28, 2023

Hearing Room 1545

1:00 PM

2:23-11397 Michael R Totaro

Chapter 11

Adv#: 2:23-01155 Totaro v. Maghloubi et al

#33.00 Cont'd status conference re: Complaint against Seyed Maghloubi, Nelly Maghloubi aka Nelly Salamanca for 1) Abuse of process; 2) Breach of contract; 3) Intentional Infliction of emotional distress; 4) Fraud; 5) Financial elder abuse fr. 7/18/23, 8/15/23, 10/17/23, 11/14/23

Docket 1

Tentative Ruling:

Tentative Ruling for 11/28/23:

Please see the tentative ruling for the status conference in the bankruptcy case in chief (Calendar No. 32, 11/28/23 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Michael R Totaro

Represented By
Andy C Warshaw

Defendant(s):

Seyed Mostafa Maghloubi

Represented By
Tony Forberg

Nelly Maghloubi

Represented By
Tony Forberg

Plaintiff(s):

Michael R Totaro

Represented By
Andy C Warshaw

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

Tuesday, November 28, 2023

Hearing Room 1545

2:00 PM

2:20-10046 Samini Cohen Spanos LLP

Chapter 7

Adv#: 2:21-01261 Ehrenberg (TR) v. By The Sea Realty, LLC, a California limited liabi

#1.00 Pre-Trial Conference re: Complaint for (1) Avoidance and Recovery of Preferential Transfer, (2) Avoidance and Recovery of Fraudulent Transfer (3) Preservation of Preferential and Fraudulent Transfer and (4) Disallowance of Claims

Docket 1

*** VACATED *** REASON: Stipulation to dismiss proceeding filed 11/15/23 (adv. dkt. 39)

Tentative Ruling:

Party Information

Debtor(s):

Samini Cohen Spanos LLP

Represented By
Robert P Goe

Defendant(s):

By The Sea Realty, LLC, a

Represented By
Michael Tusken

Plaintiff(s):

Howard M Ehrenberg (TR)

Represented By
Steve Burnell
Daniel A Lev

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Steve Burnell

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

Tuesday, November 28, 2023

Hearing Room 1545

2:00 PM

2:23-11695 2202 East Anderson Street, LLC

Chapter 11

#2.00 Hrg re: First and final Application of Chapter 11
Trustee for Allowance of Statutory Fees

Docket 174

*** VACATED *** REASON: Ruling on Nov 14th, cont'd hrg to 12/19/23
at 2:00 p.m.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

2202 East Anderson Street, LLC

Represented By
Raymond H. Aver

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim

**United States Bankruptcy Court
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2:00 PM

2:23-11695 2202 East Anderson Street, LLC

Chapter 11

#3.00 Hrg re: Final Application for fees and reimbursement
of costs of Dumas & Kim, APC counsel for trustee

Docket 176

***** VACATED *** REASON: Ruling on Nov 14th, cont'd hrg to 12/19/23
at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

2202 East Anderson Street, LLC

Represented By
Raymond H. Aver

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim

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

2:23-11695 2202 East Anderson Street, LLC

Chapter 11

**#4.00 Hrg re: Application for payment of: Final fees and/or expenses
[Law Offices of Raymond H. Aver, APC]**

Docket 182

***** VACATED *** REASON: Ruling on Nov 14th, cont'd hrg to 12/19/23
at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

2202 East Anderson Street, LLC

Represented By
Raymond H. Aver

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim

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

2:00 PM

2:23-11695 2202 East Anderson Street, LLC

Chapter 11

#5.00 Hrg re: Application for Compensation
of Final Fees and/or Expenses
[LEA Accountancy, LLP, Accountant]

Docket 172

***** VACATED *** REASON: Ruling on Nov 14th, cont'd hrg to 12/19/23
at 2:00 p.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

2202 East Anderson Street, LLC

Represented By
Raymond H. Aver

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim