

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Wednesday, January 24, 2024

Hearing Room 201

10:00 AM

9: -

Chapter

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Docket 0

Tentative Ruling:

1/24/2024 9:24:57 AM

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- NONE LISTED -

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9:19-10312 Sergio Garcia Villanueva

Chapter 7

Adv#: 9:21-01045 Namba et al v. Garcia Yerena

#1.00 CONT'D Status Hearing

RE: [1] Adversary case 9:21-ap-01045. Complaint by Jerry Namba against Ana Maria Garcia Yerena. (\$350.00 Fee Charge To Estate). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)), (31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Horowitz, Carissa)

FR. 2-22-22, 7-20-22, 7-28-22, 8-23-22, 10-4-22, 1-24-23, 3-22-23, 4-19-23, 6-28-23, 9-27-23, 12-13-23

Docket 1

Tentative Ruling:

January 24, 2024

Appearances waived.

This matter has been resolved in principle. *See* Docket No. 78; *see also* Case No. 9:19-bk-10312-RC, Docket No. 113. The Court will continue this matter to February 20, 2024, at 2:00 p.m. to be heard alongside the 9019 Motion.

December 13, 2023

Appearances waived.

The Court has reviewed that *Joint Status Report*. *See* Docket No. 78. The Court will continue the status conference to January 24, 2024, at 10:00 a.m.

September 27, 2023

Appearances required.

June 28, 2023

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CONT... **Sergio Garcia Villanueva**
Appearances waived.

Chapter 7

The Court entered an order approving the *Stipulation to Continue Motion for Judgment and Status Conference*, which Order continued the hearings set for June 28, 2023 to September 27, 2023, at 10:00 a.m.

April 19, 2023

Appearances waived.

The parties entered into that *Stipulation to Continue Motion for Judgment and Status Conference* (the "Stipulation"). See Docket No. 63. The Stipulation requests a 60 day continuance of the hearings on that *Motion of Defendant Ana Maria Garcia Yerena for Judgment on the Pleadings* and the status conference. *Id.* The Court approved the Stipulation, continuing the aforementioned hearings to June 28, 2023, at 10:00 a.m.

March 22, 2023

Appearances required.

January 24, 2023

Appearances waived.

The status conference is continued to March 22, 2023, at 10:00 a.m.

Party Information

Debtor(s):

Sergio Garcia Villanueva

Represented By
Matthew D. Resnik

Defendant(s):

Ana Maria Garcia Yerena

Represented By
Michael D Kwasigroch

Plaintiff(s):

Jerry Namba

Represented By

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CONT... Sergio Garcia Villanueva

Carissa N Horowitz

Chapter 7

Trustee(s):

Jerry Namba (TR)

Represented By
William C Beall
Carissa N Horowitz

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10:00 AM

9:20-11123 Peter James Compton

Chapter 7

Adv#: 9:21-01017 Nutrien Ag Solutions, Inc. v. Compton

#2.00 Status Hearing

RE: [1] Adversary case 9:21-ap-01017. Complaint by Nutrien Ag Solutions, Inc. against Peter James Compton.

FR. 11-30-22, 1-11-23, 8-2-23, 10-2-23, 10-11-23, 11-22-23

Docket 1

Tentative Ruling:

January 24, 2024

Appearances waived.

This matter has been settled. *See* Case No. 9:20-bk-11123-RC, Docket No. 359. The Court will continue the status conference to be heard alongside the continued hearing on the 9019 Motion on February 6, 2024, at 2:00 p.m.

November 22, 2023

Appearances waived.

It appears this matter has settled, and a motion to approve the settlement has been filed. The status conference is continued to January 24, 2024, at 10:00 a.m.

October 11, 2023

Appearances waived.

The Court has reviewed that *Joint Status Report* and *Plaintiff's Supplement to Joint Status Report*. *See* Docket Nos. 142 and 143, respectively. The Court will continue the status conference to November 22, 2023, at 10:00 a.m. to allow the parties to document and obtain approval of the underlying settlement.

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**CONT... Peter James Compton
October 2, 2023**

Chapter 7

Appearances waived.

On June 29, 2023, the Court entered that *Order Approving Stipulation for Continuance of Trial* (the "Order"). See Docket No. 139. Among other things, the Order required the parties "to file a Joint Status Report on or before September 18, 2023 informing the Court of the status of settlement." See *id.* at p. 2. The Court has reviewed the late filed *Plaintiff's Unilateral Status Report*. See Docket No. 141. The Court has not located a status report from Defendant as required by the Order.

The Court continues the status conference to October 11, 2023, at 10:00 a.m. A "joint" status report is to be filed on or before October 2, 2023.

November 30, 2022

No appearances required.

This matter is continued to January 11, 2023, at 10:00 a.m.

Party Information

Debtor(s):

Peter James Compton

Represented By
Reed H Olmstead

Defendant(s):

Peter James Compton

Represented By
Reed H Olmstead

Movant(s):

Nutrien Ag Solutions, Inc.

Represented By
Steven R Stoker

Plaintiff(s):

Nutrien Ag Solutions, Inc.

Represented By
Steven R Stoker

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CONT... Peter James Compton

Chapter 7

Trustee(s):

Jerry Namba (TR)

Represented By
D Edward Hays
Laila Masud

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10:00 AM

9:22-10469 Jon Travis Burnett

Chapter 7

Adv#: 9:23-01006 Namba v. Burnett et al

#3.00 HearingRE: [46] Motion to Continue Discovery Cut-Off Deadline and Last Day for Dispositive Motions to be Heard with Proof of Service

Docket 46

Tentative Ruling:

January 24, 2024

Appearances required.

On March 14, 2023, Jerry Namba, Chapter 7 Trustee (the "Trustee") filed against Jon T. Burnett (the "Debtor") and Burnett Financial Services, Inc. (the "Corporation," and collectively with the Debtor, the "Defendants") that *Amended Complaint to Deny Discharge, Recover Avoidable Transfer, and for Turnover* (the "Amended Complaint"). See Docket No. 4. On March 28, 2023, the Defendants filed *Defendants' Motion to Dismiss Amended Complaint to Deny Discharge, Recover Avoidable Transfer, and for Turnover; To Strike Request for Attorney Fees; Points and Authorities; Declarations in Support [FRBP Rule 12(b)(6)]* (the "First Motion to Dismiss"). See Docket No. 9. On May 17, 2023, the Court issued a tentative ruling (the "Ruling") on the First Motion to Dismiss, and on May 22, 2023, the Court entered that *Order Granting in Part and Denying in Part Defendants' Motion to Dismiss Amended Complaint to Deny Discharge, Recover Avoidable Transfer, and for Turnover; to Strike Request for Attorney Fees [FRBP Rule 12(b)(6)]* (the "Order"). See Docket No. 23. The Order granted the First Motion to Dismiss as it related to the First Claim for Relief of the Amended Complaint and the request that the prayer of the Amended Complaint strike the request for attorneys' fees. See *id.* at p. 2. "[A]ll other requests for relief made in the [Motion to Dismiss were] denied without prejudice." See *id.* The Order granted the Trustee leave to file an amended complaint. See *id.*

On May 26, 2023, the Trustee filed against the Defendants that *Second Amended Complaint to Deny Discharge, Recover Avoidable Transfer, and for Turnover* (the "Second Amended Complaint"). See Docket No. 25. The Amended Complaint and

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the Second Amended Complaint are materially similar. The difference between the two (2) complaints appears to be the addition of two (2) causes of action in the Second Amended Complaint. Specifically, whereas the Amended Complaint pled as the First Claim for Relief a denial of discharge pursuant to 11 U.S.C. § 727 generally, the Second Amended Complaint pleads three (3) separate claims for relief under 11 U.S.C. § 727 (i.e., First Claim for Relief (Denial of Discharge, 11 U.S.C. § 727(a)(2)) and Second and Third Claim for Relief (Denial of Discharge, 11 U.S.C. § 727(a)(4) (A) and (D)). See Docket No. 4, pp. 4-5 and Docket No. 25, pp. 5-6.

On June 16, 2023, the Defendants filed *Defendants' Motion to Dismiss Second Amended Complaint to Deny Discharge, Recover Avoidable Transfer, and for Turnover; Request for Judicial Notice [FRBP Rule 12(b)(6), FRE Rule 201]* (the "Second Motion to Dismiss"). See Docket No. 26. On September 13, 2023, a hearing was held where the Court dismissed the Second Motion to Dismiss and further ordered the Trustee to upload a conforming order within seven (7) days. See Docket No. 38. The case docket does not reflect that the order denying the Second Motion to Dismiss has been lodged or entered on the docket as of January 11, 2024.

Pursuant to that *Scheduling Order* entered on September 19, 2023, the Court set the following litigation deadlines:

1. The discovery cutoff date, including the last day to receive responses, is December 29, 2023.
2. The deadline for designation of expert witnesses and other requirements under FRCP 26 is November 15, 2023.
3. The deadline for disclosure of rebuttal expert witnesses is December 15, 2023.
4. The deadline for dispositive motions to be heard is January 24, 2024, at 10:00 a.m.
5. The deadline to file a pretrial stipulation and proposed order is February 20, 2024.
6. A pretrial conference (in-person) is set for March 6, 2024, at 10:00 a.m.

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Jon Travis Burnett

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7. The trial is set for March 21, 2024, at 9:00 a.m. at the United States Bankruptcy Court located at 1415 State Street, Courtroom 201 in Santa Barbara, California.

See Docket No. 39.

On December 13, 2023, a status conference was held and continued to March 21, 2024. At the status conference the Court denied the Trustee's oral motion for an extension of litigation deadlines pertaining to the discovery and dispositive motions.

On December 25, 2023, that *Defendant's Jon Travis Burnett and Burnett Financial Servces, Inc., Notice of Continued Deposition of Plaintiff Jerry Namba, Following Nonappearance at Continued Deposition on December 20, 2023* was filed. *See* Docket No. 45. It appears that the Trustee failed to attend the deposition scheduled on December 20, 2023 and the deposition was continued to December 28, 2023. *See id.*

On December 26, 2023, the Trustee filed that *Motion to Continue Discovery Cut-Off Deadline and Last Day for Dispositive Motions; Declaration of Carissa N. Horowitz In Support Thereof* (the "Motion") requesting that the discovery deadline and the last day for dispositive motions to be heard be extended by 45-60 days. *See* Docket No. 46. The Trustee seeks an extension of the discovery deadlines on the grounds that the Defendants have failed to fully respond and or failed to fully produce the information requested by the Trustee in connection with Burnett's deposition held on December 11, 2023. *See id.* at p. 3. It appears that the Trustee has served Defendants with three (3) sets of interrogatories and request for production of documents over the course of the case. The Trustee alleges that the first request was served upon on June 28, 2023 and the Defendants served their responses on July 28, 2023 objecting to each request but also responding to some requests that "Defendant will produce those documents it believes are responsive to this RPFID." The Trustee asserts that Defendants produced none of the documents. *See id.* at p. 2, lines 10-13.

On November 1, 2023, the Trustee served a second request to produce documents based upon a review of the documents produced up to that time, although Defendants had not fully responded to the prior request. On November 29, 2023, the Trustee served a third request to produce documents in response to the documents produced on November 2, 2023. Defendants served their responses to the second request on December 1, 2023, and stated they would produce the requested documents. *See id.* at

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CONT... Jon Travis Burnett

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lines 23-28 citing Exhibit B *Response of Defendant Burnett Financial Service, Inc. to Amended Request for Production of Documents*. The Trustee asserts that the Defendants failed to produce most of the requested documents and have ignored the Trustee's two requests to meet and confer. The Trustee states that he attempted to obtain the same documents as set forth in the third request through a document demand in connection with the Defendants' deposition, which occurred on December 11, 2023 but the Defendants failed to provide the requested information. *See id.* at p. 3, lines 1-5.

On January 8, 2023, that *Defendants' Response In Opposition to Motion to Continue Discover Cut-Off Deadline and Last Day for Dispositive Motions; Points and Authorities; Declaration In Support* (the "Opposition") was filed. *See* Docket No. 49. Through the Opposition, the Defendant's oppose the Motion for lack of cause shown under FRBP 9006(b)(1) and on the grounds that the Motion is not supported by admissible evidence as required by LBR 9013-1(c). *See id.* at p. 3. The Defendants further argue that the Trustee failed to provide 30 days notice with the November 29, 2023 production request as required under FRCP Rule 30(b)(2). *See id.* at p. 7. The Defendants further claim that the Trustee has not been cooperative with their discovery efforts. *See id.* at p. 8.

It is not clear whether the Defendants produced the requested information by December 29, 2023.

Party Information

Debtor(s):

Jon Travis Burnett

Represented By
Louis J Esbin

Defendant(s):

Jon Travis Burnett

Represented By
Louis J Esbin

Burnett Financial Services, Inc.

Represented By
Louis J Esbin

Movant(s):

Jerry Namba

Represented By

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CONT... Jon Travis Burnett

Chapter 7

Carissa N Horowitz

Plaintiff(s):

Jerry Namba

Represented By
Carissa N Horowitz

Trustee(s):

Jerry Namba (TR)

Represented By
Carissa N Horowitz
William C Beall

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9:22-10911 Thomas W. Clark

Chapter 7

Adv#: 9:23-01008 McBeth v. Clark

#4.00 Hearing
RE: [22] Motion For Summary Judgment Notice of Motion and Motion For
Summary Judgment, and Declaration of Christine Clark, with Proof of Service
(Lally, David)

Docket 22

***** VACATED *** REASON: Continued by Stipulation dated 1/11/24 to
new hearing date of 3/20/2024 at 10:00AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas W. Clark

Represented By
Brent D George

Defendant(s):

Christine Clark

Represented By
David B Lally

Movant(s):

Christine Clark

Represented By
David B Lally

Plaintiff(s):

Sandra K. McBeth

Represented By
Carmela Pagay

Trustee(s):

Sandra McBeth (TR)

Represented By
Carmela Pagay

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10:00 AM

9:22-10953 Misty Lynne Betschart

Chapter 7

Adv#: 9:23-01002 Stowasser et al v. Betschart

#5.00 CONT'D Status Hearing

RE: [1] Adversary case 9:23-ap-01002. Complaint by Julie Stowasser, Shawna Scott against Misty Lynne Betschart. willful and malicious injury)) (Studer, James)

FR. 4-5-23, 4-19-23, 5-16-23, 12-13-23

Docket 1

Tentative Ruling:

January 24, 2024

Appearances waived.

Based on that *Order Granting Stipulation for Order to Extend Filing Deadline and Continue Status Conference Hearing*, the Debtor's deadline to respond to the amended complaint is February 1, 2024. *See* Docket No. 32, p. 2, lines 1-5. The Court continues the status conference to February 21, 2024, at 10:00 a.m. A status report is required.

May 16, 2023

Appearances required.

As of May 4, 2023, it does not appear that the Complaint has yet been answered. The Court will inquire with the parties about the status of the instant case given the fact that there is state court litigation among the parties also pending.

April 19, 2023

Appearances required.

April 5, 2023

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CONT... Misty Lynne Betschart

Chapter 7

Appearances waived.

A Motion to Dismiss the Plaintiff's Complaint Without Leave to Amend was filed on March 6, 2023, with a hearing date of April 19, 2023. *See* Docket No. 9. The Court will continue the status conference to April 19, 2023, at 10:00 a.m.

Party Information

Debtor(s):

Misty Lynne Betschart

Represented By
Leslie A Tos

Defendant(s):

Misty Lynne Betschart

Pro Se

Plaintiff(s):

Julie Stowasser

Represented By
James Studer

Shawna Scott

Represented By
James Studer

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

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9:22-10953 Misty Lynne Betschart

Chapter 7

Adv#: 9:23-01055 Faith, Chapter 7 Trustee v. Betschart

#6.00 CONT'D Status Hearing

RE: [1] Adversary case 9:23-ap-01055. Complaint by Jeremy W. Faith, Chapter 7 Trustee against Misty Lynne Betschart. (\$350.00 Fee Charge To Estate). Complaint Against Debtor Misty Lynne Betschart for Denial of Discharge Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Faith (TR), Jeremy)

FR. 10-11-23, 12-13-23

Docket 1

Tentative Ruling:

January 24, 2024

Appearances required.

The Court finds no motion to dismiss the adversary proceeding.

December 13, 2023

Appearances required.

October 11, 2023

Appearances waived.

The Court has reviewed the *Joint Status Report*. See Docket No. 9. The Court will continue the status conference to December 13, 2023, at 10:00 a.m. to allow the plaintiff to move the Court to dismiss the matter.

Party Information

Debtor(s):

Misty Lynne Betschart

Represented By
Leslie A Tos

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CONT... Misty Lynne Betschart

Chapter 7

Defendant(s):

Misty Lynne Betschart Pro Se

Plaintiff(s):

Jeremy W. Faith, Chapter 7 Trustee Pro Se

Trustee(s):

Jeremy W. Faith (TR) Pro Se

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9:23-10184 Stephanie Anne Buller

Chapter 7

Adv#: 9:23-01018 Buller v. U.S. Depart. of Education, Litigation Unit et al

#7.00 Status Hearing

RE: [1] Adversary case 9:23-ap-01018. Complaint by Stephanie Anne Buller, Stephanie Anne Buller, Stephanie Anne Buller, U.S. Depart. of Education, Litigation Unit against U.S. Depart. of Education, Litigation Unit, US Department of Education. (\$350.00 Fee Charge To Estate). Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan)) (Grant, Karen)

FR. 7-12-23, 9-13-23, 11-8-23

Docket 1

***** VACATED *** REASON: Order approving stipulation re: discharge of debt entered on 11/30/23. Case closed on 12/14/23.**

Tentative Ruling:

January 24, 2024

Appearances waived.

This adversary proceeding is closed. *See* Docket No. 28. The status conference is vacated.

Party Information

Debtor(s):

Stephanie Anne Buller

Represented By
Karen L Grant

Defendant(s):

U.S. Depart. of Education, Litigation

Pro Se

US Department of Education

Pro Se

Plaintiff(s):

Stephanie Anne Buller

Represented By
Karen L Grant

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CONT... Stephanie Anne Buller

Chapter 7

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

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9:23-10425 Eric Francisco Bruget

Chapter 13

Adv#: 9:23-01052 Kimberlina Whettam & Associates v. Bruget

#8.00 CONT'D Hearing
RE: [7] Motion to Dismiss Adversary Proceeding Notice of Motion and Motion By
Defendant To Strike Demand for Treble Damages, Attorney Fees and To
Dismiss Second Claim for Relief, Declaration of Michael Chekian, Esq.

FR. 9-13-23, 10-11-23, 12-13-23

Docket 7

Tentative Ruling:

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See Calendar Item 9.

December 13, 2023

Appearances waived.

This matter is continued to January 24, 2024, at 10:00 a.m.

September 13, 2023

Appearances waived.

This matter is continued to October 11, 2023, at 10:00 a.m.

Party Information

Debtor(s):

Eric Francisco Bruget

Represented By
Michael F Chekian

Defendant(s):

Eric Francisco Bruget

Represented By

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CONT... Eric Francisco Bruget

Michael F Chekian

Chapter 13

Movant(s):

Eric Francisco Bruget

Represented By
Michael F Chekian

Plaintiff(s):

Kimberlina Whettam & Associates

Represented By
Robert Ezra

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:23-10425 Eric Francisco Bruget

Chapter 13

Adv#: 9:23-01052 Kimberlina Whettam & Associates, Inc. v. Bruget

#9.00 CONT'D Status Hearing
RE: [1] Adversary case 9:23-ap-01052. Complaint by Kimberlina Whettam & Associates, Inc. against Eric Francisco Bruget. willful and malicious injury))
(Ezra, Robert)

FR. 9-13-23, 10-11-23, 12-13-23

Docket 1

Tentative Ruling:

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Appearances required.

The main case has been dismissed. *See* Case No. 9:23-bk-10425-RC, Docket No. 80. This adversary action is a non-dischargeability action. *See* Case No. 9:23-ap-01052-RC, Docket No. 1. It seems to the Court that there is nothing left to do in this adversary action, and so it should be dismissed.

December 13, 2023

Appearances waived.

This matter is continued to January 24, 2024, at 10:00 a.m.

September 13, 2023

Appearances waived.

This matter is continued to October 11, 2023, at 10:00 a.m.

Party Information

Debtor(s):

Eric Francisco Bruget

Represented By

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CONT... Eric Francisco Bruget

Michael F Chekian

Chapter 13

Defendant(s):

Eric Francisco Bruget

Pro Se

Plaintiff(s):

Kimberlina Whettam & Associates,

Represented By
Robert Ezra

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:23-10665 Aram Koushki

Chapter 7

Adv#: 9:23-01063 AMERICAN EXPRESS BANK, FSB v. Koushki

#10.00 Status Hearing

RE: [1] Adversary case 9:23-ap-01063. Complaint by AMERICAN EXPRESS BANK, FSB against Aram Koushki. false pretenses, false representation, actual fraud)) (Winters, Dennis)

Docket 1

***** VACATED *** REASON: Another summons issued on 12/4/23. Status
Conference set for 2/7/24 at 10:00am.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aram Koushki

Represented By
Charles Shamash

Defendant(s):

Aram Koushki

Pro Se

Plaintiff(s):

AMERICAN EXPRESS BANK,

Represented By
Dennis C. Winters

Trustee(s):

Jerry Namba (TR)

Pro Se

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9:23-10784 Asia Krystall Kirven

Chapter 7

Adv#: 9:23-01064 Gupton v. Kirven

#11.00 Status Hearing RE: [1] Adversary case 9:23-ap-01064. Complaint by Rodnisha Gupton against Asian Krystall Kirven. (d),(e)), (65 (Dischargeability - other)) (Watkins, Ashton)

Docket 1

Tentative Ruling:

January 24, 2024

In-person appearances required by both counsel and the named plaintiff and defendant.

Pursuant to this Court's *Adversary Proceeding Status Conference Procedures*, "[a] joint status report prepared using Local Form F_7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference." See Docket No. 3, p. 1. Pursuant to this Court's Local Rule 7016-1(a)(2), "[u]nless otherwise ordered by the court, at least 14 days before the date set for each status conference the parties are required to file a joint status report using mandatory court form F_7016-1.STATUS.REPORT []." This Court's Local Rule 1001-1(f), "[t]he failure of counsel or of a party to comply with these Local Bankruptcy Rules [] or with any order of the court may be grounds for the imposition of sanctions..."

The Court finds no status report for this status conference as required by this Court's Rules and Procedures.

Party Information

Debtor(s):

Asia Krystall Kirven

Represented By
Reed H Olmstead

Defendant(s):

Asia Krystall Kirven

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Wednesday, January 24, 2024

Hearing Room 201

10:00 AM

CONT... Asia Krystall Kirven

Chapter 7

Plaintiff(s):

Rodnisha Gupton

Represented By
Ashton R Watkins

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Wednesday, January 24, 2024

Hearing Room 201

10:00 AM

9:23-10174 Jonathan Alan Stein

Chapter 7

#12.00 CONT'D Hearing

RE: [65] Motion to Approve Compromise Under Rule 9019 Chapter 7 Trustee's
Motion to Approve Compromise with Gabrielino-Tongva Tribe with Proof of
Service (Masud, Laila)

FR. 7-25-23, 9-12-23, 9-26-23, 11-21-23, 12-13-23, 1-10-24

Docket 65

Tentative Ruling:

January 24, 2024

Appearances waived.

This matter is continued to February 7, 2024, at 10:00 a.m.

January 10, 2024

Appearances waived. This matter is continued to January 24, 2024, at 10:00 a.m.

December 13, 2023

Appearances waived.

This matter is continued to January 10, 2024, at 10:00 a.m.

November 21, 2023

Appearances waived.

This matter is continued to December 13, 2023, at 2:00 p.m.

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, January 24, 2024

Hearing Room 201

10:00 AM

**CONT... Jonathan Alan Stein
September 26, 2023**

Chapter 7

Appearances required.

On July 3, 2023, Jerry Namba, the duly appointed Chapter 7 Trustee filed *Chapter 7 Trustee's Motion to Approve Compromise with Gabrielino-Tongva Tribe Including Partial Subordination and Release of Claims* (the "9019 Motion"). See Docket No. 65. On July 7, 2023, former counsel to Jonathan Alan Stein (the "Debtor"), Levene, Neale, Bender, Yoo & Golubchik L.L.P. ("LNBYG"), filed that *Substitution of Attorney*. See Docket No. 69. On July 10, 2023, LNBYG filed that *Motion of Levene, Neale, Bender, Yoo & Golubchik L.L.P. to Withdraw as Counsel*. See Docket No. 73. On July 11, 2023, LNBYG, on behalf of the Debtor, filed *Debtor's Opposition to Trustee's Motion to Approve Compromise, Etc.* (the "Opposition"). See Docket No. 76. On July 13, 2023, the Court entered that *Order Granting Motion of Levene, Bender, Yoo & Golubchik L.L.P. to Withdraw as Counsel*. See Docket No. 82.

The Court held a hearing on the 9019 Motion on July 25, 2023, continuing the hearing on the 9019 Motion to September 12, 2023, and allowing further briefing. See Docket No. 94.

On August 14, 2023, Law Offices of David B. Lally ("Lally") filed on behalf of the Debtor that *Initial Complaint by Debtor Jonathan Stein and Demand for Jury Trial* (the "Adversary Complaint"). See Docket No. 110. The Adversary Complaint alleges, *inter alia*, that the Gabrielino-Tongva Tribe and their attorneys have violated the automatic stay.

On August 22, 2023, Lally filed that *Notice of Association of Counsel in Chapter 7 Case*, informing the Court and parties-in-interest of Lally's association in this Case as counsel to the Debtor, although the Debtor "will be [sic] still be counsel of record as well for himself in this case." See Docket No. 113.

On August 30, 2023, Lally, on behalf of the Debtor, executed that *Stipulation to (1) Continue Hearing Date on Trustee's Motion to Approve Compromise; and (2) Extend Debtor's Deadline to File Supplemental Brief or Further Opposition to Trustee's Motion to Approve Compromise*. See Docket No. 117.

On September 5, 2023, prior to the September 19, 2023 deadline to file any further oppositions to briefs filed in support of the 9019 Motion, Lally filed that *Motion to*

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Wednesday, January 24, 2024

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10:00 AM

CONT... Jonathan Alan Stein

Chapter 7

Withdraw as the Attorney of Record for Debtor Jonathan Stein, and Declaration of David B. Lally, Esq. in Support. See Docket No. 120.

On September 11, 2023, Lally on behalf of the Debtor filed that *Notice of Withdrawal and Dismissal Without Prejudice of Initial Complaint Filed by Debtor/Plaintiff* (the "Motion to Withdraw") related to the Adversary Complaint. See Case No. 9:23-ap-01054-RC, Docket No. 9. On September 11, 2023, Lally on behalf of the Debtor filed that *Notice of Withdrawal of Answer to Complaint*, related to that *Complaint for Determination that Debt is Excepted from Discharge Under 11 U.S.C. § 523, and Denial of Discharge Under 11 U.S.C. § 727*. See Case No. 9:23-ap-01023-RC, Docket No. 17. The *Declaration of David B. Lally, Esq., in Support of Order Granting Motion to Withdraw as the Attorney of Record for Defendant* provides that "in the Superior Court, [the Debtor] has been deemed a vexatious litigant." See *id.* at Docket No. 18, p. 7, lines 22-23. Lally further attests that the order deeming the Debtor a vexatious litigant is unclear in terms of whether it applies in the State Court case, or to any case, "including this Chapter 7 case and two pending Adversary Proceedings." *Id.* at lines 23-25. Lally attests that it is his "belief that the Vexatious Litigant Order applies only in the Superior Court case," but "it appears that [the Debtor] takes a different view, unbeknownst to [Lally] until now." *Id.* at lines 25-27.

The Court has several questions. First, and most importantly, who currently represents the Debtor? A concern of the Court is that the Debtor has been left without counsel to file any further pleadings in response to the 9019 Motion. Second, is Lally informing the Court that the Debtor believes that the vexatious litigant order entered against the Debtor by the State Court applies in his bankruptcy case and each of the adversary proceedings filed in his bankruptcy case through collateral estoppel grounds?

July 25, 2023

Appearances required.

Party Information

Debtor(s):

Jonathan Alan Stein

Represented By
Jonathan Stein

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, January 24, 2024

Hearing Room 201

10:00 AM

CONT... Jonathan Alan Stein

Chapter 7

Movant(s):

Jerry Namba (TR)

Represented By
Laila Masud
Sarah Rose Hasselberger

Trustee(s):

Jerry Namba (TR)

Represented By
Laila Masud
Sarah Rose Hasselberger

**United States Bankruptcy Court
Central District of California
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Wednesday, January 24, 2024

Hearing Room 201

2:00 PM

9:23-10061 South Bay Property Homes LLC

Chapter 11

#13.00 CONT'D Chapter 11 Status Conference

FR. 3-22-23, 6-14-23, 9-27-23, 11-22-23

Docket 1

Tentative Ruling:

January 24, 2024

Appearances waived.

The Court has reviewed the *Chapter 11 Status Report*. See Docket No. 120. The Court continues the status conference to April 10, 2024, at 2:00 p.m. The Court sets March 31, 2024 as the deadline for the Debtor to file a plan of reorganization. The Debtor is to upload a scheduling order with these dates.

November 22, 2022

Appearances required.

The Court has reviewed the *Chapter 11 Status Report*. See Docket No. 94. The Court will confer with the Office of the United States Trustee as to the *Debtor's compliance with Guidelines and Requirements for Chapter 11 Debtors in Possession*. Pending any compliance issues, the Court is inclined to continue the status conference to January 24, 2024, at 2:00 p.m.

September 27, 2023

Appearances required.

South Bay Property Homes LLC (the "Debtor") filed a voluntary petition for relief on January 30, 2023. See Docket No. 1. The Debtor has no operations, and its only asset is a parcel of real property located at 27009 Sea Vista Drive, Malibu, CA 90265, that is in disrepair (the "Property"). See Docket No. 86, p. 5, lines 11-16. It appears that

**United States Bankruptcy Court
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Wednesday, January 24, 2024

Hearing Room 201

2:00 PM

CONT... South Bay Property Homes LLC

Chapter 11

the Debtor is unable to insure the Property, and that it is the Debtor's secured creditors that are insuring the Property, presumably through force-placed insurance. *See id.* The Court is concerned about the time the Debtor has spent in Chapter 11 without proposing a plan of reorganization, and its ability to exit Chapter 11 through a confirmed plan of reorganization. The Court is inclined to issue an order to show cause regarding dismissal or conversion of the instant case.

June 14, 2023

Appearances required.

March 22, 2023

Appearance required.

The Court has reviewed the *Chapter 11 Status Report*. *See* Docket No. 22. The Court will set a bar date for secured creditors, unsecured creditors, and equity security holders to file proofs of claim as June 30, 2023, and July 31, 2023 for governmental units. The Debtor is to upload an order setting the bar date, and is to serve the bar date on or before April 3, 2023, using the court's Local Form F 3003-1.NOTICE.BARDATE.

At the status conference, the Court will inquire with the United States Trustee regarding the Debtor's compliance with the *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

Party Information

Debtor(s):

South Bay Property Homes LLC

Represented By
Leslie A Cohen

Movant(s):

South Bay Property Homes LLC

Represented By
Leslie A Cohen

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, January 24, 2024

Hearing Room 201

2:00 PM

9:23-11112 Diversified Panels Systems, Inc.

Chapter 11

#14.00 Chapter 11 Status Conference

Docket 1

Tentative Ruling:

January 24, 2024

Appearances waived.

The Court continues the status conference to February 7, 2024, at 2:00 p.m.

Party Information

Debtor(s):

Diversified Panels Systems, Inc.

Represented By
William E. Winfield

Movant(s):

Diversified Panels Systems, Inc.

Represented By
William E. Winfield
William E. Winfield