

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

Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

9: -

Chapter 0

#0.00

PLEASE TAKE NOTE:

**THE 10:00 A.M. REAFFIRMATION HEARING CALENDAR
WILL BE IN-PERSON ONLY.**

**THE ZOOM INSTRUCTIONS APPLY TO 9:00 A.M. AND 1:00 P.M.
CALENDARS ONLY.**

Unless ordered otherwise, appearances for matters may be made in-person **in Courtroom 201 at 1415 State Street, Santa Barbara, California, 93101**, by video through ZoomGov, or by telephone through ZoomGov. If appearing through ZoomGov, parties in interest may connect to the video and audio feeds, free of charge, using the connection information provided below. Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device. Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

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You may obtain the ZoomGov connection details by clicking the hyperlink below or copying and pasting the web address into your browser.

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Neither a Zoom nor a ZoomGov account is necessary to participate, and no preregistration is required. The audio portion of each hearing will be recorded electronically by the Court and that recording will constitute its official record. Recording, retransmitting, photographing, or imaging Court proceedings by any means is strictly prohibited.

Docket 0

Tentative Ruling:

- NONE LISTED -

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Central District of California
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9:00 AM

9:23-10319 Carrie Leigh Sorokin

Chapter 7

Adv#: 9:23-01035 Sorokin v. U.S. Department of Education et al

#1.00 CONT'D Status Conference re: [21] Amended Complaint ; First Amended Complaint to Determine Debt Dischargeable by William E. Winfield on behalf of Carrie Leigh Sorokin against NELNET STUDENT LOAN GRANTOR TRUST 2021-A, U.S. Department of Education. (RE: related document(s)1 Adversary case 9:23-ap-01035. Complaint by Carrie Leigh Sorokin against U.S. Department of Education, Aidvantage, Nelnet Servicing, LLD. (\$350.00 Fee Not Required). Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan))

fr. 1-10-24, 3-6-24, 2-12-25, 5-21-25, 8-6-25, 11-19-25, 12-03-25,

Docket 21

***** VACATED *** REASON: Case dismissed 12/15/2025**

Tentative Ruling:

December 3, 2025

Appearances of Plaintiff, Defendant's counsel of record, and a representative of Defendant are required, in-person.

November 19, 2025

Appearances required, in-person.

The Court is in receipt of two (2) separate, and very different pre-trial documents. This Court's Local Rules require that the parties meet and confer regarding the drafting and filing of a joint pre-trial stipulation 28 days prior to the pre-trial conference. That apparently did not occur here. Instead of a single document that contains the information required by the Court to prepare for, and preside over the trial, the Court has two documents that it needs to sync, if that is even possible, to prepare for the pre-trial conference. Plaintiff, who is burdened by this Court's Local Rules with preparing, exchanging with opposing counsel, and ultimately lodging a

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joint pre-trial stipulation filed their pre-trial document, late.

August 6, 2025

Appearances required. All parties are to appear in-person. The Court will take no remote appearances.

Before the Court is the status conference in this matter, now solely as between plaintiff Carrie Leigh Sorokin ("Plaintiff") and defendant Nelnet Servicing, LLC ("Defendant"). *See* Docket No. 76.

Pursuant to those *Adversary Proceeding Status Conference Procedures of Judge Ronald A. Clifford III* (the "Procedures"), served on both the Plaintiff and the Defendant, "[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. 2, p. 1. "Failure to file a joint status report may result in the imposition of monetary sanctions and/or the status conference being continued." *Id.* This Court's Local Rule 7016-1(a)(2) provides, "[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 []." Pursuant to this Court's Local Rule 7016-1(f), "if a status conference statement [] is not filed [], the court may order [] [a]n award of monetary sanctions including attorneys' fees against the party at fault and/or counsel, payable to the party not at fault." Pursuant to this Court's Local Rule 9011-3(a), "[t]he violation of, or failure to conform to, the FRBP or these rules may subject the offending party or counsel to penalties, including monetary sanctions, the imposition of costs and attorneys' fees payable to opposing counsel, and/or dismissal of the case or proceeding."

No party, much less both parties, has filed a status conference report as required by the Procedures and this Court's Local Rules.

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CONT... Carrie Leigh Sorokin

Chapter 7

May 21, 2025

Appearances required.

The Court has reviewed the *Joint Status Report*. See Docket No. 69. The discovery cutoff has passed. The Court will set a pretrial conference and trial date in this matter.

February 12, 2025

Appearances required.

The Court is inclined to set the following litigation deadlines:

Continued status hearing - November 8, 2025, at 9:00 a.m.

Discovery cutoff (including deadline to receive responses) - September 30, 2025

Deadline for dispositive motions to be heard - November 8, 2025, at 9:00 a.m.

Is it the parties' contention that trial is to be in the District Court?

March 6, 2024

Appearances required.

The Court has reviewed the *Joint Status Report*. See Docket No. 32.

The Court is inclined to set the following deadlines:

Continued status hearing - May 8, 2024, at 10:00 a.m.

Discovery cutoff (including deadline to receive responses) - July 1, 2024

Deadline for dispositive motions to be heard - August 21, 2024, at 10:00 a.m.

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CONT... Carrie Leigh Sorokin

Chapter 7

Pre-trial Conference - September 25, 2024, at 10:00 a.m.

Trial - October 16, 2024, at 9:00 a.m.

Party Information

Debtor(s):

Carrie Leigh Sorokin

Represented By
William E. Winfield

Defendant(s):

U.S. Department of Education

Represented By
Elan S Levey

NELNET STUDENT LOAN

Represented By
Jonathan C Sandler

Plaintiff(s):

Carrie Leigh Sorokin

Pro Se

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
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9:23-10319 Carrie Leigh Sorokin

Chapter 7

Adv#: 9:23-01035 Sorokin v. U.S. Department of Education et al

#2.00 CONT'D Pre-Trial Conference re: [21] Amended Complaint ; First Amended Complaint to Determine Debt Dischargeable by William E. Winfield on behalf of Carrie Leigh Sorokin against NELNET STUDENT LOAN GRANTOR TRUST 2021-A, U.S. Department of Education. (RE: related document(s)1 Adversary case 9:23-ap-01035. Complaint by Carrie Leigh Sorokin against U.S. Department of Education, Aidvantage, Nelnet Servicing, LLD. (\$350.00 Fee Not Required). Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan))

fr. 8-6-25, 11-19-25, 12-03-25,

Docket 21

***** VACATED *** REASON: Case dismissed 12/15/2025**

Tentative Ruling:

December 3, 2025

Appearances of Plaintiff, Defendant's counsel of record, and a representative of Defendant are required, in-person.

November 19, 2025

See Calendar Item 4.

August 6, 2025

Appearances required. All parties are to appear in-person. The Court will take no remote appearances.

Before the Court is the pre-trial conference in this matter, now solely as between plaintiff Carrie Leigh Sorokin ("Plaintiff") and defendant Nelnet Servicing, LLC ("Defendant"). See Docket No. 76. Pursuant to this Court's Local Rule 7016-1(b)(1)

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Chapter 7

(A), "[i]n any adversary proceeding, unless otherwise ordered by the court [], attorneys for the parties (or parties, if not represented by counsel) must prepare a written pretrial stipulation approved by counsel for all parties." This Court's Local Rule 7016-1(b)(1)(B) provides that the "pretrial stipulation must be filed or lodged [] and served not less than 14 days before the date set for the pretrial conference []."

Here, neither Plaintiff nor Defendant have filed with this Court a pretrial stipulation as required by this Court's Local Rules. Defendant has filed that *Motion to Continue Trial and All Related Deadlines*, which motion has not been granted. See Docket No. 90. That motion is scheduled to be heard on August 5, 2025. See Docket No. 96.

As things relate to Plaintiff, counsel to Plaintiff has filed that *Motion by Nelson Comis Kettle & Kinney LLP to Withdraw as Counsel for Plaintiff*. See Docket No. 106.

Neither of the most recent motions filed by Plaintiff or Defendant have been granted. Why, then, have the parties not proceeded with filing and serving a pretrial stipulation in the case that the Court does not grant one or more of the motions?

This Court's Local Rules provide that the failure to file and serve a pretrial stipulation may result in "[a]n award of monetary sanctions including attorneys' fees against the party at fault and/or counsel, payable to the party not at fault," and/or "the entry of an order striking the answer and entering a default."

Party Information

Debtor(s):

Carrie Leigh Sorokin

Represented By
William E. Winfield

Defendant(s):

U.S. Department of Education

Represented By
Elan S Levey

NELNET STUDENT LOAN

Represented By
Jonathan C Sandler

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CONT... Carrie Leigh Sorokin

Chapter 7

Plaintiff(s):

Carrie Leigh Sorokin

Pro Se

Trustee(s):

Sandra McBeth (TR)

Pro Se

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9:00 AM

9:24-10572 Thomas Anthony Ferro

Chapter 7

Adv#: 9:24-01022 Cal-West Equities, Inc. v. Ferro

#3.00 Pretrial Conference re: [1] Adversary case 9:24-ap-01022. Complaint by Cal-West Equities, Inc. against Thomas Anthony Ferro. and § 523(a)(6) (Attachments: # 1 Exhibit A # 2 Exhibit B) Nature of Suit: (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (68 (Dischargeability - 523(a)(6), willful and malicious injury))

Docket 1

***** VACATED *** REASON: Case dismissed 11/13/2025**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Anthony Ferro

Represented By
Robert M Yaspan
Debra Brand
Joseph G McCarty

Defendant(s):

Thomas Anthony Ferro

Represented By
Robert M Yaspan
Debra Brand

Plaintiff(s):

Cal-West Equities, Inc.

Represented By
Vanessa M Haberbusch

Trustee(s):

Jerry Namba (TR)

Represented By
Timothy J Yoo

**United States Bankruptcy Court
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9:00 AM

9:23-10157 Baron Brothers Nursery, Inc.

Chapter 7

Adv#: 9:25-01010 Sandra K. McBeth, Chapter 7 Trustee v. Law Offices of Gregory Larson

#4.00 CONT'D Status Conference re: [1] Adversary case 9:25-ap-01010. Complaint by Sandra K. McBeth, Chapter 7 Trustee against Law Offices of Gregory Larson a/k/a Gregory L. Larson, a Professional Corporation, a California corporation. (\$350.00 Fee Charge To Estate). Complaint For: (1) Avoidance, Recovery and Preservation of Actual Fraudulent Transfers [11 U.S.C. §§ 544(b), 550, and 551, Cal. Civ. Code §§ 3439.04(a)(1), 3439.07 and 3439.09]; (2) Avoidance, Recovery and Preservation of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 550, and 551, Cal. Civ. Code §§ 3439.04(a)(2) or 3439.05 and 3439.07] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (14 (Recovery of money/property - other))

fr. 7-9-25, 8-6-25, 9-24-25,

Docket 1

***** VACATED *** REASON: Case dismissed 11/24/2025**

Tentative Ruling:

September 24, 2025

Appearances required

The Court has reviewed that *Joint Status Report*. See Docket No. 24. The Court will set the following litigation dates:

February 20, 2026 – Last day to conduct discovery, including to receive responses to discovery

April 8, 2026, at 9:00 a.m. – Deadline for dispositive motions to be heard

April 22, 2026, at 9:00 a.m. – Pretrial conference

May 7, 2026, at 9:00 a.m. – Trial

Plaintiff is to lodge a scheduling order within 7 days.

Party Information

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CONT... Baron Brothers Nursery, Inc.

Chapter 7

Debtor(s):

Baron Brothers Nursery, Inc.

Represented By
William E. Winfield

Defendant(s):

Law Offices of Gregory Larson a/k/a

Represented By
Gregory L Larson

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Samuel Mushegh Boyamian

Trustee(s):

Sandra McBeth (TR)

Represented By
Samuel Mushegh Boyamian
Jeremy Faith

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9:23-10157 Baron Brothers Nursery, Inc.

Chapter 7

Adv#: 9:25-01012 Sandra K. McBeth, Chapter 7 Trustee v. Law Offices of Stephanie L.

#5.00 CONT'D Status Conference re: [1] Adversary case 9:25-ap-01012. Complaint by Sandra K. McBeth, Chapter 7 Trustee against Law Offices of Stephanie L. Mahdavi a Professional Law Corporation, a California corporation. (\$350.00 Fee Charge To Estate). Complaint for: (1) Avoidance, Recovery and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548(a)(1)(A), 550, and 551]; and (2) Avoidance, Recovery and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548(a)(1)(B), 550, and 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

fr. 7-9-25,

Docket 1

***** VACATED *** REASON: Case dismissed 12/04/25**

Tentative Ruling:

July 9, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 13. The Court is inclined to set the following litigation deadlines:

December 1, 2025 – Deadline to complete discovery, including the deadline to receive responses

January 14, 2026, at 9:00 a.m. – Deadline for pretrial motions to be heard

February 11, 2026, at 9:00 a.m. – Pretrial conference

February 11, 2026, at 9:00 a.m. – Continued status conference

February 18, 2026, at 9:00 a.m. – Trial

It is not clear to the Court whether the parties are interested in this Court ordering the parties to mediation.

Plaintiff is to lodge a scheduling order with the above dates within 7 days.

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CONT... Baron Brothers Nursery, Inc.

Chapter 7

Party Information

Debtor(s):

Baron Brothers Nursery, Inc.

Represented By
William E. Winfield

Defendant(s):

Law Offices of Stephanie L.

Pro Se

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Samuel Mushegh Boyamian

Trustee(s):

Sandra McBeth (TR)

Represented By
Samuel Mushegh Boyamian
Jeremy Faith

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9:23-10157 Baron Brothers Nursery, Inc.

Chapter 7

Adv#: 9:25-01012 Sandra K. McBeth, Chapter 7 Trustee v. Law Offices of Stephanie L.

#6.00 Pre-Trial Conference re: [1] Adversary case 9:25-ap-01012. Complaint by Sandra K. McBeth, Chapter 7 Trustee against Law Offices of Stephanie L. Mahdavi a Professional Law Corporation, a California corporation. (\$350.00 Fee Charge To Estate). Complaint for: (1) Avoidance, Recovery and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548(a)(1)(A), 550, and 551]; and (2) Avoidance, Recovery and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548(a)(1)(B), 550, and 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

Docket 1

***** VACATED *** REASON: Case dismissed 12/04/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Baron Brothers Nursery, Inc.

Represented By
William E. Winfield

Defendant(s):

Law Offices of Stephanie L.

Represented By
Richard A Rodgers

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Samuel Mushegh Boyamian

Trustee(s):

Sandra McBeth (TR)

Represented By
Samuel Mushegh Boyamian
Jeremy Faith

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9:25-11380 Gabriela Eichert

Chapter 13

Adv#: 9:25-01039 Eichert v. United Wholesale Mortgage LLC et al

#7.00 CONT'D Status Conference re: [4] Adversary case 9:25-ap-01039. Amended Complaint by Gabriela Eichert against United Wholesale Mortgage LLC , Samuel P Eichert Jr.. (\$350.00 Fee Not Required). (Attachments: # 1 Part 2 of 3 # 2 Part 3 of 3) Nature of Suit: (14 (Recovery of money/property - other)) ,(21 (Validity, priority or extent of lien or other interest in property)) ,(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) ,(72 (Injunctive relief - other)) ,(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

fr. 12-10-25,

Docket 4

***** VACATED *** REASON: Another summons issued on 1/13/2026.
Status Conference set for 3/11/2026.**

Tentative Ruling:

December 10, 2025

Appearances required.

On October 17, 2025, Gabriela B. Eichert ("Plaintiff") filed against United Wholesale Mortgage LLC and Samuel P. Eichert Jr. that *Complaint to Determine the Validity of Lien, for Declaratory Relif [sic], Cancellation of Instruments and Injunctive Relief* (the "Complaint"). See Docket No. 1. On October 17, 2025, the Court's Clerk issued that *Summons and Notice of Status Conference in Adversary Proceeding* (the "Summons"). See Docket No. 2. Plaintiff has not filed proof of service of the Complaint or the Summons.

On November 12, 2025, Plaintiff filed a document entitled *Amended Adversary Complaint*. See Docket No. 4.

The Summons is now stale, and there has been no request for a replacement summons.

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CONT... Gabriela Eichert

Chapter 13

Pursuant to those *Adversary Proceeding Status Conference Procedures of Judge Ronald A. Clifford III* (the "Procedures"), served on Plaintiff, "[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. 2, p. 1. "Failure to file a joint status report may result in the imposition of monetary sanctions and/or the status conference being continued." *Id.* This Court's Local Rule 7016-1(a)(2) provides, "[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 []." Pursuant to this Court's Local Rule 7016-1(f), "if a status conference statement [] is not filed [], the court may order [] [a]n award of monetary sanctions including attorneys' fees against the party at fault and/or counsel, payable to the party not at fault." Pursuant to this Court's Local Rule 9011-3(a), "[t]he violation of, or failure to conform to, the FRBP or these rules may subject the offending party or counsel to penalties, including monetary sanctions, the imposition of costs and attorneys' fees payable to opposing counsel, and/or dismissal of the case or proceeding."

"There is no question that a bankruptcy court has the power to sanction for violations of local rules." *In re Singh*, 2016 WL 770195 *4 (9th Cir. BAP 2016)(citing *Miranda v. S. Pac. Transp. Co.*, 710 F.2d 516, 519 (9th Cir. 1983).

Plaintiff has not filed a status report.

Given Plaintiff's failure to serve the Complaint, or what has been filed as an amendment to the Complaint, obtain a replacement summons for the Summons, which Summons is now stale, or to file a status conference report, the Court is inclined to enter an order requiring Plaintiff to show cause why the instant adversary proceeding should not be dismissed for failure to prosecute and to follow this Court's orders and Local Rules.

Party Information

Debtor(s):

Gabriela Eichert

Pro Se

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CONT... Gabriela Eichert

Chapter 13

Defendant(s):

United Wholesale Mortgage LLC Pro Se

Samuel P Eichert Jr. Pro Se

Joint Debtor(s):

Samuel Paul Eichert Jr. Pro Se

Plaintiff(s):

Gabriela Eichert Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR) Pro Se

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9:23-10157 Baron Brothers Nursery, Inc.

Chapter 7

Adv#: 9:25-01009 Sandra K. McBeth, Chapter 7 Trustee v. JPMorgan Chase Bank, National

#8.00 CONT'D Status Conference re: Third-Party Complaint by JPMorgan Chase Bank, National Association against Sandra Baron, Richard Baron

fr. 9-10-25, 10-22-25, 11-5-25, 11-19-25,

Docket 33

Tentative Ruling:

February 11, 2026

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 63. It appears that the parties will be prepared for trial this coming summer.

The last day for the Court to hear dispositive motions is June 3, 2026, at 9:00 a.m.

The Court will hold a pretrial conference on July 8, 2026, at 9:00 a.m., in-person.

The Court will hold a continued status conference for July 8, 2026, at 9:00 a.m., in-person.

The Court will hold a trial beginning July 30, 2026, at 9:00 a.m., in-person, counsel, parties and witnesses.

Plaintiff is to lodge a scheduling order within 7 days.

November 19, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 49. Are the parties seeking the entry of a scheduling order solely related to the third-party complaint that

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CONT... Baron Brothers Nursery, Inc.

Chapter 7

mirrors that *Scheduling Order* (Docket No. 17)? The Court understands the complaint in the instant proceeding to seek from JP Morgan Chase Bank ("Defendant") payments made by Baron Brothers Nursery, Inc. (the "Debtor") to Defendant pursuant to 11 U.S.C. §§544(b)(1), 548, 550 and 551, and Cal. Civ. Code §§ 3439.04(a)(1), 3439.07 and 3439.09. *See* Docket No. 1. That *Third Party Complaint of Defendant/Third-Party Plaintiff JP Morgan Chase Bank, N.A., for: 1. Implied Equitable Indemnity; 2. Contribution; 3. Declaratory Relief; 4. Negligent Misrepresentation; 5. Imposition of a Constructive Trust; 6. Unjust Enrichment; 7. Breach of the Implied Covenant of Good Faith and Fair Dealing* (the "Third Party Complaint") essentially seeks from certain insiders of the Debtor contribution for any liability under the complaint and Defendant's costs and attorneys' fees. *See* Docket No. 33. Whilst the Third Party Complaint rests principally on liability under the complaint, it appears that the Third Party Complaint requires litigation on disjointed legal theories than those which would support a judgment in favor of Plaintiff on the complaint. Thus, the Court maintains some confusion about a litigation schedule, at least as to trial, that mirrors that of the complaint.

November 5, 2025

Appearances waived.

The status conference is continued to November 19, 2025, at 9:00 a.m. due to the government shutdown.

October 22, 2025

The status conference is continued to November 5, 2025, at 9:00 a.m.

The Court has reviewed that *Joint Status Report*. *See* Docket No. 49. The Court will set the following litigation dates:

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CONT... Baron Brothers Nursery, Inc.

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February 27, 2026 – Last day to complete discovery, including receipt of responses

March 11, 2026, at 9:00 a.m. – Pretrial conference, in -person appearances required

March 11, 2026, at 9:00 a.m. – Continued status conference

March 12, 2026, at 9:00 a.m. – Trial, in-person, all witnesses and counsel

Third-Party Plaintiff is to lodge a conforming scheduling order within 7 days, and serve the entered order on Third-Party Defendant.

Party Information

Debtor(s):

Baron Brothers Nursery, Inc.

Represented By
William E. Winfield

Defendant(s):

JPMorgan Chase Bank, National

Represented By
Matthew S Henderson
Bryant S Delgadillo

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Samuel Mushegh Boyamian

Trustee(s):

Sandra McBeth (TR)

Represented By
Samuel Mushegh Boyamian
Jeremy Faith

**United States Bankruptcy Court
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9:23-10241 Sustenance Inc.

Chapter 7

Adv#: 9:25-01016 Jeremy W. Faith, Chapter 7 Trustee v. JPMORGAN CHASE BANK,

#9.00 CONT'D Status Conference re: [1] Adversary case 9:25-ap-01016. Complaint by Jeremy W. Faith, Chapter 7 Trustee against JPMORGAN CHASE BANK, NATIONAL ASSOCIATION. (\$350.00 Fee Charge To Estate). Complaint for: (1) Avoidance, Recovery and Preservation of Actual Fraudulent Transfers [11 U.S.C. §§ 544(b), 550, and 551, Cal. Civ. Code §§ 3439.04(a)(1), 3439.07 and 3439.09]; (2) Avoidance, Recovery and Preservation of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 550, and 551, Cal. Civ. Code §§ 3439.04(a)(2) or 3439.05 and 3439.07]; (3) Avoidance, Recovery and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548(a)(1)(A), 550, and 551]; and (4) Avoidance, Recovery and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548(a)(1)(B), 550, and 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

fr. 6-4-25, 12-10-25,

Docket 1

***** VACATED *** REASON: Hearing continued to 4/8/2026 at 9:00 a.m
per order entered 1/30/2026**

Tentative Ruling:

December 10, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 15. It appears that the parties have resolved this matter. The status conference will be continued to February 11, 2026, at 9:00 a.m.

June 4, 2025

Appearances required.

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

Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

CONT... Sustenance Inc.

Chapter 7

The Court has reviewed that *Joint Status Report*. See Docket No. 11. The Court is inclined to set the following deadlines:

November 28, 2025 - Deadline to complete discovery, including the deadline to receive responses

December 10, 2025, at 9:00 a.m. - Last day for dispositive motions to be heard

December 10, 2025, at 9:00 a.m. - Continued status conference

Plaintiff is to upload a scheduling order within 7 days.

Party Information

Debtor(s):

Sustenance Inc.

Represented By
Leslie A Tos

Defendant(s):

JPMORGAN CHASE BANK,

Represented By
Christopher O Rivas

Plaintiff(s):

Jeremy W. Faith, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Meghann A Triplett

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

Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

9:25-10168 Ivan Lopez

Chapter 7

Adv#: 9:25-01020 Lira et al v. Lopez

#10.00 CONT'D Status Conference re: [1] Adversary case 9:25-ap-01020. Complaint by Patricia Lira, Gelacio Lopez, Mallison & Martinez against Ivan Lopez. fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)), (65 (Dischargeability - other))

fr. 6-4-25, 6-18-25, 8-20-25, 11-19-25,

Docket 1

Tentative Ruling:

February 11, 2026

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 33.

The Court will continue the status conference to June 17, 2026, at 9:00 a.m.

November 19, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 29. If the Court follows, there may be a settlement conference conducted by a Magistrate Judge in the District Court matter. See *id.* at p. 4. However, the parties appear to both request that this matter be assigned to mediation. See *id.* at p. 3. The Court has two (2) queries for the parties. First, what precisely is the status of the District Court matter? Second, when would the parties desire that this Court order the parties to mediation given the District Court's suggestion of a settlement conference in that matter?

August 20, 2025

Appearances waived.

**United States Bankruptcy Court
Central District of California
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Ronald A Clifford III, Presiding
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Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

CONT... Ivan Lopez

Chapter 7

The Court has reviewed that *Joint Status Report*. See Docket No. 17. The Court will continue the status conference to November 19, 2025, at 9:00 a.m., by which time the parties anticipate a judgment in the District Court matter.

June 18, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 10. When will Plaintiff's discovery be completed? The Court will set litigation dates at the status conference.

June 4, 2025

In-person appearances required. Zoom appearances will not be allowed.

Those *Adversary Proceeding Status Conference Procedures* (the "Procedures") provide that "[f]ailure to appear for a status conference may result in the imposition of monetary sanctions." See Docket No. 3, p. 1. The Procedures also provide that "[a] joint status report prepared using Local Form F 7016-1.STATUS.REPORT must be filed fourteen days before each status conference." *Id.* "Failure to file a joint status report may result in the imposition of monetary sanctions and/or the status conference being continued." *Id.* "Stipulations for extensions of time are ineffective unless approved by the Court." *Id.* This Court's Local Rule 7016-1(a)(1) requires appearance at status conferences by "the attorney [] who is responsible for trying the case..." If the Procedures did not provide sufficient notice, this Court's Local Rule 7016-1(a)(2) provides, "[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 7016-1(f) provides that "if a status conference statement [] is not filed [] within the times set forth in subsection (a) [], the court may order [a]n award of monetary sanctions including attorneys' fees against the party at fault and/or counsel, payable to the party not at fault [and/or a]n award of non-monetary sanctions against the party at fault including entry of judgment of dismissal or the entry of an order

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9:00 AM

CONT... Ivan Lopez

Chapter 7

striking the answer and entering a default."

No status report has been filed by the Plaintiffs or the Defendant. Sanctions are appropriate, monetary and/or otherwise.

Party Information

Debtor(s):

Ivan Lopez

Represented By
Frank X Ruggier

Defendant(s):

Ivan Lopez

Represented By
Frank X Ruggier

Joint Debtor(s):

Gladys Lopez

Represented By
Frank X Ruggier

Plaintiff(s):

Patricia Lira

Represented By
Gonzalo Quezada Jr
Stan S Mallison
Hector R Martinez
Cody Alexander Bolce

Gelacio Lopez

Represented By
Gonzalo Quezada Jr
Stan S Mallison
Hector R Martinez
Cody Alexander Bolce

Law Firm of Mallison & Martinez

Represented By
Gonzalo Quezada Jr
Stan S Mallison
Hector R Martinez
Cody Alexander Bolce

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

9:00 AM

CONT... Ivan Lopez

Chapter 7

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

9:25-10094 Kim Marie Martel

Chapter 7

Adv#: 9:25-01021 Shelley McConnell, solely in her capacity as Trust v. Martel

#11.00 CONT'D Status Conference re: [1] Adversary case 9:25-ap-01021. Complaint by Shelley McConnell, solely in her capacity as Trustee of the Rose E. Treise Trust Dated December 21, 1989, As Amended, and Administrator of the Estate of J. Carl Treise against Kim Marie Martel. fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury))

fr. 7-9-25, 8-20-25, 10-8-25,

Docket 1

***** VACATED *** REASON: Hearing continued to 8/26/2026 at 9:00 a.m.
per order entered 2/3/2026**

Tentative Ruling:

February 11, 2026

Appearances required.

The Court set a continued status conference for February 11, 2026, at 9:00 a.m. and required that "[a] status conference report [] be filed fourteen (14) days prior to the continued status conference." See Docket No. 33. The Court finds no status conference report. It appears the matter has been abandoned. The Court will enter an order to show cause why the matter should not be dismissed for lack of prosecution.

October 8, 2025

Appearances waived.

The Court has reviewed that *Unilateral Status Report* and that *Stipulation for Stay of Adversary Proceeding*. See Docket Nos. 30 and 31, respectively. The Court will continue the status conference to February 11, 2026, at 9:00 a.m. to allow the probate court to enter judgment, or not, in the probate matter. A status conference report is to be filed fourteen (14) days prior to the continued status conference.

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Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

CONT... Kim Marie Martel

Chapter 7

August 20, 2025

Appearances required.

July 9, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 18. The Court will continue the status conference to August 20, 2025, at 9:00 a.m. The Court will establish litigation dates at the continued status conference to the extent the motion to dismiss is denied. Therefore, an updated status report with proposed litigation dates should be filed no less than 14 days prior to the continued status conference.

Party Information

Debtor(s):

Kim Marie Martel

Represented By
Edwin J Rambuski

Defendant(s):

Kim Marie Martel

Pro Se

Plaintiff(s):

Shelley McConnell, solely in her

Represented By
William C Beall

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

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

Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

9:25-11210 Matthew Nash

Chapter 7

Adv#: 9:25-01045 Reed v. Nash

#12.00 Status Conference re: [1] Adversary case 9:25-ap-01045. Complaint by Robert D Reed against Matthew Nash. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

Docket 1

Tentative Ruling:

February 11, 2026

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 19. The Court will set the following litigation dates:

March 15, 2026 – Last day to add parties

May 29, 2026 – Last day to conduct discovery, including receipt of responses

July 8, 2026, at 9:00 a.m. – Last day for the Court to hear dispositive motions

July 29, 2026, at 9:00 a.m. – Pretrial conference, in-person

July 29, 2026, at 9:00 a.m. – Status conference

August 4, 2026, at 9:00 a.m. – Trial, in-person, counsel, parties and witnesses

Plaintiff is to lodge a scheduling order within 7 days.

Party Information

Debtor(s):

Matthew Nash

Represented By
William C Beall

Defendant(s):

Matthew Nash

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

CONT... Matthew Nash

Chapter 7

Plaintiff(s):

Robert Reed

Represented By
Paul F Ready

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

9:25-10338 Nelson Quizhpi

Chapter 13

Adv#: 9:25-01028 Cruz v. Quizhpi

#13.00 CONT'D Order to Show Cause why the adversary proceeding should not be dismissed for lack of prosecution, and/or the imposition of monetary sanctions

fr. 10-8-25, 10-22-25, 11-5-25, 11-19-25,

Docket 13

***** VACATED *** REASON: Dismissed 2/9/2026**

Tentative Ruling:

February 11, 2026

Appearances required, in-person.

The Court has reviewed that *Notice of Settlement and Stipulation and Request for Dismissal* (the "Notice"). See Docket No. 30. Through the Notice, the parties "stipulate and request dismissal of this matter." See *id.* at p. 1, lines 21-22. The Court presumes the Notice serves as a stipulated dismissal under Fed. R. Bankr. P. 7041 and Fed. R. Civ. P. 41(a)(1)(A)(ii). If so, the parties are to lodge a conforming order.

November 19, 2025

Appearances required, in-person.

See the tentative ruling below.

November 5, 2025

Appearances waived.

The hearing on the motion is continued to November 19, 2025, at 9:00 a.m. due to the government shutdown.

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Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

CONT... Nelson Quizhpi

Chapter 13

The Court has reviewed that *Declaration of Guy R. Bayley re: Non Appearance at Status Conference and Non Filing of Status Conference Report*. See Docket No. 24. Counsel to Defendant asserts that they did not appear at prior status conferences due to recent deaths in the family, and that they provided Plaintiff's counsel with their portions of the status conference report, which Plaintiff's counsel simply failed to file.

The Court has also reviewed that *Response to OSC* filed by Plaintiff's counsel where Plaintiff's counsel attests that the status report was not received by Defendant's counsel, and that they failed to appear at the status conference because they did not review the tentative ruling for the day requiring in-person appearances. See Docket No. 16. "All parties must appear in person at the initial status conference." See Docket No. 4, *Adversary Proceeding Status Conference Procedures*, p. 1. Plaintiff's counsel did not need to review the Court's tentative rulings page to know that appearances were required at the initial status conference, in-person.

October 22, 2025

This hearing is continued to November 5, 2025, at 9:00 a.m. due to the Government Shutdown.

October 8, 2025

Appearances waived.

On July 7, 2025, Manuel Cruz ("Plaintiff") filed that *Complaint to Determine Dischargeability of Debt U.S.C. 523* (the "Complaint"). See Docket No. 1. On the same date, the Court's Clerk issued that *Summons and Notice of Status Conference in Adversary Proceeding* (the "Summons"). See Docket No. 4-1. The Summons included those *Adversary Proceeding Status Conference Procedures* (the "Procedures"). See *id.* at Docket No. 4. The Procedures informed parties-in-interest, "[a]ll parties must appear in person at the initial status conference," and that the "[f]

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CONT... Nelson Quizhpi

Chapter 13

ailure to appear for a status conference may result in the imposition of monetary sanctions." *See id.* at p. 1. The Procedures also required that the parties submit a joint status report not later than 14 days before each status conference, and, if a party fails cooperate with the requirements of filing a joint status report, the other party should file a unilateral report. *See id.*

The Procedures largely track this Court's Local Rules. *See* Local Rules 7016-1(a)(1) and (2).

On September 9, 2025, Plaintiff filed a proof of service of the Summons on Nelson Quizhpi ("Defendant"). *See* Docket No. 6.

An initial status conference in the instant adversary proceeding was scheduled for September 10, 2025, at 9:00 a.m. *See* Docket No. 4-1, p. 1. No joint or unilateral status report has ever been filed by either Plaintiff or Defendant. The Court issued a tentative ruling to its public facing webpage on September 5, 2025, at 12:24 p.m., noting the lack of any status report having been filed, and reminding Plaintiff of the requirement of in-person appearances at the status conference. The Court was unaware that the Summons and Complaint had been served, because the proof of service of the same was not filed until, as noted *supra*, September 9, 2025.

On September 9, 2025, at 3:13 p.m., less than 24 hours prior to the initial status conference, Plaintiff filed that *Stipulation to Continue Status Conference* (the "Stipulation"). *See* Docket No. 5. The Stipulation provides that "the parties are actively engaging in a settlement discussion to resolve the instant Adversary Proceeding," and so the parties requested a continuance of the status conference to October 8, 2025. *See id.* No call to the Courtroom Deputy was made that the Court is aware of.

There were no appearances at the status conference as required by the Procedures, this Court's Local Rules, and the tentative ruling.

On September 10, 2025, at 10:38 a.m., Plaintiff filed that *Declaration of Bryan Diaz, Esq. re: Status Conference Set for September 10, 2025* (the "Declaration"). *See* Docket No. 10. The Declaration says not much more than the Stipulation.

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9:00 AM

CONT...

Nelson Quizhpi

Chapter 13

Before the Court is that *Order to Show Cause Why the Adversary Proceeding Should Not be Dismissed for Lack of Prosecution, and/or the Imposition of Monetary Sanctions* (the "OSC") for the failure to prosecute, the failure to appear at the status conference, and the failure to file a status report. *See* Docket No. 13. The OSC informs the parties that the "failure to file a written response may be deemed consent to dismissal and/or the levy of monetary sanctions." *See id.* at p. 4. On September 13, 2025, the OSC was served on the parties via BNC notice. *See* Docket No. 15.

It is well established that a district court has authority to dismiss a plaintiff's action because of a plaintiff's failure to prosecute or to comply with court orders. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962) (a court's authority to dismiss for lack of prosecution is necessary to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the district courts); and *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002).

In *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988), the Ninth Circuit affirmed the district court's dismissal of a case for failure to prosecute. The Ninth Circuit cited the following factors as relevant to the district court's determination of whether dismissal of a pro se plaintiff's action for failure to prosecute is warranted: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits and (5) the availability of less drastic sanctions." *Id.* at 1440 (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). "It is not necessary for a district court to make explicit findings to show that it has considered these factors." *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (citations omitted).

Here, Plaintiff, Defendant, and Bryan Diaz, Esq., (counsel of record to Plaintiff) ("Diaz") failed to appear at the status conference on September 10, 2025, despite the Court's tentative ruling requiring in-person appearances, and failed to file a status report prior to the status conference. Further, Plaintiff and Diaz have not responded to the OSC, as the OSC required.

Plaintiff's delay and failure to prosecute the matter prevents the Court from properly managing its docket. Further, there is no prejudice to Defendant by dismissing the

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CONT... **Nelson Quizhpi** **Chapter 13**

matter as the dismissal favors Defendant. Lastly, as noted, Plaintiff has not responded to the OSC, and, therefore, the Court takes Plaintiff's failure to respond to the OSC as acquiescence to dismissal of the instant adversary proceeding.

This adversary proceeding is dismissed. The Court will enter its own order.

Party Information

Debtor(s):

Nelson Quizhpi

Represented By
Jeffrey J Hagen

Defendant(s):

Nelson Quizhpi

Represented By
Guy R Bayley

Plaintiff(s):

Manuel Cruz

Represented By
Bryan Diaz

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

9:25-10338 Nelson Quizhpi

Chapter 13

Adv#: 9:25-01028 Cruz v. Quizhpi

#14.00 CONT'D Status Conference re: [1] Adversary case 9:25-ap-01028. Complaint by Manuel Cruz against Nelson Quizhpi. willful and malicious injury)), (65 (Dischargeability - other), (62 Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud))

fr. 9-10-25, 10-8-25, 10-22-25, 11-5-25, 11-19-25,

Docket 1

***** VACATED *** REASON: Dismissed 2/9/2026**

Tentative Ruling:

February 11, 2026

Appearances required, in-person.

The Court set February 11, 2026, as the continued status conference in this proceeding. *See* Docket No. 31. Those *Adversary Proceeding Status Conference Procedures* (the "Procedures") provide that "[a] joint status report prepared using Local Form F 7016-1.STATUS.REPORT must be filed fourteen days before each status conference." *See* Docket No. 4, p. 1. "Failure to file a joint status report may result in the imposition of monetary sanctions and/or the status conference being continued." *Id.* If the Procedures did not provide sufficient notice, this Court's Local Rule 7016-1(a)(2) provides, "[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 7016-1(f) provides that "if a status conference statement [] is not filed [] within the times set forth in subsection (a) [], the court may order [a]n award of monetary sanctions including attorneys' fees against the party at fault and/or counsel, payable to the party not at fault [and/or a]n award of non-monetary sanctions against the party at fault including entry of judgment of dismissal or the entry of an order striking the answer and entering a default."

Here, the Court finds no status conference report for the instant status conference on the Court's Local Form as required by the Procedures and this Court's Local Rules,

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9:00 AM

CONT... Nelson Quizhpi

Chapter 13

now, for a second time, and after the Court has issued a show cause order for the same.

November 19, 2025

Appearances required.

See tentative ruling below.

November 5, 2025

Appearances waived.

The status conference is continued to November 19, 2025, at 9:00 a.m. due to the government shutdown.

The Court has reviewed that *Joint Status Report*. See Docket No. 18. The Court will issue the following litigation dates:

January 30, 2026 - Last day to conduct discovery, including receipt of responses.

February 25, 2026, at 9:00 a.m. - Last day for dispositive motions to be heard

March 25, 2026, at 9:00 a.m. - Pretrial conference

March 25, 2026, at 9:00 a.m. - Continued status conference

April 16, 2026, at Noon - Trial

Plaintiff is to lodge a scheduling order within 7 days.

October 22, 2025

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9:00 AM

CONT... Nelson Quizhpi

Chapter 13

The status conference is continued to November 5, 2025, at 9:00 a.m. due to the Government Shutdown.

October 8, 2025

Appearances waived.

See calendar item 4. As with the initial status conference, no status report was filed prior to the instant status conference as required by the Procedures and this Court's Local Rules.

September 10, 2025

Appearances required. Plaintiff is to appear, in person. No remote appearances will be allowed.

On July 7, 2025, Manuel Cruz ("Plaintiff") filed that *Complaint to Determine Dischargeability of Debt U.S.C. § 523* (the "Complaint"). See Docket No. 1. On July 7, 2025, the Court's Clerk issued that *Summons and Notice of Status Conference in Adversary Proceeding* (the "Summons"). See Docket No. 4. On the same date, those *Adversary Proceeding Status Conference Procedures* (the "Procedures") were served on Plaintiff. See *id.*

The Procedures provide that "[a] joint status report prepared using Local Form F 7016-1.STATUS.REPORT must be filed fourteen days before each status conference." *Id.* "Failure to file a joint status report may result in the imposition of monetary sanctions and/or the status conference being continued." *Id.* If the Procedures did not provide sufficient notice, this Court's Local Rule 7016-1(a)(2) provides, "[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 7016-1(f) provides that "if a status conference statement [] is not filed [] within the times set forth in subsection (a) [], the court may order [a]n award of monetary sanctions including attorneys' fees against the party at fault and/or counsel, payable to

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CONT...

Nelson Quizhpi

Chapter 13

the party not at fault [and/or a]n award of non-monetary sanctions against the party at fault including entry of judgment of dismissal or the entry of an order striking the answer and entering a default."

The Court finds no status conference statement to allow it to prepare for the status conference.

Pursuant to Fed. R. Bankr. P. 7004(e)(1), "[a] summons and complaint served by delivery under Fed. R. Civ. P. 4[], must be served within 7 days after the summons is issued."

The Court has no proof that the Complaint and the Summons have been served.

Party Information

Debtor(s):

Nelson Quizhpi

Represented By
Jeffrey J Hagen

Defendant(s):

Nelson Quizhpi

Represented By
Guy R Bayley

Plaintiff(s):

Manuel Cruz

Represented By
Bryan Diaz

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, February 11, 2026

Hearing Room 201

9:00 AM

9:25-11380 Gabriela Eichert

Chapter 13

Adv#: 9:25-01039 Eichert v. United Wholesale Mortgage LLC et al

#15.00 Order to show cause why the case should not be dismissed
for failure to prosecute

Docket 6

Tentative Ruling:

February 11, 2026

Appearances required, in-person.

On October 17, 2025, Gabriela Eichert and Samuel P. Eichert Jr. ("Plaintiffs") filed as against United Wholesale Mortgage LLC, Cenlar Federal Savings Bank, and Nationstar Mortgage LLC d/b/a Mr. Cooper that *Complaint to determine the validity of lien, for declaratory relief* [sic], *cancellation of instruments and injunctive relief* [sic] (the "Complaint"). See Docket No. 1. On November 12, 2025, Plaintiffs filed that *Amended Adversary Complaint (11 U.S.C. § 544 et seq.)* (the "Amended Complaint"). See Docket No. 4. The Amended Complaint adds as defendants Fidelity National Title Company, Westcor Land Title Insurance Company, JMR Mortgaging, Inc., and excludes Cenlar Federal Savings Bank (collectively, "Defendants"). See *id.* at p. 3.

The Court held an initial status conference on the Amended Complaint on December 10, 2025. See Docket No. 5. Thereat, the Court continued the status conference to February 11, 2026, and issued that *Order to Show Cause Why the Case Should Not Be Dismissed for Failure to Prosecute* (the "OSC"). See Docket Nos. 5 and 6, respectively. The OSC noted that neither the Complaint nor the Amended Complaint had ever been served on Defendants, no summons had ever been served on Defendants, and no status report had been filed in advance of the status conference as required by those *Adversary Proceeding Status Conference Procedures* and this Court's Local Rules. See Docket No. 6. Any response to the OSC was to be filed on or before January 28, 2026. See *id.* at p. 2, lines 13-15. The failure to timely respond to the OSC "may be deemed consent to dismissal." See *id.* at lines 14-15.

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CONT...

Gabriela Eichert

Chapter 13

On December 27, 2025, that *Amended Adversary Complaint* was filed by Plaintiffs (the "Second Amended Complaint"). *See* Docket No. 12. *Another Summons and Notice of Status Conference in Adversary Proceeding* (the "Summons") was issued by the Clerk of Court on December 31, 2025. *See* Docket No. 14-1.

On January 5, 2026, Plaintiff filed that *Response to Order to Show Cause* (the "Response"). *See* Docket No. 15. Plaintiffs argue that they did serve the Complaint or Amended Complaint, or any summons of those complaints, due to "good cause." *See id.* at pp. 8-9. That "good cause" appears to be that Plaintiffs were filing either the Amended Complaint or the Second Amended Complaint, it is not clear. Plaintiffs argue that no status conference report was timely filed prior to the initial status conference because none of the various complaints had been served, depriving Plaintiffs of conducting a conference in accordance with Fed. R. Civ. P. 26. *See id.* at p. 8.

On January 13, 2026, the Court's Clerk issued *Another Summons and Notice of Status Conference in Adversary Proceeding* (the "Second Summons"). *See* Docket No. 23-1.

On January 22, 2026, Plaintiff submitted a *Proof of Service of Document* regarding the purported service of the Summons. *See* Docket No. 28. As the Docket notes, Plaintiffs attempted to serve an expired summons, and a summons that had been superseded by the Second Summons. *See id.* Further, Plaintiffs attempted to serve only some of Defendants, and those Defendants by ECF, whilst none of Defendants are listed on the NEF list. *See id.*

On February 1, 2026, Plaintiff filed that *Proof of Service of Document* regarding the purported service of the Second Summons. *See* Docket No. 41. Again, the Second Summons was issued on January 13, 2026. *See* Docket No. 23-1. Pursuant to Fed. R. Bankr. P. 7004(e)(1), "[a] summons and complaint served by delivery under Fed. R. Civ. P. 4(e), (g), (h)(1), (i), or (j)(2) must be served within 7 days after the summons is issued." The Second Summons is now stale, as it was not properly served on or before January 20, 2026. Further, Plaintiffs claim to have served the Second Summons by NEF, when none of Defendants have yet appeared in this matter to be

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CONT... **Gabriela Eichert**
served via NEF.

Chapter 13

In the meantime, and without even having served the Second Amended Complaint or the Second Summons, Plaintiffs have filed that *Motion to Dismiss/for Determination of Lack of Standing* (Docket No. 16), that *Urgent Motion for Injunctive and Enforcement Relif*[sic] *Pursuant to LBR 9013-1(a)* (Docket No. 18), that *Motion to Determine Violations of the Automatic Stay to Void Post Petition Transfers* (Docket No. 30), and that *Motion for Injunctive Relif*[sic], *Summary Judgment, Statement of Controverted and Conclusions of Law* (Docket No. 34). Once again, the Second Amended Complaint is not yet at issue, now more than a month after its filing, and there is no issued summons of the Second Amended Complaint to be served.

What is more, Plaintiffs underlying bankruptcy case was dismissed on December 2, 2025. *See* Case No. 9:25-bk-11380-RC, Docket No. 25, *Order and Notice of Dismissal for Failure to File Schedules, Statements and/or Plan*. Despite dismissal of the underlying bankruptcy case, "[t]he bankruptcy court may retain jurisdiction over a related proceeding subject to considerations of judicial economy, fairness, convenience and comity." *In re Casamont Investors, Ltd.*, 196 B.R. 517, 522 (9th Cir. BAP 1996).

Not even one of the various complaints filed in this proceeding has ever been served, and neither any summons related to any of those complaints. In fact, today, there is no summons to be served. This proceeding began with the Complaint being filed nearly five (5) months ago. The OSC, entered more than two (2) months ago outlined the fact that no summons had been served in this proceeding. Coupled with the failure to serve any of the complaints, or any summons related to any of those complaints, is the fact that the underlying bankruptcy case was dismissed in December 2025.

This proceeding is ripe for dismissal for the failure of Plaintiffs to serve a summons on any of Defendants.

Party Information

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CONT... Gabriela Eichert

Chapter 13

Debtor(s):

Gabriela Eichert Pro Se

Defendant(s):

United Wholesale Mortgage LLC Pro Se

Samuel P Eichert Jr. Pro Se

Joint Debtor(s):

Samuel Paul Eichert Jr. Pro Se

Plaintiff(s):

Gabriela Eichert Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR) Pro Se

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9:00 AM

9:23-10950 Lorena Mayra Ortiz

Chapter 7

Adv#: 9:24-01005 McBeth v. Ortiz et al

#16.00 Hearing re: [61] Plaintiff's motion to dismiss adversary action

Docket 61

Tentative Ruling:

February 11, 2026

Appearances required.

Background

On January 30, 2024, Sandra K. McBeth (the "Trustee") filed as against Benjamin and Kerin Ortiz (collectively, "Defendants") that *Complaint for Avoidance of Actual Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(A) Constructive Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(B)* (the "Complaint"). *See* Docket No. 1.

On December 23, 2025, the Trustee filed that *Motion to Dismiss Adversary Action* (the "Motion"). *See* Docket No. 55. Through the Motion, the Trustee seeks dismissal of this proceeding, with prejudice, due to the full effectuation of a settlement of the Complaint between the parties. *See id.*

Notice

Pursuant to this Court's Local Rule 9013-1(c)(2), the notice complementing a motion "must advise the opposing party that LBR 9013-1(f) requires a written response to be filed and served at least 14 days before the hearing."

On January 8, 2026, the Trustee filed that *Notice of Hearing on Plaintiff's Motion to Dismiss Adversary Complaint* (the "Notice"). *See* Docket No. 63. The Notice informs Defendants, "[i]f you wish to oppose this Motion you must file a written response to this Motion with the Bankruptcy Court and serve a copy of its upon the Movant no less than 21 calendar days before the above hearing..." *See id.* at p. 2, lines 5-8. The Notice does not appear to comply with this Court's Local Rule 9013-1(c)(2).

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CONT... Lorena Mayra Ortiz

Chapter 7

Analysis

Pursuant to Fed. R. Bankr. P. 7041, "Fed. R. Civ. P. 41 applies in an adversary proceeding." Pursuant to Fed. R. Civ. P. 41(a)(2), "[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." "A district court should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result." *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001). The Ninth Circuit has held that legal prejudice "means 'prejudice to some legal interest, some legal claim, some legal argument.'" *Id.* at 976 (quoting *Westlands Water Dist. v. U.S.*, 100 F.3d 94, 97 (9th Cir. 1996)).

Here, dismissal of the matter, according to the Trustee, is proper in that the Complaint has been fully resolved. The Court is inclined to grant the Motion, but will confer with the Trustee regarding the Notice's incorrect response deadline.

Party Information

Debtor(s):

Lorena Mayra Ortiz

Represented By
Michael B Clayton

Defendant(s):

Benjamin Ortiz

Represented By
Janet A Lawson

Kerin R Ortiz

Represented By
Janet A Lawson

Plaintiff(s):

Sandra K. McBeth

Represented By
Paul F Ready

Trustee(s):

Sandra McBeth (TR)

Represented By
Paul F Ready

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9:00 AM

9:23-10057 Unlikely Heroes, Inc.

Chapter 7

Adv#: 9:25-01027 McBeth v. Greve

#17.00 CONT'D Hearing re: [42] Motion to dismiss trustee complaint for turnover, injunctive relief, and attorney's fees

fr. 12-03-25,

Docket 42

Tentative Ruling:

February 11, 2026

Appearances required.

Is this matter being dismissed?

December 3, 2025

Appearances required.

Before the Court is that *Motion to Dismiss Trustee Complaint for Turnover, Injunctive Relief, and Attorney's Fees* (the "Motion"). See Docket No. 42. The parties previously informed the Court that this adversary proceeding has been resolved in principle, and that the parties were memorializing their settlement. The Court will hear from the parties about the status of this adversary proceeding, and related thereto, the Motion.

Party Information

Debtor(s):

Unlikely Heroes, Inc.

Represented By
Richard P Towne

Defendant(s):

Erica Greve

Pro Se

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CONT... Unlikely Heroes, Inc.

Chapter 7

Movant(s):

Erica Greve

Pro Se

Plaintiff(s):

Sandra McBeth

Represented By
Ryan W Beall
William C Beall

Trustee(s):

Sandra McBeth (TR)

Represented By
William C Beall
Carissa N Horowitz
Ryan W Beall

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Hearing Room 201

10:00 AM

9:25-11481 Klar Fulgentes Pasilaban

Chapter 7

#18.00 Hearing re: [10] Reaffirmation agreement between debtor
and Santander Consumer USA Inc. (2023 Tesla Model 3)

Docket 10

***** VACATED *** REASON: Recscission of Reaffirmation Agreement
filed 1/9/26.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Klar Fulgentes Pasilaban

Represented By
Douglas A Crowder

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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10:00 AM

9:25-11492 Justin Jacob Simons

Chapter 7

#19.00 Hearing re: [9] Reaffirmation agreement between debtor and Hyundai
Capital America DBA Hyundai Motor Finance (2021 Hyundai Elantra)

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justin Jacob Simons

Represented By
Daniel A Higson

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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Hearing Room 201

10:00 AM

9:25-11493 Hannah Jennette Dilley

Chapter 7

#20.00 Hearing re: [10] Reaffirmation agreement between debtor and AmeriCredit Financial Services, Inc. dba GM Financial (2022 Chevrolet Traverse)

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hannah Jennette Dilley

Represented By
Daniel A Higson

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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10:00 AM

9:25-11550 Sarah Lynn Brewer

Chapter 7

#21.00 Hearing re: [10] Reaffirmation agreement between debtor and
SESLOC Credit Union (2022 Toyota Highlander Hybrid)

Docket 10

Tentative Ruling:

February 11, 2026

No appearance required.

No court approval of the reaffirmation agreement is required. *See In re Ong*, 461 B.R.
559 (9th Cir. BAP 2011).

Party Information

Debtor(s):

Sarah Lynn Brewer

Represented By
Linda Selig Blonsley

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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Wednesday, February 11, 2026

Hearing Room 201

10:00 AM

9:25-11555 Valerie Lorraine Montoya

Chapter 7

#22.00 Hearing re: [9] Reaffirmation agreement between debtor and
CarMax Auto Finance (2018 Honda Accord)

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Valerie Lorraine Montoya

Represented By
Daniel A Higson

Trustee(s):

Sandra McBeth (TR)

Pro Se

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Wednesday, February 11, 2026

Hearing Room 201

10:00 AM

9:25-11557 Gisela Campuzano

Chapter 7

#23.00 Hearing re: [16] Reaffirmation agreement between debtor and
Nissan Motor Acceptance Corp. (2020 Nissan Murano)

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gisela Campuzano

Represented By
Daniel A Higson

Trustee(s):

Sandra McBeth (TR)

Pro Se

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Wednesday, February 11, 2026

Hearing Room 201

10:00 AM

9:25-11593 Jason Eric Patison and Christy Anna Patison

Chapter 7

#24.00 Hearing re: [11] Reaffirmation agreement between debtor and Capital One Auto Finance, a division of Capital One, N.A. (2017 GMC Sierra 2500 HD)

Docket 11

Tentative Ruling:

February 11, 2026

No appearance required.

No court approval of the reaffirmation agreement is required. *See In re Ong*, 461 B.R. 559 (9th Cir. BAP 2011).

Party Information

Debtor(s):

Jason Eric Patison

Represented By
Barry E Borowitz

Joint Debtor(s):

Christy Anna Patison

Represented By
Barry E Borowitz

Trustee(s):

Amy L Goldman (TR)

Pro Se

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Hearing Room 201

10:00 AM

9:25-11623 William M Seagrave and Jackie L Seagrave

Chapter 7

#25.00 Hearing re: [21] Reaffirmation agreement between debtor
and PNC Bank N.A. (2020 BMW 330I)

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William M Seagrave

Represented By
Linda Selig Blonsley

Joint Debtor(s):

Jackie L Seagrave

Represented By
Linda Selig Blonsley

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 201

10:00 AM

9:25-11630 Nicole Marie Sprovach

Chapter 7

#26.00 Hearing re: [9] Reaffirmation agreement between debtor and Capital One Auto Finance, a division of Capital One, N.A. (2015 Honda CR-V)

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Marie Sprovach

Represented By
Daniel A Higson

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, February 11, 2026

Hearing Room 201

10:00 AM

9:25-11635 David Villaneuva Gudino and Alana Bosworth Gudino

Chapter 7

#27.00 Hearing re: [10] Reaffirmation agreement between debtor
and Navy Federal Credit Union (2021 Toyota Camry)

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Villaneuva Gudino

Represented By
Daniel A Higson

Joint Debtor(s):

Alana Bosworth Gudino

Represented By
Daniel A Higson

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 201

10:00 AM

9:25-11645 Alec Sebastian Schroyer and Monique Schroyer

Chapter 7

#28.00 Hearing re: [12] Reaffirmation agreement between debtor
and Navy Federal Credit Union (2020 Jeep Gladiator)

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alec Sebastian Schroyer

Represented By
Steven Abraham Wolvek

Joint Debtor(s):

Monique Schroyer

Represented By
Steven Abraham Wolvek

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

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Hearing Room 201

10:00 AM

9:25-11654 Genesis Paola Garcia Ramirez

Chapter 7

#29.00 Hearing re: [12] Reaffirmation agreement between debtor and
Toyota Motor Credit Corporation (2020 Toyota Corolla)

Docket 12

Tentative Ruling:

February 11, 2026

No appearance required.

No court approval of the reaffirmation agreement is required. *See In re Ong*, 461 B.R. 559 (9th Cir. BAP 2011).

Party Information

Debtor(s):

Genesis Paola Garcia Ramirez

Represented By
Steven A Alpert

Trustee(s):

Amy L Goldman (TR)

Pro Se

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Hearing Room 201

10:00 AM

9:25-11661 Raymond Clement Jackson and Diana Lee Jackson

Chapter 7

#30.00 Hearing re: [10] Reaffirmation agreement between debtor and Carrington Mortgage Services, LLC (4909 Ruby Crest Ct. Santa Maria, CA 93455)

Docket 10

Tentative Ruling:

February 11, 2026

No appearances required.

Court approval of the agreement is not required to reaffirm a consumer debt secured by real property. *See* 11 U.S.C. § 524(c)(6)(B); *see also In re Grisham*, 436 B.R. 896, 905 n.6 (Bankr. N.D. Tex. 2010) (citing 4 COLLIER ON BANKRUPTCY ¶ 524.04, pp. 524–41 (16th ed. 2009)); *see also In re Rhodes*, 635 B.R. 849, 859-860 (Bankr. S.D. Cal. 2021) (citations omitted).

Party Information

Debtor(s):

Raymond Clement Jackson

Represented By
Christopher J. Langley

Joint Debtor(s):

Diana Lee Jackson

Represented By
Christopher J. Langley

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

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Hearing Room 201

10:00 AM

9:25-11700 Keith Edward Summers, III

Chapter 7

#31.00 Hearing re: [7] Reaffirmation agreement between debtor and Pentagon Federal Credit Union (2014 Chevrolet Silverado 2500 HD Regular Cab LT 4WD)

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Edward Summers III

Represented By
Michael B Clayton

Movant(s):

Pentagon Federal Credit Union

Represented By
Shana Hadley

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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Hearing Room 201

1:00 PM

9:25-11446 Neal Feay Company

Chapter 11

#32.00 CONT'D Chapter 11 Status Conference

fr. 12-10-25,

Docket 1

Tentative Ruling:

February 11, 2026

Appearances required.

The Court has reviewed that *Case Management Conference Status Report Number 2*. See Docket No. 72. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

December 10, 2025

Appearances required.

The Court has reviewed that *Case Management Conference Status Report Number 1*: (the "Report"). See Docket No. 45. In terms of compliance with those Guidelines and Requirements for Chapter 11 Debtors in Possession, the Report is silent as to the Debtor's failure to file an operating report for October.

Why is the Debtor paying for a Porsche Macan? See Docket No. 29, *Schedule A/B: Assets – Real and Personal Property*, p. 5. The Debtor appears to have been paying for a Porsche when it was not paying payroll taxes. See *id.* at p. 13, *Schedule E/F: Creditors Who Have Unsecured Claims*. What is the reason for the Debtor's paying for a 2023 Nissan Maxima? See Docket No. 43, p. 5, *Schedule A/B: Assets – Real and Personal Property*.

Have no payments been made to Neal Rasmussen or Eileen Rasmussen in the year

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CONT... **Neal Feay Company**
preceding the petition date?

Chapter 11

If the instant case is to move forward after the status conference, the Court will set the following deadlines/dates, which are to be included in a scheduling order to be filed by the Debtor within 7 days of the status conference:

December 15, 2025 – Deadline for the Debtor to file and serve the notice of claims bar date

January 30, 2026 – Claims bar date

February 11, 2026, at 1:00 p.m. – Continued status conference

March 20, 2026 – Deadline for the Debtor to file and serve notice of disclosure statement hearing and disclosure statement and plan of reorganization

May 6, 2026, at 1:00 p.m. – Hearing on approval of disclosure statement

Party Information

Debtor(s):

Neal Feay Company

Represented By
Eric Bensamochan

Movant(s):

Neal Feay Company

Represented By
Eric Bensamochan

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1:00 PM

9:25-11740 Sancho Loco Inc.

Chapter 11

#33.00 Chapter 11 Subchapter V Status Conference

Docket 1

Tentative Ruling:

February 11, 2026

Appearances required.

The Court has reviewed that *Subchapter V Status Report Number 2*. See Docket No. 30. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

The Court will set a confirmation hearing to take place on April 22, 2026, at 1:00 p.m. The Debtor is to serve its plan of reorganization, notice of the confirmation hearing, and any ballots on or before March 23, 2026. Any responses to confirmation of the Debtor's plan and the return of any ballots are to be filed/submitted on or before April 8, 2026. The Debtor will have until April 15, 2026, to file a memorandum in support of confirmation of its to-be filed plan of reorganization, including responding to any oppositions to confirmation, and a ballot tally.

The Court will hold a continued status conference on April 22, 2026, at 1:00 p.m.

The Debtor is to lodge a scheduling order within 7 days.

Party Information

Debtor(s):

Sancho Loco Inc.

Represented By
Matthew D. Resnik

Movant(s):

Sancho Loco Inc.

Represented By
Matthew D. Resnik
Matthew D. Resnik

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CONT...

Sancho Loco Inc.

Chapter 11

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Hearing Room 201

1:00 PM

9:25-11352 Westside Tow and Transport Inc.

Chapter 11

#34.00 Hearing re: [64] Application of debtor and debtor-in-possession to employ Terzian Law Group, a professional corporation

Docket 64

Tentative Ruling:

February 11, 2026

Appearances waived.

The Court has reviewed that *Declaration of Tamar Terzian in Response to 'Order Setting Debtor and Debtor in Possession's Application to Employ Terzian Law Group as Its Bankruptcy Counsel' for Hearing*. See Docket No. 93. The Court approves the Application. Applicant is to lodge a conforming order within 7 days.

Party Information

Debtor(s):

Westside Tow and Transport Inc.

Represented By
Tamar Terzian

Movant(s):

Westside Tow and Transport Inc.

Represented By
Tamar Terzian

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Hearing Room 201

1:00 PM

9:25-11589 MW Mason Construction, Inc.

Chapter 11

#35.00 CONT'D Hearing re: [8] Motion for use of cash collateral

fr. 12-03-25,

Docket 8

Tentative Ruling:

February 11, 2026

Appearances waived.

On November 25, 2025, MW Mason Construction, Inc. (the "Debtor") filed that *Motion for Use of Cash Collateral* (the "Cash Collateral Motion"). See Docket No. 8. On December 15, 2025, the Court entered that *Order Granting Motion for Use of Cash Collateral* (the "Order"). See Docket No. 43. The Cash Collateral Motion contained a 90 day budget, "through February 28, 2026." See *id.* at p. 19. The Order "granted [the Cash Collateral Motion] on an interim basis through February 11, 2026." See *id.* at p. 1, lines 24-25. The Order also set a continued hearing for the Cash Collateral Motion for February 11, 2026, and required that "[n]otice of the continued hearing [] be filed and served by January 21, 2026." See *id.* at p. 2, lines 1-3.

On November 25, 2025, the Debtor filed that *Motion for Authority to Pay Pre-Petition Wages* (the "Payroll Motion"). See Docket No. 5. The Court granted the Payroll Motion on December 15, 2025, through that *Order Granting Motion for Authority to Pay Pre-Petition Wages*, and which order set a continued hearing and instructed notice similar to that of the Order. See Docket No. 44.

On December 10, 2025, the Debtor filed that *Notice of Final Hearing on Motions to Use Cash Collateral and to Pay Pre-Petition Wages* (the "Notice"). See Docket No. 36. The Notice was served on the mailing matrix. See *id.* at pp. 3-5. There has been no response to the Cash Collateral Motion or the Payroll Motion.

The Payroll Motion is granted on a final basis. The Cash Collateral Motion is granted on a final basis insofar as it accounts for 90 days of operations, the only budget attached to the Cash Collateral Motion. Therefore, the Cash Collateral Motion is

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CONT... MW Mason Construction, Inc.

Chapter 11

granted through and including February 28, 2026, in alignment with the budget.

The Debtor is to lodge orders on each motion within 7 days.

December 3, 2025

Appearances required.

Party Information

Debtor(s):

MW Mason Construction, Inc.

Represented By
William C Beall

Movant(s):

MW Mason Construction, Inc.

Represented By
William C Beall

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9:25-11589 MW Mason Construction, Inc.

Chapter 11

**#36.00 CONT'D Hearing re: [6] Motion for authority to pay pre-petition wages
fr. 12-03-25,**

Docket 6

Tentative Ruling:

February 11, 2026

See Calendar Item 35.

December 3, 2025

Appearances required.

Party Information

Debtor(s):

MW Mason Construction, Inc.

Represented By
William C Beall

Movant(s):

MW Mason Construction, Inc.

Represented By
William C Beall

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1:00 PM

9:24-10954 Ronald E. Sweeney

Chapter 11

#37.00 Hearing re: [146] Debtor's motion for order authorizing: (1) the employment and payment upon closing of Harcourts Blue Water pursuant to 11 U.S.C. §§ 327 and 328(a) as auctioneer; (2) the terms of auction; and (3) the sale of the real property located at 31532 Victoria Point Rd., Malibu, CA 90265, free and clear of liens and interests pursuant to 11 U.S.C. § 363(b), (f), (m) and (n)

Docket 146

Tentative Ruling:

February 11, 2026

Appearances required.

Background

On August 21, 2024 (the "Petition Date"), Ronald E. Sweeney (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 11 of Title 11 of the United States Code. See Docket No. 1, *Voluntary Petition for Individuals Filing for Bankruptcy*. The Debtor scheduled as an asset a parcel of real property located at 31532 Victoria Point Rd., Malibu, CA 90265 (the "Property"), with a value of \$12 million. See *id.* at p. 16, *Schedule A/B: Property*. The Property has a number of liens claimed against it. Cenlar FSB claims a lien against the Property in the amount of \$5,534,699.90, at an interest rate of 6.75% as of the Petition Date. See Claim No. 7. The IRS claims a lien against the Property in the amount of \$3,020,630.46. See Claim No. 6. The FTB claims a lien against the Property in the amount of \$167,273.36. See Claim No. 5. According to the Debtor, Los Angeles County Tax Assessor's Office claims a lien against the Property in the amount of \$28,591.78. See Docket No. 146, *Debtor's Notice of Motion and Motion for Order Authorizing: (1) the Employment and Payment Upon Closing of Harcourts Blue Water Pursuant to 11 U.S.C. §§ 327 and 328(a) as Auctioneer; (2) the Terms of Auction; and (3) the Sale of the Real Property Located at 31532 Victoria Point Rd., Malibu, California 90265, Free and Clear of Liens and Interests Pursuant to 11 U.S.C. §§ 363(b), (f), (m) and (n)* (the "Motion"),

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CONT... **Ronald E. Sweeney**
p. 13, lines 7-8.

Chapter 11

The Debtor claimed a homestead exemption of \$699,421 in the Property. *See* Docket No. 1, *Schedule C: The Property You Claim as Exempt*, p. 23.

On November 18, 2024, the Court entered that *Order re Motion in Individual Chapter 11 Case to Authorize Debtor-In-Possession to Employ Professional Other than General Counsel*, approving the Debtor's request to employ Compass as the real property broker for the Property. *See* Docket No. 52.

Now, more than a year after Compass was employed to sell the Property, the Debtor files the Motion to employ a different broker to market, stage, and sell the Property via online auction. Specifically, the Debtor, through the Motion, seeks to employ Harcourts Blue Water ("HBW") to sell the Property through an April 16, 2026, online auction, pursuant to 11 U.S.C. §§ 363(b), (f), and (m). *See* Docket No. 146.

Analysis

Whilst the Motion appears postured at the instant hearing to be one simply requesting approval of sale procedures, the Court addresses issues that may impede that analysis.

Employment

Pursuant to 11 U.S.C. § 327(a), "the trustee, with the court's approval, may employ one or more [] auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title." 11 U.S.C. § 327(a); *see also* 11 U.S.C. § 1107(a) (granting the debtor-in-possession full authority as representative of the estate typical of a trustee). Pursuant to 11 U.S.C. § 328(a), "[t]he trustee . . . , with the court's approval, may employ or authorize the employment of a professional person under section 327 . . . of this title . . . on any reasonable terms and conditions of employment" 11 U.S.C. § 328(a). Section 11 U.S.C. § 504(a) provides that "a person receiving compensation or reimbursement under section 503(b)(2) [] of this title may not share or agree to share – (1) any such compensation or reimbursement with another person; or (2) any compensation or reimbursement received by another person under such sections."

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Here, the Debtor has previously employed Compass to market and sell the Property. "[N]o formal written offers were ever received," and "the Debtor's prior listing agreement with Compass expired in or about April of last year." *See* Docket No. 146, p. 12, lines 19-22. According to that *Residential Listing Agreement*, Compass agreed to market and attempt to sell the Property through and including January 23, 2025. *See* Docket No. 47, *Motion to Employ Professional Other Than General Bankruptcy Counsel*, p. 20.

Yet, the Motion provides that, if approved, HBW will "share[]" 1% of its commission with Compass. *See* Docket No. 146, p. 3, lines 5-6. That *Residential Listing Agreement* attached to the Motion aptly refers to this 1% sharing as a "referral fee." *See id.* at p. 36. The Court's questions for the Debtor are: (1) why would Compass be entitled to any of the proceeds of HBW's efforts to market, stage and sell the Property; and (2) would this sharing not be violative of 11 U.S.C. § 504? Removal of the referral fee would reduce the commissions related to a sale of the Property to 3.5%, would it not?

11 U.S.C. § 363(f)

Section 363(f) of the Bankruptcy Code permits a sale of property of the bankruptcy estate "free and clear of any interest in such property of an entity other than the estate" if any one of the following five conditions is met:

- (1) applicable non-bankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is a bona fide dispute; or
- (5) such entity could be compelled, in legal or equitable proceeding, to accept a money satisfaction of such interest.

"Section 363(f)(3) recognizes that a lien holder has an interest in a sale of its

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collateral, and can successfully oppose the sale if the proceeds do not pay the full amount of debt secured by the property being sold." *In re Popp*, 323 B.R. 260, 266 (9th Cir. BAP 2005). The Ninth Circuit BAP has held that 11 U.S.C. § 363(f)(3) "does not authorize the sale free and clear of a lienholder's interest if the price of the estate property is equal to or less than the aggregate amount of all claims held by creditors who hold a lien or security interest in the property being sold." *In re PW, LLC*, 391 B.R. 25, 41 (9th Cir. BAP 2008).

In the case at bar, the Motion's analysis appears to focus on 11 U.S.C. § 363(f)(3) to allow the Property to be sold free and clear of all liens and encumbrances. *See* Docket No. 146, pp. 22-23. So starts and ends the Court's analysis. The Debtor discloses \$8,738,674 in liens against the Property. *See id.* at p. 13, lines 1-18. As some of these liens may be overencumbered, with interest, fees, and costs, the total amount of liens could be, and is likely larger than this number. *See* 11 U.S.C. § 506(b). This speaks nothing of the Debtor's claimed homestead exemption in the Property or the commission of HBW.

Since this is an auction, and assuming a floor, or reserve, would initial bids not need to exceed the value of all liens against the Property, taking into account 11 U.S.C. § 506(b), the value of the commission at the reserve price, plus the Debtor's homestead exemption? At \$6 million, the opening bid amount, the Court could not provide the Debtor's deliverable to the buyer, a free and clear order.

Overbid Procedures

"Although there is a strong argument in support of prior court approval of bid procedures, and in most circumstances such approval is appropriate, there is no section under the Bankruptcy Code that requires the Court to establish bid procedures under Section 363." *In re President Casinos, Inc.*, 314 B.R. 784, 786 (Bankr. E.D.

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Mo. 2004). "Structured bid procedures should provide a vehicle to enhance the bid process and should not be a mechanism to chill prospective bidders' interests." *Id.* The aim of the auction process is to obtain the "highest and best" offer for the assets, which in turn maximized the proceeds to the estate. *In re Abbots Dairies of PA, Inc.*, 788 F.2d 143, 149 (3d Cir. 1986).

Here, the bid procedures appear to provide the Debtor's estate with an opportunity to obtain the highest and best price for the Property, assuming the 11 U.S.C. § 363(f) and commission issues are resolved. The Court will make further findings on the bidding procedures once the remaining issues raised herein are addressed.

Party Information

Debtor(s):

Ronald E. Sweeney

Represented By
David B Zolkin
James R Selth

Movant(s):

Ronald E. Sweeney

Represented By
David B Zolkin
David B Zolkin
David B Zolkin
James R Selth
James R Selth
James R Selth

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Chapter 11

#38.00 CONT'D Chapter 11 Status Conference

fr. 10-9-24, 10-22-24, 11-19-24, 1-29-25,
3-26-25, 7-16-25, 9-10-25, 12-10-25,
1-14-26,

Docket 1

Tentative Ruling:

February 11, 2026

Appearances required.

The Court has reviewed *Debtor's Eighth Chapter 11 Status Conference Report*. See Docket No. 152.

Pursuant to that *Amended Monthly Operating Report*, the Debtor, as of December 31, 2025, had \$93 in cash. See Docket No. 153. For the month of December 2025, the Debtor had social security income of \$2,530, but the Debtor had expenses of \$11,841 in expenses. See Docket No. 153-1, p. 1. The Debtor reported that \$11,840 in disbursements for the month were "made by third party for the benefit of the estate." See Docket No. 153, p. 2. Was the \$11,840 a loan, gift, or something else? That much cannot be gleaned from the operating report.

January 14, 2026

Appearances required.

The Court has reviewed *Debtor's Seventh Chapter 11 Status Conference Report*. See Docket No. 142. The Debtor has not filed an operating report for the month of November 2025. The Debtor exited October 2025 with \$33 in cash. See Docket No. 133, *Monthly Operating Report*, p. 2. By all accounts, the Debtor has worked to

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advance the instant case, but the case at this juncture, and for at least a few months now, appears to be one better suited for conversion to Chapter 7. The Debtor lacks the income, at least in recent months, to maintain and secure the homes in Malibu, California, and New York, New York, much less to pay the accruing legal and other administrative expenses of the Chapter 11 case and the pending litigation in other forums. There has been no plan of reorganization filed to date, and the Court has no cause to expect that one would be filed forthwith. The sale of the Malibu and/or the New York property(ies) appear(s) to be the only means by which creditors will be paid in this case, and with the case headed into its second year, that end goal seems to be no closer than when the case was filed. The Court will convert the case to Chapter 7 to allow a trustee to liquidate the assets of the Debtor for the benefit of the Debtor's bankruptcy estate.

December 10, 2025

Appearances required.

The Court has reviewed *Debtor's Sixth Chapter 11 Status Conference Report*. See Docket No. 130. By the Court's measure, the Debtor has not filed an operating report for the months of August, September or October 2025. The Court will hear from the Office of the United States Trustee.

September 10, 2025

Appearances required.

The Court is unaware of the Debtor's cash position. The Court does not find an operating report having been filed since the report filed for the month of May 2025. See Docket No. 91. The Debtor had \$65,083 in cash at the end of May. The Debtor has professional fees that are owed of \$257,107.57, a number that is only growing. For all the Court is aware, the Debtor is administratively insolvent on a cash basis, unable to pay his administrative expenses as they become due.

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Now past the one-year anniversary of the instant case, the Debtor does not appear close to an exit. If the Debtor's secured creditors are in-fact oversecured, those claims may be increasing by the day due to accrued interest, costs, and/or attorneys' fees. The Debtor has been seeking take out financing since at least July 2, 2025, but apparently has been unable to secure any such loan. The initial exit strategy of liquidating the Malibu residence seems to be fading. The sale price has been lowered precipitously alongside the lack of interest, and, given the state of the area since the fires, it is not clear that a sale anywhere near the current asking price is realizable. The Debtor is now considering becoming a landlord with the property.

The Debtor is doing what he can do to secure a successful exit from Chapter 11, but the Court has some level of discomfort with the case proceeding. There exists a lack of transparency due to the failure of the Debtor to file operating reports. The Debtor does not appear at this point to have a clear exit strategy, due in part to circumstances beyond the Debtor's control. Has this case reached its end, at least in its current posture? The Court will want to hear from the Office of the United States Trustee on thoughts on the case.

July 16, 2025

Appearances required.

The Court has reviewed *Debtor's Fourth Chapter 11 Status Conference Report*. See Docket No. 90. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors in Possession*.

The Court is inclined to continue the status conference to September 10, 2025, at 1:00 p.m.

March 26, 2025

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CONT... Ronald E. Sweeney
Appearances required.

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The Court has reviewed *Debtor's Third Chapter 11 Status Conference Report*. See Docket No. 73. The Court will hear from creditors, and the Office of the U.S. Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*. Given the recent fires that have affected the property located in Malibu, and other of the Debtor's representations, the Court, subject to hearing from parties-in-interest, is inclined to continue the status conference for 90 days.

January 29, 2025

Appearances required.

The Court has reviewed *Debtor's Second Chapter 11 Status Conference Report*. See Docket No. 65. The Court will confer with the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors-in-Possession*.

November 19, 2024

Appearances required.

Pursuant to that *Amended Order Setting Initial Status Conference*, "[n]ot less than fourteen calendar days prior to the date scheduled for every initial or continued status conference, the debtor-in-possession shall file and serve a written status report on the parties identified in paragraph 1, unless the Court has expressly relieved the debtor-in-possession of the obligation to file a written status report." See Docket No. 6, p. 3, lines 3-6. "Failure to timely file a status report may result in sanctions including dismissal, conversion, or the appointment of a trustee." See *id.* at lines 7-9. "Subsequent status reports must highlight changes and developments since the previous chapter 11 status report(s) were filed." See *id.* at p. 6, lines 3-4.

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The Court finds no status report filed in preparation for the instant status conference.

Pursuant to the *Debtor's Chapter 11 Status Conference Report* filed in relation to the prior status conference, the Debtor's gross income for September was estimated at \$52,116.20, and \$87,116.20 for the five (5) months thereafter. *See* Docket No. 34, *Exhibit 2*. The *Monthly Operating Report* for September 2024 shows total receipts of \$11,390 for September 2024, and gross income of \$31,088. *See* Docket No. 45, pp. 2 and 9.

The Debtor has filed applications to employ a real property broker and special litigation counsel. *See* Docket No. 47, *Notice of Motion and Motion in Individual Chapter 11 Case for Order Authorizing Debtor in Possession to Employ Professional*; *see also* Docket No. 48, *Application of Chapter 11 Debtor and Debtor in Possession to Employ Reitler Kailas & Rosenblatt LLP, as Special Litigation Counsel*.

October 22, 2024

Appearances required.

The Court has reviewed *Debtor's Chapter 11 Status Conference Report* (the "Report"). *See* Docket No. 34. The Court is concerned with the insurance of certain assets, including the \$60,000 in luxury vehicles, the \$2-\$3 million in artwork, and the \$5.8 million home in New York City. *See id.* at p. 6, lines 19-24. Pursuant to 11 U.S.C. § 1112(b)(1), "on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, for cause..." For "cause" includes "failure to maintain appropriate insurance that poses a risk to the estate..." *See* 11 U.S.C. § 1112(b)(4)(C); *see also In re Pryor*, 2016 WL 6835372 *5 (9th Cir. BAP 2016). If the estate's assets are not insured by the time of the status conference, the Court will grant *United States Trustee's Notice of Motion and Motion Under 11 U.S.C. § 1112(b) to Dismiss or, in the Alternative, to Convert Case*. *See* Docket No. 30; *see also Amended Order Setting Initial Status Conference*, pp. 1-2.

The Court is concerned with the Debtor's ability to meet its obligations on a go-forward basis absent an immediate liquidation of assets. The income and expense

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projections attached to the Report do not include the costs of special litigation counsel to continue litigating the state court matter in New York, or account for any reorganization items. The payments on the New York home begin to reduce by approximately \$6,000 starting in October, but only if the lender agrees. The Court is uncertain about the status of that agreement. The reason for the \$4,600 per month for Avalon Bay Communities is not clear to the Court. On the income side, the Debtor's income is scheduled to increase by 41% without explanation.

If the Court does not convert or dismiss the case, the Court will set a claims bar date of December 2, 2024, with a deadline of October 25, 2024 for the Debtor to provide notice of the claims bar date in conformance with this Court's Local Rules. The Court will set a deadline for the Debtor to file and serve a disclosure statement and plan of reorganization of December 20, 2024. The Court will set a disclosure statement hearing for February 12, 2025, at 1:00 p.m. A continued status conference will be set for November 20, 2024, at 1:00 p.m. Again, absent dismissal or conversion, the Court will burden the Debtor will submitting a scheduling order with the aforementioned dates within 7 days.

October 9, 2024

Appearances waived.

The status conference is continued to October 22, 2024, at 1:00 p.m.

Party Information

Debtor(s):

Ronald E. Sweeney

Represented By
David B Zolkin
James R Selth

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9:24-11409 Adelaida Cellars, Inc.

Chapter 11

#39.00 CONT'D Hearing re: [251] Third amended disclosure statement describing third amended chapter 11 plan of liquidation

fr. 9-10-25, 11-5-25, 11-19-25, 1-14-26,

Docket 251

Tentative Ruling:

February 11, 2026

Appearances required.

The Court has reviewed that *Third Amended Disclosure Statement Describing Third Amended Chapter 11 Plan of Liquidation* and that *Third Amended Chapter 11 Plan of Liquidation*. See Docket No. 253.

The Court will hear from parties-in-interest.

January 14, 2026

Appearances required.

Background

Before the court is that *Second Amended Disclosure Statement Describing Second Amended Chapter 11 Plan of Liquidation* (the "Disclosure Statement") filed by Adelaida Cellars, Inc. (the "Debtor"). See Docket No. 229. The Debtor, here, seeks approval of the Disclosure Statement as containing adequate information as required under 11 U.S.C. § 1125 before the Debtor may solicit acceptances or rejections of its *Second Amended Chapter 11 Plan of Liquidation* (the "Plan"). The Disclosure Statement, or, rather, approval thereof under 11 U.S.C. § 1125, has been challenged by a single creditor, Matthew Van Steenwyk (the "Judgment Creditor"). See Docket No. 239, *Matthew Van Steenwyk's Objection to Approval of Debtor's Second Amended Disclosure Statement Describing Second Amended Chapter 11 Plan of*

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Liquidation (the "Opposition").

Chapter 11

Analysis

Pursuant to 11 U.S.C. § 1125(b), "[a]n acceptance or rejection of a plan may not be solicited after the commencement of the case under this title from a holder of a claim or interest with respect to such claim or interest, unless, at the time of or before such solicitation, there is transmitted to such holder the plan or a summary of the plan, and a written disclosure statement approved, after notice and a hearing, by the court as containing adequate information." "[A]dequate information means information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records [] that would enable such a hypothetical investor of the relevant class to make an informed judgment about the plan..." 11 U.S.C. § 1125(a)(1). "[I]n determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information." *Id.* "[T]he determination of what is adequate information is subjective and made on a case by case basis. This determination is largely within the discretion of the bankruptcy court." *In re Brothy*, 303 B.R. 177, 193 (9th Cir. BAP 2003)(citing *In re Texas Extrusion Corp.*, 844 F.2d 1142, 1157 (5th Cir. 1988)). "The purpose of a disclosure statement is to give all creditors a source of information which allows them to make an informed choice regarding the approval or rejection of a plan." *In re Cal. Fidelity, Inc.*, 198 B.R. 567, 571 (9th Cir. BAP 1996).

The Opposition raises several issues in relation to the Court's consideration of the Disclosure Statement. First, the Judgment Creditor argues what they believe to be a lack of information regarding the Debtor's ultimate exit strategy, a going concern sale of the estate's assets. *See* Docket No. 239, pp. 4-6. The Judgment Creditor argues that the Disclosure Statement lacks "detail about the proposed sale process," including a timeline for the sale(s) and marketing efforts to be undertaken. *See id.* It seems to the Court that the Judgment Creditor seeks the disclosure by the Debtor of the sale roadmap. It does not appear an unreasonable request to the Court that the Disclosure Statement contain reasonable sale milestones and a broad understanding of how the Debtor believes the liquidating trustee and sales broker will go about marketing and

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selling the assets.

The Judgment Creditor seems to have some concern that the Plan has no sunset provision governing the liquidating trustee's sale efforts. *See id.* at p. 5, lines 7-17. That is to ask, what prevents the liquidating trustee from refraining from selling the Debtor's assets whilst the Debtor litigates an appeal of the Judgment Creditor's judgment? Some level of ease should be taken from the liquidating trustee's neutrality. That said, given the Disclosure Statement's projections of the erosion of several hundred thousand dollars of cash-on-hand, and the lack of any proof that such erosion could continue beyond September 2026, the point must be well taken. Must there not be some mechanism by which the failure to sell assets by a date certain should result in a triggering of a liquidation? Stated another way, by the Debtor's own projections the Debtor's operations are not sustainable long term, and if a going concern sale is the sole reason for confirmation of the Plan rather than a liquidation now, the Debtor's assets must be sold prior to the end of its operational runway.

The lack of any requirement that this Court, partially, or perhaps primarily through creditor input, approve of a sale of the Debtor's assets post-confirmation is a point raised by the Judgment Creditor. *See id.* at lines 18-27. If the Court understands the Opposition on this point correctly, the Judgment Creditor's issue is the lack of redress for creditors. The liquidating trustee serves without bond, and the Debtor will have burned through most of its cash by September 2026. If the liquidating trustee engages in a sale that lacks appropriate business judgment, creditors are left with the sale result, and with no other understood pocket for payment for any unreasonably closed sale.

The Court appreciates that general unsecured non-priority creditors are classed separately. The Judgment Creditor is in a separate class, the "convenience class" creditors are in a separate class, and all other unsecured creditors are in a separate class. It is unclear to the Court why the Judgment Creditor, who shares *pari passu* with all unsecured creditors other than convenience claimants is being separately classified.

November 19, 2025

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**CONT... Adelaida Cellars, Inc.
Appearances required.**

Chapter 11

The Court has reviewed that *Status Report for Chapter 11 Status Conference* (the "Report"). See Docket No. 222. The Report is important to the Court's consideration of that *First Amended Disclosure Statement Describing First Amended Chapter 11 Plan of Liquidation* (the "Disclosure Statement"). See Docket No. 191. A new value contribution by Adelada Cellars, Inc.'s (the "Debtor") equity holder is part and parcel to its reorganization/liquidation effort. See *id.* at p. 5, lines 16-18. The Disclosure Statement discloses that upon confirmation of the Debtor's plan of liquidation/reorganization, "[i]nterest holders will retain their interests in the Reorganized Debtor." See *id.* at p. 26, lines 7-12. Beyond utilizing the new value to pay creditors of the Debtor, it also, if approved, affords the equity holder of the Debtor to retain their equity interests post-confirmation in the face of an absolute priority rule objection. Putting aside the issue of new value provided in the future instead of on the effective date of a plan of reorganization, the Report provides that the Debtor's equity holder "cannot unconditionally obligate itself to make the new value contribution contemplated by [the Disclosure Statement]." See Docket No. 222, pp. 1-2. It is not clear to the Court what the equity holder then proposes.

There are any number of issues with the Disclosure Statement, some pointed out by the objecting parties, but it appears that the Debtor seeks to amend the Disclosure Statement further to account for, *inter alia*, a change in heart by the equity holder to partially fund the Debtor's plan of reorganization.

November 5, 2025

Appearances waived.

The disclosure statement hearing is continued to November 19, 2025, at 1:00 p.m. due to the government shutdown.

September 10, 2025

Appearances waived.

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Chapter 11

The hearing on that *Disclosure Statement Describing Chapter 11 Plan of Liquidation* is continued to November 5, 2025, at 1:00 p.m. in accordance with that *Order Approving Stipulation to Continue Hearing on Adequacy of the Disclosure Statement and the Chapter 11 Status Conference*.

Party Information

Debtor(s):

Adelaida Cellars, Inc.

Represented By
Hamid R Rafatjoo
Kyra E Andrassy

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9:24-11409 Adelaida Cellars, Inc.

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#40.00 CONT'D Chapter 11 Status Conference

fr. 1-15-25, 2-11-25, 2-26-25, 3-26-25,
4-9-25, 5-21-25, 7-16-25, 9-10-25,
11-5-25, 11-19-25, 1-14-26,

Docket 1

Tentative Ruling:

February 11, 2026

Appearances required.

January 14, 2026

Appearances required.

November 19, 2025

See calendar item 66.

November 5, 2025

Appearances waived.

The status conference is continued to November 19, 2025, at 1:00 p.m. due to the government shutdown.

September 10, 2025

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Appearances waived.**

Chapter 11

The hearing on the status conference is continued to November 5, 2025, at 1:00 p.m. in accordance with that *Order Approving Stipulation to Continue Hearing on Adequacy of the Disclosure Statement and the Chapter 11 Status Conference*.

July 16, 2025

Appearances required.

The Court has reviewed that *Status Report for Chapter 11 Status Conference*. See Docket No. 143. The Debtor asserts that it will file its disclosure statement and plan of reorganization on or before July 14, 2025. See *id.* at p. 2, line 19. The Court finds no such filing. The Court will set a disclosure statement hearing for September 10, 2025, at 1:00 p.m. The disclosure statement and plan are to be filed in compliance with this Court's Local Rules with that disclosure statement hearing date in mind.

The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

Assuming full compliance, the Court will continue the status conference to September 10, 2025, at 1:00 p.m. The Debtor is to lodge a scheduling order with the disclosure statement and status conference hearings within 7 days.

May 21, 2025

Appearances required.

The Court has reviewed that *Status Report for Chapter 11 Status Conference*. See Docket No. 133. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*. Assuming full compliance, the Court is inclined to continue the status conference to July 16, 2025, at 1:00 p.m., at which time the Court will set a deadline to file and serve a disclosure statement and plan of reorganization, as well as a hearing date regarding the approval of the adequacy of the to-be filed disclosure statement.

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

CONT... Adelaida Cellars, Inc.

Chapter 11

April 9, 2025

Appearances required.

The Court does not find a status conference report as required by that *Order Setting Initial Status Conference*. See Docket No. 5. "Failure to timely file a status report may result in sanctions including dismissal, conversion, or the appointment of a trustee." See *id.* at p. 3, lines 7-9.

March 26, 2025

Appearances waived.

The status conference is continued to April 9, 2025, at 1:00 p.m.

February 26, 2025

Appearances required.

February 11, 2025

Appearances waived.

The status conference is continued to February 26, 2025, at 1:00 p.m.

January 15, 2025

Appearances required.

The Court has reviewed that *Status Report for Initial Status Conference*. See Docket No. 39. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

Party Information

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CONT... Adelaida Cellars, Inc.

Chapter 11

Debtor(s):

Adelaida Cellars, Inc.

Represented By
Hamid R Rafatjoo
Kyra E Andrassy

**United States Bankruptcy Court
Central District of California
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Ronald A Clifford III, Presiding
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Hearing Room 201

1:00 PM

9:23-10945 Jeffrey Dennis Peppard

Chapter 11

#41.00 CONT'D Chapter 11 Confirmation Hearing

fr. 1-15-25, 3-26-25, 6-18-25, 7-9-25, 9-10-25,
10-22-25, 12-3-25, 1-28-26,

Docket 197

***** VACATED *** REASON: Hearing continued to 4/8/2026 at 1:00 p.m.
per order entered 2/3/2026**

Tentative Ruling:

February 11, 2026

Appearances waived.

The plan confirmation hearing is continued to April 8, 2026, at 1:00 p.m.

January 15, 2025

In-person appearances of the Debtor and IRS are required.

IRS Objections to Confirmation

- The IRS's issue regarding the DIP facility and the priming liens over the Ashley and Kenwood properties is moot, as the Debtor is now selling the Ashley Property instead of obtaining a loan with the Ashley and Kenwood properties serving as collateral. *See* Docket No. 144, p. 4, lines 9-10.
- The IRS's issue regarding a waiver of setoff rights under 11 U.S.C. § 553 is moot, as the Debtor agrees that he is "happy to make the suggested changes [] and add the suggested *set off* exception for the IRS []." *See id.* at p. 5, lines 22-26.
- The IRS's issue regarding its secured lien attaching to the Ashley Property sales proceeds is moot. The Debtor is paying, in order of priority, the net sale

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CONT...

Jeffrey Dennis Peppard

Chapter 11

proceeds to Nancy Bull and the IRS. *See* Docket No. 144, p. 4, lines 6-8. The sale proceeds will be fully exhausted after payments to the lienholders.

- The IRS's issue related to the avoidance of any of its liens is moot in that the Debtor has made it clear that the Plan "does not seek to avoid any lien of the IRS..." *See id.* at p. 4, lines 6-8.
- The IRS argues that the Debtor is selling the Ashley property, and only providing the IRS with \$675,000. *See* Docket No. 139, p. 11, lines 15-18. The Debtor is selling the Ashley property, and "after costs of sale and the senior mortgage," the remaining amounts will be paid to the IRS. *See* Docket No. 144, p. 4, lines 6-8. If the costs of sale are 8%, and with a sale price at \$1.2 million, \$1,104,000 will be the net proceeds. After payment to Nancy Bull of \$363,612.41, the IRS would be paid \$740,387.59.
- Payment to the IRS of \$740,387.59 would lower its secured claim to approximately \$887,553.41. At 8%, over 44 months, and with the monthly plan payments of \$6,000, the secured claim would total \$883,437.18 in October 2028.
- The value of the Debtor's dental practice remains as an issue. The Debtor declares that "I am informed and I believe that practices like mine sell for between 1.5 and 3 times gross revenues..." *See* Docket No. 144, p. 8, lines 24-27. The Debtor asserts that based on his dental practice's gross income since 2021, the dental practice, as a going concern, "could be sold for between \$1,350,000 and \$2,700,000." *See* Docket No. 133, p. 34. The IRS argues that "a review of dental practices recently listed for sale in the nearby areas were well under \$1,000,000." *See* Docket No. 139, 0. 13, lines 23-26. It seems to the Court that there must be some evidence provided of the Debtor's dental practice's value other than a conclusory statement by the Debtor.
- The owner of the Debtor's dental practice's goodwill remains as an issue. That is, is it the Debtor, or the Debtor's suspended corporation, Jeff D. Peppard, D.D.S., Inc., that owns the goodwill of the Debtor's dental practice? To go further, is the goodwill of the dental practice what the Debtor refers to when he discusses the sale of his dental practice? Or, rather, is it other assets,

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CONT...

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Chapter 11

such as client files? And if it is client files and the like, do those files "belong" to the Debtor, his suspended corporation, the clients, or some other entity? In short, what can the Debtor sell? What is the \$1.35 to \$2.7 million comprised of?

- The secured vs. priority portions of the IRS claim remains an issue. The IRS seems to argue that a portion of its secured claim is also a priority claim. *See* Docket No. 139, p. 16, lines 4-8. The IRS argues that \$272,669.49 of its secured claim is a penalty that should be paid as a priority claim over 5 years from the petition date. This payment, argues the IRS, would be \$10,440.17 per month. *See id.* at p. 16, lines 22-26. At bottom, the entirety of the IRS's claim is to be paid at the conclusion of the case through the sale of the Debtor's dentistry practice. May the Debtor not comply with 11 U.S.C. § 1129(a)(9)(C), assuming for the moment that this Code section applies, by making a lump sum payment prior to the expiration of the statutorily mandated repayment period? *See In re Gregory Boat Co.*, 144 B.R. 361, 364 (Bankr. E.D. Mich. 1992)("Nothing in the language of § 1129(a)(9)(C) suggests that payments on priority tax claims must be either periodic or equal. Indeed nothing in the statutory language prohibits a single payment of principal and interest at the end of the six year time period.").
- The IRS raises the Debtor's gambling, suggesting that the Debtor gambled as recently as mid-September 2024. *See* Docket No. 139, pp. 10-12. The Court agrees with the IRS that any gambling by the Debtor moving forward could disrupt the success of the Plan. Yet, the Debtor asserts that he is treating his gambling, is no longer gambling, and is committed to foregoing any gambling for the duration of the term of the Plan.
- The Debtor admits that he pays college costs for his children. It is not clear how these costs affect feasibility, or, if they do not, why they should be paid on a go-forward basis. These payments do not appear to be to repay the Debtor's creditors, but are rather payments on the part of adult children.
- The Debtor's ability to rent the Kenwood property for \$6,000 per month remains an issue. The Debtor attests that he can "easily generate \$6,000 per month" by renting 70% of the Kenwood property. *See* Docket No. 144, p. 7,

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Chapter 11

lines 16-21. This seems to the Court to be a non-issue. Renting all but one of the rooms of the Kenwood property, which property is located in Santa Barbara proper, would seem to the Court to be less than market rate for this area.

- Under the Plan, if the Debtor has insufficient monies to repay creditors in full after the sale of his dental practice, the Debtor intends on refinancing the Kenwood property to make up the difference. *See* Docket No. 134, p. 14, lines 25-27. The IRS argues that the Debtor has not shown his "ability to get a home equity loan against the Kenwood Road Property in October 2028." *See* Docket No. 139, p. 22, lines 15-18. The Court does not find a challenge as to the value of the Kenwood property, or the first position lien against said property. The Debtor enjoys more than \$2 million in equity in the Kenwood property, absent the lien of the IRS. *See* Docket No. 134, pp. 9-10. Assuming \$500,000 for the Debtor's dental practice, and assuming the dental practice is an asset of the Debtor's estate, there appears to be a significant equity cushion for the IRS, and all creditors that would remain to be paid from the property for that matter, in the Kenwood property.
- As to tax liabilities, the Debtor asserts that taxes will be paid as they become due post-confirmation
- The IRS's issue regarding the administrative claims bar date as to the IRS is moot. The Debtor agrees that "[a]s to the administrative claims bar date, the Debtor agrees that the plan confirmation order will provide that administrative tax claims will not be time barred by the professional fees and trade claims bar date." *See* Docket No. 144, p. 5, lines 19-21.
- The IRS's issue regarding the discharge language in the Plan is moot. The Debtor "is happy" to make the IRS's suggested revisions. *See* Docket No. 144, p. 5, lines 22-26.
- The IRS's issue as to the purported third-party releases is a bit confusing. *See* Docket No. 139, pp. 24-25. Does not the IRS's proposed language make the proposed non-release overly broad as to the IRS, thereby carving out the IRS

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CONT...

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Chapter 11

from the release language altogether?

- Regarding the IRS's issue as to 11 U.S.C. § 1129(a)(7)(A), the IRS argues that for all the reasons it has set forth in its opposition, the Plan does not pay creditors at least as much as they would receive in a Chapter 7 liquidation. *See id.* at p. 27. The Debtor argues that the IRS fails to take into account gains taxes on the sale of the Kenwood property, the fact that the Ashley property is being sold, rather than the Debtor obtaining a DIP facility, and that his dental practice can in-fact be sold for more than what claims will total in October 2028. What is more, all creditors that did vote regarding the Plan, support confirmation. *See* Docket No. 144, p. 6, lines 3-12.

Party Information

Debtor(s):

Jeffrey Dennis Peppard

Represented By
Jeffrey S Shinbrot

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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

9:23-10945 Jeffrey Dennis Peppard

Chapter 11

#42.00 CONT'D Chapter 11 Status Conference

fr. 12-12-23, 2-20-24, 4-10-24, 4-19-24, 6-5-24,
7-10-24, 9-25-24, 01-15-25, 3-26-25, 6-18-25,
7-9-25, 9-10-25, 10-22-25, 12-03-25, 1-28-26,

Docket 1

Tentative Ruling:

February 11, 2026

Appearances waived.

The status conference is continued to April 8, 2026, at 1:00 p.m.

January 28, 2026

Appearances waived.

The hearing on confirmation of the Debtor's modified *Fifth Amended Chapter 11 Plan* is set to take place on February 11, 2026. *See* Docket No. 257. The parties should be aware that after numerous continuances by agreement of the parties, the Court will hold the confirmation hearing as scheduled. The status conference will be continued to February 11, 2026, at 1:00 p.m.

December 3, 2025

Appearances waived.

The status conference will be continued to January 28, 2026, at 1:00 p.m., alongside the continued hearing on the plan confirmation hearing.

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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

CONT... Jeffrey Dennis Peppard

Chapter 11

October 22, 2025

This hearing is continued to December 3, 2025, at 1:00 p.m.

September 10, 2025

Appearances required.

The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors in Possession*.

If the Debtor is in full compliance, the Court will continue the status conference to trail the confirmation hearing, October 22, 2025, at 1:00 p.m.

July 9, 2025

Appearances required.

The Court will inquire with the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors in Possession*.

Absent a report of non-compliance, the Court will continue the status conference to September 10, 2025, at 1:00 p.m.

January 15, 2025

Appearances required.

July 10, 2024

Appearances required.

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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

CONT... Jeffrey Dennis Peppard

Chapter 11

June 5, 2024

Appearances required.

The Court has reviewed *Debtor's Chapter 11 Status Conference Report & Request for Continuance to Hearing on Disclosure Statement*. See Docket No. 95. The Court will confer with the Office of the U.S. Trustee regarding the Debtor's compliance with the *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

April 10, 2024

Appearances required.

February 20, 2024

Appearances required.

The Court has reviewed *Debtor's Chapter 11 Status Conference Report*, and that *First Interim Report of Patient Care Ombudsman Pursuant to 11 U.S.C. § 333(b)(2)*. See Docket Nos. 58 and 64, respectively.

On February 9, 2024, Jeffrey D. Peppard (the "Debtor") filed that *Original Chapter 11 Plan* (the "Plan") and that *Original Disclosure Statement Describing Original Chapter 11 Plan* (the "Disclosure Statement"). See Docket Nos. 60 and 59, respectively. On their face, the Disclosure Statement and the Plan have disclosure and confirmation issues. The descriptions of which classes of creditors are impaired, and which are not under the Plan differ in the Disclosure Statement as compared to the Plan. This is significant in that impairment determines the voting rights of creditors. The interest holders are described as Class 8 when in-fact the Debtor's interests comprise Class 10. It is unclear why there are two (2) separate classes of unsecured creditors, Classes 8 and 9, only one of which will be paid in full under the Plan. The Debtor runs a dental practice with employees, but the Debtor shows wages as being stagnant for the life of the Plan. Perhaps there is an explanation, but it seems odd that

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CONT... Jeffrey Dennis Peppard

Chapter 11

there are no increases in wages over the life of the Plan. This is significant because even a modest increase of 3% year over year has a material impact on feasibility of the Plan.

The Court will set the Disclosure Statement for hearing as to its adequacy for April 10, 2024, at 2:00 p.m. The Disclosure Statement and Plan, and notice of the hearing on the approval of the adequacy of the Disclosure Statement must be served on or before February 28, 2024. The notice of the hearing on the Disclosure Statement, with proof of service, must be filed on or before February 28, 2024, and said proof of service shall include proof of the proper service of the Disclosure Statement and Plan. The notice of the hearing on the adequacy of the Disclosure Statement shall include notice of the opposition deadlines contained in this Court's Local Rule 3017-1.

The Court will inquire with the Office of the U.S. Trustee as to the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

December 12, 2023

Appearances required.

The Court has reviewed the *Debtor's Chapter 11 Status Conference Report* (the "Report"). See Docket No. 41. In reviewing the Debtor's past and projected income, it appears to the Court that the Debtor loses money each month. See *id.* at *Exhibit 1*. What is more, the past and projected income does not seem to account for the accruing of the fees and expenses of general insolvency counsel to the Debtor, an ombudsman, or the to-be employed insolvency accountant. The quarterly payments due to the Office of the United States Trustee appear lower than required. It is unclear to the Court whether the estate is currently administratively insolvent, but all signs point to the affirmative, and unless there are facts not highlighted in the Report, any current administrative insolvency will only deepen in the coming months.

Perhaps the Court is unaware of assets or an income stream that will allow the Debtor to fund its exit strategy from Chapter 11, but at this stage the Court is inclined to convert or dismiss this case to prevent what the Court understands to be an administratively insolvent debtor.

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Wednesday, February 11, 2026

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CONT... Jeffrey Dennis Peppard

Chapter 11

Party Information

Debtor(s):

Jeffrey Dennis Peppard

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

9:25-10915 Outer Aisle Gourmet, LLC

Chapter 11

#43.00 CONT'D Hearing re: [102] Confirmation of debtor's chapter 11 plan
of reorganization

fr. 1-28-26,

Docket 102

Tentative Ruling:

February 11, 2026

Appearances required.

On February 4, 2026, the Debtor filed *Debtor's (I) Second Supplement to Debtor's Chapter 11 Plan of Reorganization and (II) Response to Court's January 28 Tentative Ruling* (the "Second Supplement") and that *Declaration of Charles Sweat in Support of Debtor's (I) Second Supplement to Debtor's Chapter 11 Plan of Reorganization and (II) Response to Court's January 28 Tentative Ruling* (the "Declaration"). See Docket Nos. 181 and 182, respectively.

The Debtor amends its Plan through some clarifications and revisions to the Plan, utilizing the Second Supplement. First, the Plan now relies on \$750,000, to be paid on the effective date of the Plan, and funded by a purchase of 50% of the Debtor's equity by SE OAG, LP ("SE"). See Docket No. 181, p. 3, lines 19-23. The prior exit financier, Montgomery Capital Partners V, LP ("Montgomery"), will no longer provide any exit financing to the Debtor. See *id.* at lines 11-12.

Second, any references to "committee" in the Plan are to be eliminated, as no committee of creditors has been appointed in the instant case. See *id.* at p. 4, lines 5-10.

Third, the Debtor will not reject its operating agreement as originally accounted for in the Plan. See *id.* at lines 11-20.

Fourth, the estimated amount of administrative claims has been reduced, with

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CONT... Outer Aisle Gourmet, LLC

Chapter 11

\$131,062 being paid on the effective date, and the claims of insolvency counsel, \$400,000, and SE NV LLC, \$87,500, being paid over the first year of the Plan. *See id.* at p. 6, lines 8-22.

On February 9, 2026, Montgomery filed that *Objection to Debtor's Chapter 11 Plan of Reorganization* (the "Objection"). *See* Docket No. 183. Montgomery argues through the Objection that the Plan, as modified through the Second Supplement, lacks feasibility, violates the absolute priority rule, and relies on the lease of mission critical equipment that Montgomery, and not the Debtor owns. *See id.*

First, Montgomery notes that existing equity of the Debtor is retaining their interests, prior to the repayment in full of unsecured creditors, thus violating the absolute priority rule. *See* Docket No. 183, p. 2, lines 6-25. Montgomery, however, also notes that the Debtor may attempt to utilize the new value corollary. *See id.* at p. 3, lines 2-7. Montgomery argues that it is willing and able to provide a new value contribution through a competitive marketing and overbid process that would exceed the \$750,000 being offered by SE. *See id.* at lines 15-17.

Second, Montgomery argues that a piece of equipment crucial to the Debtor's operations is owned by Montgomery. *See id.* at pp. 3-4. Montgomery argues that the Debtor has used Montgomery's equipment post-petition, and owes Montgomery for post-petition use of the equipment. *See id.* at p. 4, lines 10-11. What is more, Montgomery asserts that it is unwilling to lease the equipment to the Debtor post-confirmation on the terms set forth in the Plan. *See id.* at lines 14-19.

Lastly, Montgomery challenges the revised income and expense projections in the Declaration as questionable. *See id.* at pp. 5-6.

January 28, 2026

Appearances required.

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Hearing Room 201

1:00 PM

CONT... Outer Aisle Gourmet, LLC

Chapter 11

Before the Court is *Debtor's Chapter 11 Plan of Reorganization* (the "Plan") filed by Outer Aisle Gourmet, LLC (the "Debtor"). See Docket No. 102.

By the Court's measure, the Plan is not yet feasible. It appears to the Court that to successfully exit Chapter 11, the Debtor requires no less than \$1,210,219 in financing to fund the effective date payments. See Docket No. 92, *Debtor's Disclosure Statement to Accompanying Debtor's Chapter 11 Plan of Reorganization*, p. 102. The figure may in-fact be larger depending on which document is reviewed. The Debtor asserts that "MCA has agreed to provide the Debtor with Exit Debt Financing in the form of a line of credit in an amount not less than one million dollars..." See Docket No. 102, p. 28, lines 10-16. Montgomery Capital Advisors and Montgomery Capital Partners V, LP, the MCA discussed in the Plan, however, notes that they and "the Debtor are negotiating the final terms of any Exit Debt Financing..." See Docket No. 162, *Limited Objection to and Reservation of Rights Regarding Debtor's Chapter 11 Plan of Reorganization*, p. 2, lines 3-4. The other source of exit financing is "an investor group led by SE OAG," and the Court has no understanding if that party has agreed to such financing, the amount agreed to, if any, and the terms of any proposed financing.

The Plan provides that the Debtor's interest holders "will receive fifty percent (50%) equity Interest in the Reorganized Debtor," but the Court cannot locate who the remaining 50% is to go to.

It is not clear to the Court what the administrative claims are projected to be. At one point \$309,100 is disclosed, at another it is \$400,000, and yet in another projection it appears to be \$700,000.

The Court is unable to locate the purported interest and annual principal payments on the exit facility(ies) in the Debtor's projections.

Party Information

Debtor(s):

Outer Aisle Gourmet, LLC

Represented By
Garrick A Hollander

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CONT...

Outer Aisle Gourmet, LLC

Jordyn Paperny

Chapter 11

**United States Bankruptcy Court
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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

9:25-10915 Outer Aisle Gourmet, LLC

Chapter 11

#44.00 CONT'D Chapter 11 Status Conference

fr. 9-10-25, 12-03-25, 12-10-25, 1-28-26,

Docket 1

Tentative Ruling:

February 11, 2026

Appearances required.

January 28, 2026

Appearances required.

December 3, 2025

Appearances waived.

The Court has reviewed that *Status Report*. See Docket No. 118. The Court will continue the status conference to December 10, 2025, at 1:00 p.m. The Court will waive the requirement that the Debtor file a status conference report prior to the December 10, 2025, status conference.

September 10, 2025

Appearances required.

The Court has reviewed that *Initial Status Report* (the "Report"). See Docket No. 68. The Court will establish October 27, 2025, as the last day for parties to file proofs of claim. The Debtor shall provide notice to parties of the last day to file proofs of claim on or before October 2, 2025. The Court will hear from the Office of the United

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CONT... Outer Aisle Gourmet, LLC

Chapter 11

States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*. Assuming full compliance, the Court will continue the status conference to December 3, 2025, at 1:00 p.m. The Debtor shall lodge a scheduling order, noting the continued status conference and the claims bar date, within 7 days.

Party Information

Debtor(s):

Outer Aisle Gourmet, LLC

Represented By
Garrick A Hollander
Jordyn Paperny

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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

9:25-10127 ReEnvision Aesthetics and Medspa, PC

Chapter 11

#45.00 Hearing re: [82] Confirmation of debtor's original chapter 11 plan

Docket 82

Tentative Ruling:

February 11, 2026

Appearances required.

On December 12, 2025, the Court entered that *Order Approving Disclosure Statement as Containing Adequate Information and Authorizing Debtor to Solicit Ballots* (the "Order"). See Docket No. 99. The Order required, *inter alia*, that ReEnvision Aesthetics and MedSpa, PC (the "Debtor") "file and serve a memorandum on plan confirmation along with evidence and a summary of the balloting not later than January 28, 2026." See *id.* at p. 2, lines 4-6 and 12-13. For any avoidance of doubt, the Order was an order of this Court, not a recommendation.

The Court finds no such memorandum or ballot tally related to plan confirmation, or any request that the Court continue the confirmation hearing. The case, therefore, and by the Court's measure, is not in such a posture for this Court to confirm the Debtor's plan of reorganization.

Thus, the Court denies confirmation of the *Debtor's Original Chapter 11 Plan*.

Further, pursuant to 11 U.S.C. § 1112(b)(1), "on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause..." Sections 1112(b)(4)(E) and (J) of the Bankruptcy Code provide that "cause" includes "failure to comply with an order of the court" and "failure to [] confirm a plan, within the time fixed by this title or by order of the court." This Court's *Order Setting Initial Status Conference* provides that "based upon the Court's records and evidence presented at the status conference, the Court may do one or more of the following at the status conference (or at any

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CONT... ReEnvision Aesthetics and Medspa, PC

Chapter 11

continued hearing) without further notice: A. Dismiss the case..."

Given the Debtor's failure to comply with an order of this Court, the Order, and its failure to confirm its plan by the February 11, 2026, confirmation date established by this Court in the Order, this case will be dismissed or converted to Chapter 7. The Court will hear from the Debtor, the Office of the United States Trustee, and creditors regarding dismissal as opposed to conversion of the case.

Party Information

Debtor(s):

ReEnvision Aesthetics and Medspa,

Represented By
Steven R Fox

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Wednesday, February 11, 2026

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1:00 PM

9:25-10127 ReEnvision Aesthetics and Medspa, PC

Chapter 11

**#46.00 CONT'D Chapter 11 Status Conference (Non-Individual
Small business as defined in 11 U.S.C. § 101(51D))**

fr. 3-26-25, 4-9-25, 7-16-25, 11-19-25, 12-10-25,

Docket 1

Tentative Ruling:

February 11, 2026

Appearances required.

July 16, 2025

Appearances required.

The Court has reviewed that *Status Report for Initial Status Conference* (the "Report"). See Docket No. 69. In line with the Report, the Court will set a deadline for the debtor to file and serve its disclosure statement and plan of September 30, 2025. The Court will set a disclosure statement hearing of November 19, 2025, at 1:00 p.m. The Debtor is to provide notice of the disclosure statement hearing in compliance with this Court's Local Rules.

The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors-in-Possession*.

Assuming full compliance, the Court will continue the status conference to November 19, 2025, at 1:00 p.m. The Debtor is to lodge a scheduling order with the disclosure statement hearing and continued status conference referenced therein.

April 9, 2025

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

Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

CONT... ReEnvision Aesthetics and Medspa, PC

Chapter 11

Appearances required.

The Court has reviewed that *Status Report for Initial Status Conference*. See Docket No. 49. The Court is also aware of that *Notice of Motion and Motion for Relief from the Automatic Stay* filed by MMP Capital regarding an Emsculpt Neo Workstation. See Docket No. 52.

March 26, 2025

Appearances required.

Pursuant to that *Order Setting Initial Status Conference* (the "Order"), "[n]ot less than fourteen (14) calendar days prior to the date scheduled for every initial or continued status conference, the debtor-in-possession shall serve a written status report..." See Docket No. 9, pp. 3-6. The Debtor has not filed a status conference statement to prepare parties-in-interest and this Court for the status conference. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors-in-Possession*. So that the Court may prepare for the status conference with the required reporting, the Court is inclined to continue the status conference to April 9, 2025, at 1:00 p.m.

Party Information

Debtor(s):

ReEnvision Aesthetics and Medspa,

Represented By
Steven R Fox

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

9:25-11087 Frank T. Troise

Chapter 11

#47.00 Hearing re: [53] Confirmation of debtor's first amended plan of reorganization for small business under chapter 11

Docket 53

Tentative Ruling:

February 11, 2026

Appearances required.

Background

On August 18, 2025 (the "Petition Date"), Frank T. Troise (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 11 of Title 11 of the United States Code. *See* Docket No. 1, *Voluntary Petition for Individuals Filing for Bankruptcy*. The Debtor elected to proceed as a small business debtor under Subchapter V. *See id.* at p. 4.

Before the Court is the Debtor's request that the Court confirm that *First Amended Plan of Reorganization for Small Business Under Chapter 11* (the "Plan"), filed on January 6, 2026, and supported by *Debtor's Confirmation Hearing Memorandum*, pursuant to 11 U.S.C. § 1191(a). *See* Docket Nos. 53 and 58, respectively.

Eligibility

Pursuant to 11 U.S.C. § 1182(a), "[t]he term 'debtor' means a small business debtor." A small business debtor "means a person engaged in commercial or business activities [] that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of the petition or the date of the order for relief in an amount not more than \$3,424,000 [] not less than 50 percent of which arise from the commercial or business activities of the debtor." *See* 11 U.S.C. § 101(51D)(A).

As noted below, at best, the Debtor's unliquidated and noncontingent debts on the Petition Date totaled \$820,935.58. Of this amount, \$588,627.66 relate to mortgages against the Debtor home. *See* Claim Nos. 7 and 12. The Court cannot determine

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CONT... Frank T. Troise

Chapter 11

which, if any of the claims scheduled and/or filed relate to the Debtor's business or commercial activities in Singapore. The Debtor did not schedule Move 78 Pte Ltd. as a co-debtor for any of their scheduled claims. *See* Docket No. 18, *Schedule H: Your Codebtors*, pp. 30-34.

The liquidated, non-contingent and undisputed claims scheduled by the Debtor, and claims where proofs of claim were filed are as follows:

Creditor	Scheduled Amount	POC Amount	Allowed Amount
Alisal Guest Ranch	\$9,357.30		\$9,357.30
Ally Financial	\$3,950.17		\$3,950.17
All Financial	\$16.23		\$16.23
Boris Zoubok	\$15,000.00		\$15,000.00
Credit One	\$47.61		\$47.61
PG&E	\$239.84	\$430.17	\$430.17
So Cal Edison	\$84.92		\$84.92
Surge	\$105.00		\$105.00
Synchrony Bank	\$1,834.66	\$1,834.66	\$1,834.66
Upgrade	\$484.89		\$484.89
CarMax Auto Finance	\$31,898.92		\$31,898.92
Cenlar	\$359,854.11	\$357,401.03	\$357,401.03
Chase	\$230,269.03	\$231,226.63	\$231,226.63

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CONT... Frank T. Troise

Chapter 11

IRS	\$45,000	\$123,418.73	\$123,418.73
One Main Financial		\$3,024.36	\$3,024.36
Capital One		\$2,888.71	\$2,888.71
American Express		\$24,639.57	\$24,639.57
Capital One		\$5,789.52	\$5,789.52
American Express		\$4,024.57	\$4,024.57
American Express		\$4,846.61	\$4,846.61
Resurgent Receivables		\$465.98	\$465.98
Maron M. Braswell			
Totals			\$820,935.58

The Court will hear from the Debtor regarding their qualifications as a small business debtor.

Feasibility

Article 3 of the Plan provides that administrative expense claims "will be paid in full on the effective date of this Plan, in cash, or upon such other terms as may be agreed upon by the holder of the claim and the Debtor." See Docket No. 53, p. 3. The administrative expense claims are estimated at \$240,000. See Docket No. 60, *Declaration of Frank Troise in Support of Confirmation of Debtor's First Amended Plan of Reorganization for Small Business Under Chapter 11*, p. 4, lines 3-8. It appears that these amounts are to be paid in installments. See Docket No. 59, *Notice of Filing Exhibit 2 to First Amended Plan of Reorganization for Small Business Under Chapter 11*, pp. 4-5. It is not clear that all administrative claimants have

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CONT... Frank T. Troise

Chapter 11

agreed to this treatment as required under the Plan.

The Debtor's spouse filed a proof of claim informing parties-in-interest that a case initiating a divorce as between the Debtor and their spouse was filed in April 2025. *See* Claim No. 13-1. The proof of claim notes that the spouse expects a "divorce settlement and division of assets." *See id.* at p. 3. It is not clear to the Court how the divorce will impact the Plan.

Plan Term

The Debtor projects to build cash-on-hand from \$198,974 as of January 2027, ultimately increasing to \$1,976,706 at the end of the Plan term. It is unclear to the Court how the Debtor may build cash balances of hundreds of thousands of dollars, and eventually nearly \$2 million, but continue to stretch out payments to creditors when the total amount to creditors is a fraction of the cash balances themselves.

Party Information

Debtor(s):

Frank T. Troise

Represented By
Dean G Rallis Jr

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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Hearing Room 201

1:00 PM

9:25-11087 Frank T. Troise

Chapter 11

#48.00 CONT'D Chapter 11 Sub V Status Conference

fr. 10-22-25, 11-5-25, 11-19-25,

Docket 1

Tentative Ruling:

February 11, 2026

Appearances required.

The Court has reviewed *Debtor's Status Report Regarding Subchapter V Case*. See Docket No. 66.

November 19, 2025

Appearances required.

See the below tentative ruling.

November 5, 2025

Appearances waived.

The status conference is continued to November 19, 2025, at 1:00 p.m. due to the government shutdown.

October 22, 2025

This hearing is continued to November 5, 2025, at 1:00 p.m. due to the Government Shutdown.

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Wednesday, February 11, 2026

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1:00 PM

CONT... Frank T. Troise

Chapter 11

The Court has reviewed that *Subchapter V Status Report*. See Docket No. 35. The Court sets a confirmation hearing for the Debtor's to-be filed plan of reorganization of January 14, 2026, at 1:00 p.m. The Debtor shall file and serve notice of the confirmation hearing, and serve the plan of reorganization and any ballots on or before December 12, 2025. Parties-in-interest shall have until December 26, 2025, to return ballots to the Debtor and to file any objections to confirmation of the Debtor's plan of reorganization. The Debtor shall have until December 31, 2025, to file a brief in support of confirmation of its plan of reorganization, including any responses to any objections to confirmation that are filed, as well as a ballot tally.

The status conference is continued to December 10, 2025, at 1:00 p.m.

The Debtor is to lodge a scheduling order with the aforementioned dates within 7 days.

Party Information

Debtor(s):

Frank T. Troise

Represented By
Dean G Rallis Jr

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

9:26-10110 Westlake Senior Living Center, LLC

Chapter 11

#49.00 CONT'D Hearing re: [12] Stipulation authorizing debtor to use
cash collateral with Poppy Bank

fr. 2-6-26,

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Westlake Senior Living Center, LLC

Represented By
Stella A Havkin

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, February 11, 2026

Hearing Room 201

1:00 PM

9:26-10110 Westlake Senior Living Center, LLC

Chapter 11

#50.00 CONT'D Hearing re: [8] Stipulation granting Sunrise Senior Living Management, Inc. relief from the automatic stay

fr. 2-6-26,

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Westlake Senior Living Center, LLC

Represented By
Stella A Havkin

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Wednesday, February 11, 2026

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1:00 PM

9:26-10164 M&B Services, Inc.

Chapter 11

#51.00 CONT'D Hearing re: [6] Emergency motion of debtor and debtor-in-possession
for order authorizing interim use of cash collateral

fr. 2-9-26,

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M&B Services, Inc.

Represented By
Vanessa M Haberbusch