

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9: -

Chapter

#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.**

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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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9:00 AM

9:17-11962 Kerre K Klaft

Chapter 7

Adv#: 9:23-01036 McBeth v. Klaft

#1.00 Examination of Judgment Debtor Jeffrey Klaft

Docket 59

Tentative Ruling:

July 10, 2024

Amended Order to Appear for Examination. Docket No. 59.

Party Information

Debtor(s):

Kerre K Klaft

Represented By
Brenda A Enderle

Defendant(s):

Jeffrey Klaft

Pro Se

Plaintiff(s):

Sandra K. McBeth

Represented By
Felicita A Torres

Trustee(s):

Sandra McBeth (TR)

Represented By
Joseph M Sholder

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9:00 AM

9:18-11110 Vera Rozhko

Chapter 11

Adv#: 9:24-01011 Rozhko v. The Bank of New York Mellon fka The Bank of New Yo

#2.00 CONT'D Status Hearing
RE: [1] Adversary case 9:24-ap-01011. Complaint by Vera Rozhko against The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2005-07, Mortgage Pass-Through Certificates, Series 2005-07, NewRez, LLC dba Shellpoint Mortgage Servicing. (\$350.00 Fee Charge To Estate). Complaint for Injunctive Relief and Declaratory Relief Nature of Suit: (71 (Injunctive relief - reinstatement of stay)),(91 (Declaratory judgment)) (Olmstead, Reed)

FR. 6-5-24

Docket 1

***** VACATED *** REASON: Continued to August 7, 2024 at 9:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vera Rozhko

Represented By
Reed H Olmstead

Defendant(s):

The Bank of New York Mellon fka

Pro Se

NewRez, LLC dba Shellpoint

Pro Se

Plaintiff(s):

Vera Rozhko

Represented By
Reed H Olmstead

**United States Bankruptcy Court
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9:00 AM

9:22-10134 Codie Place

Chapter 7

Adv#: 9:23-01010 McBeth v. Davis, III

#3.00 CONT'D Status Hearing
RE: [1] Adversary case 9:23-ap-01010. Complaint by Sandra McBeth against Richard M. Davis, III. (\$350.00 Fee Charge To Estate). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(21 (Validity, priority or extent of lien or other interest in property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Beall, William)

FR. 1-10-24, 2-21-24, 5-22-24

Docket 1

***** VACATED *** REASON: Continued by order on stipulation to 1/15/25 at 9:00 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Codie Place

Represented By
Karen L Grant

Defendant(s):

Richard M. Davis, III

Represented By
Felicita A Torres

Plaintiff(s):

Sandra McBeth

Represented By
William C Beall

Trustee(s):

Sandra McBeth (TR)

Represented By
William C Beall

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9:22-10379 Gift Theory, Inc.

Chapter 7

Adv#: 9:23-01027 Sandra K. McBeth, Chapter 7 Trustee v. Discover Financial Services, Inc.

#4.00 CONT'D Status Hearing
RE: [1] Adversary case 9:23-ap-01027. Complaint by Sandra K. McBeth, Chapter 7 Trustee against Discover Financial Services, Inc.. (\$350.00 Fee Charge To Estate). Complaint For: (1) Avoidance And Recovery Of Preference Payments [11 U.S.C. §§ 547, 550(a), And 551] Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Page, Zachary)

FR. 8-23-23, 10-11-23, 1-10-24, 2-7-24, 5-22-24

Docket 1

Tentative Ruling:

July 10, 2024

Appearances waived.

This matter is continued to September 11, 2024, at 9:00 a.m.

February 7, 2024

Appearances waived.

The Court has reviewed the *Joint Status Report*. See Docket No. 22. The Court will continue the status conference to May 22, 2024, at 10:00 a.m.

January 10, 2024

In-person appearances required.

Pursuant to that *Scheduling Order*, the status conference was continued to January 10, 2024, at 10:00 a.m. See Docket No. 17, p. 2, line 7. Pursuant to this Court's *Adversary Proceeding Status Conference Procedures*, "[a] joint status report prepared using Local Form F_7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference." See Docket No. 2, p. 1. Pursuant to this Court's Local

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Gift Theory, Inc.

Chapter 7

Rule 7016-1(a)(2), "[u]nless otherwise ordered by the court, at least 14 days before the date set for each status conference the parties are required to file a joint status report using mandatory court form F_7016-1.STATUS.REPORT []."

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

October 11, 2023

Appearances required.

The Court has reviewed the *Joint Status Report*. See Docket No. 16. The Court intends on adopting the following litigation schedule:

- November 3, 2023 – Last day to amend pleadings
- Continued status conference – January 10, 2024, at 10:00 a.m.
- April 1, 2024- Last day to complete discovery, including receipt of responses
- May 22, 2024, at 10:00 a.m. – Last day to have pre-trial motion heard
- Pre-Trial Hearing – July 10, 2024, at 10:00 a.m.
- Trial – July 25, 2024, at 9:00 a.m.

A pre-trial stipulation and proposed order shall be filed so that it is timely received by the Court in conformance with this Court's Local Rule 7016-1(b). Plaintiff to upload a scheduling order within 7 days.

Regarding mediation, the Court will inquire with the parties about whether (1) discovery should be completed before the matter is mediated, and (2) the parties seek to utilize the Court's mediation panel, or use a private service.

Party Information

Debtor(s):

Gift Theory, Inc.

Represented By
William E. Winfield

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CONT... Gift Theory, Inc.

Chapter 7

Defendant(s):

Discover Financial Services, Inc.

Pro Se

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Beth Ann R. Young
Zachary Page

Trustee(s):

Sandra McBeth (TR)

Represented By
Timothy J Yoo
Todd M Arnold
Carmela Pagay

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9:22-10379 Gift Theory, Inc.

Chapter 7

Adv#: 9:23-01027 Sandra K. McBeth, Chapter 7 Trustee v. Discover Financial Services, Inc.

#5.00 Pre-Trial Conference
RE: [1] Adversary case 9:23-ap-01027. Complaint by Sandra K. McBeth, Chapter 7 Trustee against Discover Financial Services, Inc.. (\$350.00 Fee Charge To Estate). Complaint For: (1) Avoidance And Recovery Of Preference Payments [11 U.S.C. §§ 547, 550(a), And 551] Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Page, Zachary)

Docket 1

*** VACATED *** REASON: Order entered on 5/1/24: pretrial vacated.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gift Theory, Inc.

Represented By
William E. Winfield

Defendant(s):

Discover Financial Services, Inc.

Represented By
Alan J Watson

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Beth Ann R. Young
Zachary Page

Trustee(s):

Sandra McBeth (TR)

Represented By
Timothy J Yoo
Todd M Arnold
Carmela Pagay

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9:22-10379 Gift Theory, Inc.

Chapter 7

Adv#: 9:23-01028 Sandra K. McBeth, Chapter 7 Trustee v. Google, LLC

#6.00 CONT'D Status Hearing

RE: [1] Adversary case 9:23-ap-01028. Complaint by Sandra K. McBeth, Chapter 7 Trustee against Google, LLC. (\$350.00 Fee Charge To Estate). Complaint For: (1) Avoidance And Recovery Of Preference Payments [11 U.S.C. §§ 544, 547, 550(a), And 551; Cal. Civ. Code § 3439 Et Seq.]; And (2) Disallowance Of Any Claims Held By Defendant [11 U.S.C. § 502(d)] Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Page, Zachary)

FR. 8-23-23, 10-25-23, 11-22-23, 12-13-23

Docket 1

***** VACATED *** REASON: Continued to September 11, 2024, at 9:00 a.m.**

Tentative Ruling:

July 10, 2024

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 41. The status conference is continued to July 24, 2024, at 9:00 a.m.

December 13, 2023

Appearances required. Defendant's counsel is to appear, in person.

The Court continued this status conference from November 22, 2023 due to Google, LLC's failure to appear at the status conference. Pursuant to this Court's Local Rule 7016-1(g), "[t]he failure of a party's counsel [] to appear before the court at the status conference [] may be considered abandonment or failure to prosecute or defend diligently, and judgment may be entered against the defaulting party with respect to a specific issue or as to the entire proceeding, or the proceeding may be dismissed." This Court's *Adversary Proceeding Status Conference Procedures* provide, *inter alia*, that "[a]ll parties must appear in person at the initial status conference. Failure to

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Chapter 7

appear for a status conference may result in the imposition of monetary sanctions."
See Docket No. 2.

Neither Google, LLC, nor its counsel of record has provided the Court with any reason why they failed to appear at the status conference that this Court prepared for, and that counsel to the Trustee attended, prepared to proceed. Now, this Court must prepare for a second time, and the estate must bear the costs of the Trustee's counsel preparing and attending for a second time the status conference that should have taken place in November. The Court is inclined to, and intends to strike Google, LLC's answer, enter its default, and grant judgment in favor of the Trustee. What remains for the status conference is a discussion regarding monetary sanctions and/or other disciplinary action against counsel to Google, LLC.

November 22, 2023

Appearances required.

The Court has reviewed the *Joint Status Report*. *See* Docket No. 15. The Court is inclined to set the following litigation dates:

- November 22, 2023 - Last day to amend pleadings
- February 21, 2024, at 10:00 a.m. - Continued status conference
- May 1, 2024 - Discovery cutoff
- June 5, 2024, at 10:00 a.m. - Last date to have dispositive motions heard
- June 26, 2024 - Deadline to file pre-trial stipulation and proposed order pursuant to this Court's Local Rule 7016-1.
- July 10, 2024, at 10:00 a.m. - Pretrial conference (in-person)
- Trial - August 8, 2024, at 9:00 a.m. (in-person, both counsel and witnesses)

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CONT... Gift Theory, Inc.
August 23, 2023

Chapter 7

In-person appearances required.

The *Complaint for: (1) Avoidance and Recovery of Fraudulent Conveyances [11 U.S.C. §§ 544, 548, 550(a), and 551; Cal Civ. Code § 3439 et seq.]; and (2) Avoidance and Recovery of Preference Payments [11 U.S.C. §§ 547, 550(a), and 551]; and (3) Disallowance of Any Claims Held by Defendant [11 U.S.C. § 502(d)]* (the "Complaint") was filed on June 27, 2023. See Docket No. 1.

The *Summons and Notice of Status Conference in Adversary Proceeding* was issued on June 27, 2023. See Docket No. 2-1. Pursuant to Fed. R. Bankr. P. 7004(e), "service made under [Rule 4\(e\)](#), [\(g\)](#), [\(h\)\(1\)](#), [\(i\)](#), or [\(j\)\(2\) F.R.Civ.P.](#) shall be by delivery of the summons and complaint within 7 days after the summons is issued. If service is by any authorized form of mail, the summons and complaint shall be deposited in the mail within 7 days after the summons is issued. If a summons is not timely delivered or mailed, another summons shall be issued and served." Now, August 20, 2023, nearly two (2) months after the Summons was issued, there is no proof of service that the Court can locate regarding timely service of the Summons.

Pursuant to those *Adversary Proceeding Status Conference Procedures* (the "Procedures"), "[a] joint status report prepared using Local Form F 7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference. The plaintiff must attach a copy of the Local Form F 7016-1.STATUS.REPORT to these Adversary Proceeding Status Conference Procedures as Exhibit A. Failure to file a joint status report may result in the imposition of monetary sanctions and/or the status conference being continued. 3. If a party does not cooperate in the preparation of a joint status report, the other party should follow the procedure set forth in this Court's Local Bankruptcy Rule 7016-1(a) (3) for filing a unilateral status report." See Docket No. 2, p. 1. The Court cannot locate any status report as required by the Procedures.

This Case is dismissed for the failure to prosecute, and the failure to follow the requirements of the Procedures.

Party Information

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CONT... Gift Theory, Inc.

Chapter 7

Debtor(s):

Gift Theory, Inc.

Represented By
William E. Winfield

Defendant(s):

Google, LLC

Pro Se

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Beth Ann R. Young
Zachary Page

Trustee(s):

Sandra McBeth (TR)

Represented By
Timothy J Yoo
Todd M Arnold
Carmela Pagay

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9:22-10735 GCLI, LLC

Chapter 7

Adv#: 9:23-01065 Gemelli Group, LLC v. Namba et al

#7.00 CONT'D Status Hearing
RE: [1] Adversary case 9:23-ap-01065. Complaint by Gemelli Group, LLC
against Jerry Namba, Dentons US LLP. William)

FR. 2-7-24, 4-10-24, 5-22-24

Docket 1

Tentative Ruling:

July 10, 2024

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 27. The Court is inclined to set the following litigation dates:

July 26, 2024 - Last day to join other parties and to amend pleadings

October 31, 2024 - Last day to complete discovery, including receipt of responses

November 20, 2024, at 9:00 a.m. - Deadline for dispositive motions to be heard

November 27, 2024 - Deadline to submit pre-trial stipulation and proposed order

December 11, 2024, at 9:00 a.m. - Pre-trial conference (In-person)

March 20, 2025, at 1:00 p.m. (if trial is to be in Santa Barbara) - Trial (In-person)

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

May 22, 2024

Appearances required.

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CONT... GCLI, LLC

Chapter 7

On December 8, 2023, Gemelli Group, LLC ("Plaintiff") filed against Jerry Namba, Chapter 7 trustee (the "Trustee"), and Dentons US LLP that *Complaint for Declaratory Relief* (the "Complaint"). See Case No. 9:23-ap-01065-RC, Docket No. 1. Through the Complaint, Plaintiff, as purchaser of certain assets from MidCap Funding XVII Trust and MidCap Funding XVIII Trust after foreclosure, seeks declaratory relief that Plaintiff is the owner of certain of those assets purchased.

Metropolitan Partners Group and its related affiliates have filed a complaint in New York against certain entities related to the principals of GCLI, LLC (the "Debtor"), as well as the Debtor, asserting numerous fraud-based causes of action, including the purchase of the assets at issue in the Complaint by Plaintiff. See Case No. 9:22-bk-10735-RC, Docket No. 46, *Exhibit 4*.

The Court has approved a settlement that allows the New York action to continue to conclusion. See *id.* at Docket No. 123, *Order Granting Trustee's Motion to Approve Settlement Agreement with Metropolitan Parties*.

If the New York action, at least in part, is "premised upon the contention that the Strict Foreclosure and then the subsequent transfer of the Select Assets were not valid transfers, but instead comprise a scheme in which MidCap participated with GemCap Parties to defraud creditors," as stated by Gemelli Equities, LLC in its *Opposition to Trustee's Motion to Compromise with Metropolitan Parties* (Docket No. 112, p. 10, lines 21-23), is the Complaint not effectively, if not directly resolved through the New York action? The Trustee's *Answer of Defendant Jerry Namba to Complaint for Declaratory Relief* appears to plead affirmative defenses that principally parrot some of the allegations in the New York action complaint. See Case No. 9:23-ap-01065-RC, Docket No. 9. In the interest of comity and judicial and party resources, it seems to make the most sense to allow the New York action to commence, and complete prior to the parties and this Court litigating similar or the same factual and legal issues.

February 7, 2024

Appearances required.

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CONT... GCLI, LLC

Chapter 7

The Court has reviewed the *Joint Status Report* of Gemelli Group, LLC and Jerry Namba. *See* Docket No. 10. Namba asserts that an "amended answer will be filed on or before 1/31/2024." *See id.* at p. 2. The Court finds no such amended answer. It is also not clear what Gemelli Group, LLC's intends to do with Dentons US LLP, as no request for default has been filed.

Party Information

Debtor(s):

GCLI, LLC

Represented By
William S Brody

Defendant(s):

Jerry Namba

Pro Se

Dentons US LLP

Pro Se

Plaintiff(s):

Gemelli Group, LLC

Represented By
Nicholas S Couchot
William S Brody
Paul S Arrow

Trustee(s):

Jerry Namba (TR)

Represented By
D Edward Hays
Laila Masud

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9:22-10911 Thomas W. Clark

Chapter 7

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

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

FR. 1-24-24, 3-20-24, 4-24-24

Docket 22

***** VACATED *** REASON: Adversary Case Dismissed per Order on
Stipulation dated 7/01/2024.**

Tentative Ruling:

July 10, 2024

Appearances waived.

This matter has been dismissed by stipulation of the parties. *See* Docket No. 66,
Stipulation for Dismissal of Adversary Proceeding.

March 20, 2024

Appearances waived.

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

Party Information

Debtor(s):

Thomas W. Clark

Represented By
Brent D George

Defendant(s):

Christine Clark

Represented By
Marc Weitz

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CONT... Thomas W. Clark

Chapter 7

Movant(s):

Christine Clark

Represented By
Marc Weitz

Plaintiff(s):

Sandra K. McBeth

Represented By
Carmela Pagay

Trustee(s):

Sandra McBeth (TR)

Represented By
Carmela Pagay

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9:22-10911 Thomas W. Clark

Chapter 7

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

#9.00 CONT'D Status Hearing
RE: [1] Adversary case 9:23-ap-01008. Complaint by Sandra K. McBeth against Christine Clark. (\$350.00 Fee Charge To Estate). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(14 (Recovery of money/property - other)) (Pagay, Carmela)

FR. 4-19-23, 12-12-23, 4-10-24, 4-24-24

Docket 1

***** VACATED *** REASON: Adversary Case Dismissed per Order on Stipulation dated 7/01/2024.**

Tentative Ruling:

July 10, 2024

Appearances waived.

This matter has been dismissed by stipulation of the parties. *See* Docket No. 66, *Stipulation for Dismissal of Adversary Proceeding.*

April 10, 2024

Appearances waived.

The Court will continue the status conference to April 24, 2024, at 10:00 a.m.

December 12, 2023

Appearances required.

The Court has reviewed the *Joint Status Report*. *See* Docket No. 21. The Court is inclined to set a pretrial conference for April 10, 2024, at 10:00 a.m., and trial for May 6, 2024, at 1:00 p.m. Both the pre-trial conference and trial will require in-person appearances by counsel and the parties.

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CONT... Thomas W. Clark

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The status conference is continued to April 10, 2024, at 10:00 a.m.

Plaintiff is to file and serve a scheduling order with the pre-trial conference and trial dates, including the requirement of the parties to timely file a pre-trial stipulation and proposed order in conformance with this Court's Local Rule 7016-1.

April 19, 2023

Appearances required.

In reviewing the *Joint Status Report*, it appears that the parties are agreeable to mediating the matter. *See* Docket No. 11. Have the parties discussed private mediation, or do the parties seek to mediate the matter with the Court's mediation program?

The Court is inclined to set a discovery cutoff of August 30, 2023, and to continue the status conference to September 13, 2023, at 10:00 a.m.

Party Information

Debtor(s):

Thomas W. Clark

Represented By
Brent D George

Defendant(s):

Christine Clark

Pro Se

Plaintiff(s):

Sandra K. McBeth

Represented By
Carmela Pagay

Trustee(s):

Sandra McBeth (TR)

Pro Se

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9:22-10934 Bonita T. Moore

Chapter 13

Adv#: 9:23-01019 Moore v. Bruetsch et al

#10.00 CONT'D Hearing
RE: [33] Motion to Dismiss Adversary Proceeding (Weber, Edward)

FR. 2-21-24, 3-20-24, 4-24-24, 6-5-24

Docket 33

Tentative Ruling:

June 5, 2024

Appearances required.

On May 13, 2024, Walter Hackett, on behalf of plaintiff Monique Moore ("Moore") filed that *Request for Stay to Allow Plaintiff to Obtain New Counsel* (the "Request"). See Docket No. 48. The Request was not accompanied by a notice or proof of service. The Request seeks a stay of this adversary proceeding until Moore can obtain new counsel. See *id.* at p. 2, lines 4-7. The Request provides the Court without a time frame for Moore to employ new counsel.

Moore is to appear to inform the Court of the timing of their employment of counsel in this matter.

On May 13

April 24, 2024

Appearances required.

The Court understands that counsel to Plaintiff is experiencing health issues, and is unable to attend the hearing on the motion to dismiss. The Court is uncertain whether counsel is withdrawing from the case due to their health, or rather simply requires time to recover so that they may appear and argue the motion and continue with the

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CONT... Bonita T. Moore
case in general.

Chapter 13

March 20, 2024

Appearances waived.

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

February 21, 2024

Appearances waived. This matter is continued to March 20, 2024, at 10:00 a.m.

Party Information

Debtor(s):

Bonita T. Moore

Represented By
Nathan A Berneman

Defendant(s):

Wayne Kim

Represented By
Matthew D. Resnik
Edward T Weber

Karen J Wyman

Represented By
Edward T Weber
Paul J Kurtzhall

Timothy J Wyman

Represented By
Edward T Weber
Paul J Kurtzhall

Vark Investments, LLC

Represented By
Edward T Weber
Paul J Kurtzhall

DOES 1-10

Pro Se

Joelynn Warner

Represented By
Edward T Weber
Paul J Kurtzhall

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... Bonita T. Moore

Chapter 13

Todd Warner

Represented By
Edward T Weber
Paul J Kurtzhall

Capital Benefit, Inc.

Represented By
Edward T Weber
Paul J Kurtzhall

Marcel Bruetsch

Represented By
Edward T Weber
Paul J Kurtzhall

Polycomp Trust Company

Represented By
Edward T Weber
Paul J Kurtzhall

Movant(s):

Marcel Bruetsch

Represented By
Edward T Weber
Paul J Kurtzhall

Capital Benefit, Inc.

Represented By
Edward T Weber
Paul J Kurtzhall

Todd Warner

Represented By
Edward T Weber
Edward T Weber
Paul J Kurtzhall
Paul J Kurtzhall

Joelynn Warner

Represented By
Edward T Weber
Edward T Weber
Paul J Kurtzhall
Paul J Kurtzhall

Polycomp Trust Company

Represented By
Edward T Weber

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... Bonita T. Moore

Chapter 13

Edward T Weber
Paul J Kurtzhall
Paul J Kurtzhall

Vark Investments, LLC

Represented By
Edward T Weber
Paul J Kurtzhall

Timothy J Wyman

Represented By
Edward T Weber
Edward T Weber
Paul J Kurtzhall
Paul J Kurtzhall

Karen J Wyman

Represented By
Edward T Weber
Edward T Weber
Paul J Kurtzhall
Paul J Kurtzhall

Plaintiff(s):

Monique Moore

Represented By
Walter H Hackett III

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:22-10934 Bonita T. Moore

Chapter 13

Adv#: 9:23-01019 Moore v. Bruetsch et al

#11.00 CONT'D HEARING RE:
ORDER TO SHOW CAUSE WHY THE ADVERSARY PROCEEDING SHOULD
NOT BE DISMISSED FOR LACK OF PROSECUTION

FR. 6-5-24

Docket 45

Tentative Ruling:

June 5, 2024

See Matter 8.

Party Information

Debtor(s):

Bonita T. Moore

Represented By
Nathan A Berneman

Defendant(s):

Marcel Bruetsch

Represented By
Edward T Weber

Capital Benefit, Inc.

Represented By
Edward T Weber

Todd Warner

Represented By
Edward T Weber

Joelynn Warner

Represented By
Edward T Weber

Polycomp Trust Company

Represented By
Edward T Weber

Vark Investments, LLC

Represented By
Edward T Weber

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... Bonita T. Moore

Chapter 13

Timothy J Wyman

Represented By
Edward T Weber

Karen J Wyman

Represented By
Edward T Weber

Wayne Kim

Represented By
Matthew D. Resnik
Edward T Weber

DOES 1-10

Pro Se

Plaintiff(s):

Monique Moore

Represented By
Walter H Hackett III

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:22-10934 Bonita T. Moore

Chapter 13

Adv#: 9:23-01019 Moore v. Bruetsch et al

#12.00 CONT'D Status Hearing

RE: [1] Adversary case 9:23-ap-01019. Complaint by Monique Moore against Marcel Bruetsch, Capital Benefit, Todd Warner, Joelynn Warner, Polycomp Trust Company, Vark Investments, LLC, Timothy J Wyman, Karen J Wyman, Wayne Kim. (21 (Validity, priority or extent of lien or other interest in property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (91 (Declaratory judgment)) (Hackett, Walter)

FR. 8-9-23, 9-27-23, 10-11-23, 11-8-23, 2-7-24, 2-21-24, 3-20-24, 4-24-24, 6-5-24

Docket 1

Tentative Ruling:

June 5, 2024

See Matter 8.

April 24, 2024

Appearances required.

March 20, 2024

Appearances waived.

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

February 21, 2024

Appearances waived. This matter is continued to March 20, 2024, at 10:00 a.m.

February 7, 2024

**United States Bankruptcy Court
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Wednesday, July 10, 2024

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9:00 AM

CONT... Bonita T. Moore

Chapter 13

Appearances required.

The Court has reviewed the *Joint Status Report*. See Docket No. 35. It appears that an amended complaint was filed, and a motion to dismiss that amended complaint is scheduled to be heard on February 21, 2024. See Docket Nos. 33 and 34. The Court is inclined to continue the status conference to trail the motion to dismiss.

November 8, 2023

In-person appearances required.

The *Adversary Proceeding Status Conference Procedures* provide that "[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. "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 that "[u]nless otherwise ordered by the court, at least 14 days before the date for each status conference the parties are required to file a joint status report using mandatory court form F_7016-1.STATUS.REPORT."

The Court finds no status conference reports filed within the times prescribed by both this Court's Local Rules and its adversary proceeding procedures. Unless the Court excused the parties from filing status reports, the Court will impose sanctions against counsel for each of the parties that have appeared in this adversary proceeding in the amount of \$1,000.

October 11, 2023

Appearances required.

September 27, 2023

Appearances waived.

The status conference is continued to October 11, 2023, at 10:00 a.m.

**United States Bankruptcy Court
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... Bonita T. Moore

Chapter 13

August 9, 2023

Appearances required.

Party Information

Debtor(s):

Bonita T. Moore

Represented By
Nathan A Berneman

Defendant(s):

Marcel Bruetsch

Represented By
Edward T Weber

Capital Benefit, Inc.

Represented By
Edward T Weber

Todd Warner

Represented By
Edward T Weber

Joelynn Warner

Represented By
Edward T Weber

Polycomp Trust Company

Represented By
Edward T Weber

Vark Investments, LLC

Represented By
Edward T Weber

Timothy J Wyman

Represented By
Edward T Weber

Karen J Wyman

Represented By
Edward T Weber

Wayne Kim

Represented By
Matthew D. Resnik
Edward T Weber

DOES 1-10

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... Bonita T. Moore

Chapter 13

Plaintiff(s):

Monique Moore

Represented By
Walter H Hackett III

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:22-11001 Alan Rashkin

Chapter 7

Adv#: 9:23-01037 Namba v. Rashkin et al

#13.00 CONT'D Pre-Trial Conference

RE: [1] Adversary case 9:23-ap-01037. Complaint by Jerry Namba against Alan Rashkin, Rochelle Rashkin, Ellye B Rashkin. (\$350.00 Fee Charge To Estate). Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))), (11 (Recovery of money/property - 542 turnover of property)), (12 (Recovery of money/property - 547 preference)), (13 (Recovery of money/property - 548 fraudulent transfer)) (Horowitz, Carissa)

FR. 6-5-24

Docket 1

Tentative Ruling:

July 10, 2024

Appearances waived.

This matter has been settled, and pending before the Court in the main case is that *Motion to Approve Compromise of Controversy Pursuant to Bankruptcy Rule 9019* (the "9019 Motion"). The Court will vacate the pre-trial conference, and set a status conference to be held on August 21, 2024, at 9:00 a.m., by which time the 9019 Motion will have been ruled on.

Party Information

Debtor(s):

Alan Rashkin

Represented By
Haleh C Naimi

Defendant(s):

Alan Rashkin

Represented By
Haleh C Naimi

Rochelle Rashkin

Represented By
Haleh C Naimi

**United States Bankruptcy Court
Central District of California
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... Alan Rashkin

Chapter 7

Ellye B Rashkin

Represented By
Haleh C Naimi

Joint Debtor(s):

Rochelle Rashkin

Represented By
Haleh C Naimi

Plaintiff(s):

Jerry Namba

Represented By
Carissa N Horowitz

Trustee(s):

Jerry Namba (TR)

Represented By
Carissa N Horowitz
William C Beall

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:23-10209 Robert A Adams

Chapter 7

Adv#: 9:23-01030 JD Financial Group LTD. v. Adams

#14.00 Hearing
RE: [20] Motion to Withdraw as Attorney and Request to Postpone Pending Trial Date to allow Plaintiff to seek new counsel (Yoo, S)

Docket 20

*** VACATED *** REASON: Rescheduled by the Court to August 21, 2024, at 9:00 a.m.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert A Adams

Represented By
Creig Creig Greaves

Defendant(s):

Robert A Adams

Pro Se

Joint Debtor(s):

Marla B Adams

Represented By
Creig Creig Greaves

Movant(s):

JD Financial Group LTD.

Represented By
S Christopher Yoo

Plaintiff(s):

JD Financial Group LTD.

Represented By
S Christopher Yoo

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:23-10275 Nick Sklavenitis

Chapter 13

Adv#: 9:23-01020 Miracle Mile Properties, LP v. Sklavenitis et al

#15.00 HearingRE: [59] Motion AMENDED NOTICE OF MOTION AND MOTION TO CORRECT CLERICAL ERROR ON VOLUNTARY DISMISSAL DUE TO MISTAKE, INADVERTENCE, SURPRISE, OR EXCUSABLE NEGLIGENCE PURSUANT TO FRPC §60(a)(b) and (d); DECLARATIONS IN SUPPORT (Cordero-Sack, Ada)

Docket 59

Tentative Ruling:

July 10, 2024

Appearances waived.

Before the Court is that *Amended Notice of Motion and Motion to Correct Clerical Error on Voluntary Dismissal Due to Mistake, Inadvertence, Surprise, or Excusable Neglect Pursuant to FRPC §60(a)(b) and (d)* (the "Motion"). See Docket No. 59.

Pursuant to this Court's Local Rule 9013-1(c)(2) provides that "[e]very motion must be accompanied by written notice of motion," which "notice of motion must advise the opposing party that LBR 9013-1(f) requires written response to be filed and served at least 14 days before the hearing."

Here, the Motion fails to include a notice advising parties of the deadline to oppose the Motion in violation of this Court's Local Rule 9013-1(c)(2).

The Motion is denied without prejudice for lack of appropriate notice. Movant is to lodge a conforming order within 7 days.

Party Information

Debtor(s):

Nick Sklavenitis

Represented By

Steven Abraham Wolvek

Defendant(s):

Nick Sklavenitis

Represented By

**United States Bankruptcy Court
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9:00 AM

CONT... Nick Sklavenitis

Chapter 13

Michael D Kwasigroch

Maria Sklavenitis

Represented By

Michael D Kwasigroch

Kostas Kapnisis

Pro Se

DOES 1 to 50, inclusive

Pro Se

Joint Debtor(s):

Maria Sklavenitis

Represented By

Steven Abraham Wolvek

Movant(s):

Miracle Mile Properties, LP

Represented By

Ada R Cordero-Sack

Plaintiff(s):

Miracle Mile Properties, LP

Represented By

Ada R Cordero-Sack

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:23-10968 John Charles Thomas
Adv#: 9:24-01017 Saint v. Thomas

Chapter 7

#16.00 Status Hearing
RE: [1] Adversary case 9:24-ap-01017. Complaint by Steve Saint against John Charles Thomas. willful and malicious injury)) (Wallin, Michael)

and
COUNTER-CLAIM (Docket #[8])

Docket 1

Tentative Ruling:

July 10, 2024

Appearances required.

The Court has reviewed the *Joint Status Report*. See Docket No. 12. The Court is inclined to set the following litigation deadlines:

July 26, 2024 – Last day to amend pleadings and join other parties

December 31, 2024 – Last day to complete discovery, including receiving responses

January 29, 2025, at 9:00 a.m. – Continued status conference

February 26, 2025, at 9:00 a.m. – Deadline for dispositive motions to be heard

March 13, 2025 – Deadline to file joint pre-trial conference stipulation and proposed order

March 27, 2025, at 9:00 a.m. – Pre-trial conference (in-person)

April 10, 2025, at 9:00 a.m. – Trial (in-person)

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

Party Information

**United States Bankruptcy Court
Central District of California
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... John Charles Thomas

Chapter 7

Debtor(s):

John Charles Thomas

Represented By
John D Faucher

Defendant(s):

John Charles Thomas

Pro Se

Plaintiff(s):

Steve Saint

Represented By
Michael A Wallin

Trustee(s):

Jerry Namba (TR)

Represented By
Jeremy Faith
Meghann A Triplett

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:23-11095 FGH, LLC

Chapter 11

Adv#: 9:24-01009 FGH, LLC v. Officemax, Inc. et al

#17.00 CONT'D Hearing
RE: [81] Motion for Default Judgment against Defendant Mel Giffin, Inc. with
proof of service

FR. 6-5-24

Docket 81

Tentative Ruling:

July 10, 2024

Appearances required.

It does not appear that the issue highlighted in the Court's June 5, 2024 tentative ruling has been remedied.

June 5, 2024

Appearances required.

On March 14, 2024, FGH, LLC (the "Debtor") filed that *Complaint to Determine Validity, Extent and Priority of Liens, and to Avoid Unperfected Liens* (the "Complaint") against, among others, Mel Giffin, Inc. ("Mel Giffin"). See Docket No. 1. The Eighth Claim for Relief of the Complaint seeks "a Judgment determining that the lien of [Mel Giffin] is avoided." See *id.* at p. 13, lines 25-26.

On April 25, 2024, the Debtor filed that *Motion for Default Judgment Against Defendant Mel Giffin, Inc. with Points and Authorities* (the "Motion"). See Docket No. 81. The gravamen of the Motion is that Mel Giffin recorded a preliminary notice and filed complaint to foreclose, but never recorded a notice of pending action. See *id.* at p. 2, lines 5-18. Purportedly, Mel Giffin filed an action to foreclose on its mechanic's lien on May 2, 2023. See *id.* at line 12. A copy of the summons and complaint is allegedly attached to the Motion as Exhibit C (*see id.* at lines 12-13), but

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9:00 AM

CONT... FGH, LLC

Chapter 11

Exhibit C to the Motion is a preliminary title report, which does not include the
aforementioned complaint, or reference said complaint.

The Court has no evidence of when the complaint was filed by Mel Giffin, if a
complaint was in-fact ever filed by Mel Giffin.

The Motion is denied.

Party Information

Debtor(s):

FGH, LLC

Represented By
William C Beall
Carissa N Horowitz

Defendant(s):

Officemax, Inc.

Pro Se

Hajoca Corporation

Represented By
Melissa L Griffin

Mel Giffin, Inc.

Pro Se

GMH, Inc.

Pro Se

Independent Concrete Cutting, Inc.

Pro Se

Byrd Electrical Contractors, Inc.

Pro Se

Sunbelt Rentals, Inc.

Pro Se

Pacific Low Voltage

Pro Se

Anytime Drywall, Inc.

Pro Se

PGS Westside I, Inc.-Chatsworth

Represented By
Erica T Loftis Pacheco

Vince Volk Plumbing, Inc.

Represented By
Tyler R Dowdall

James H. Bryd & Laura F. Byrd

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... FGH, LLC

Chapter 11

Movant(s):

FGH, LLC

Represented By
William C Beall
Carissa N Horowitz

Plaintiff(s):

FGH, LLC

Represented By
William C Beall
Carissa N Horowitz

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:23-11095 FGH, LLC

Chapter 11

Adv#: 9:24-01009 FGH, LLC v. Officemax, Inc. et al

#18.00 CONT'D Status Hearing

RE: [1] Adversary case 9:24-ap-01009. Complaint by FGH, LLC against Officemax, Inc., Hajoca Corporation, Mel Giffin, Inc., GMH, Inc., Independent Concrete Cutting, Byrd Electrical Contractors Inc, Omniduct, Spring Valley Insulation Contractors, Sunbelt Rentals, Inc., Pacific Low Voltage, Anytime Drywall, Inc., PGS Westside I, Inc., Vince Volk Plumbing, Inc., James H. Bryd & Laura F. Byrd Trust. (\$350.00 Fee Charge To Estate) CORRECTION: Fee Not Charged. Deferment not applicable as plaintiff is debtor. Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(14 (Recovery of money/property - other)) (Beall, William)

FR. 4-24-24

Docket 1

Tentative Ruling:

July 10, 2024

Appearances waived.

The Court has reviewed that *Unilateral Status Report*. See Docket No. 119. The Court will continue the status conference to October 8, 2024, at 9:00 a.m.

April 24, 2024

Appearances required.

The Court's Clerk has not taken the default of Sunbelt Rentals, Inc., Anytime Drywall, Inc., Omniduct, Spring Valley Insulation Contractors, Concrete Cutting, Inc., Mel Griffin, Inc., and Officemax, Inc. See Docket Nos. 24-30.

Party Information

Debtor(s):

FGH, LLC

Represented By

**United States Bankruptcy Court
Central District of California
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... FGH, LLC

Chapter 11

William C Beall
Carissa N Horowitz

Defendant(s):

Officemax, Inc.	Pro Se
Hajoca Corporation	Pro Se
Mel Giffin, Inc.	Pro Se
GMH, Inc.	Pro Se
Independent Concrete Cutting, Inc.	Pro Se
Byrd Electrical Contractors, Inc.	Pro Se
Omniduct	Pro Se
Spring Valley Insulation Contractors	Pro Se
Sunbelt Rentals, Inc.	Pro Se
Pacific Low Voltage	Pro Se
Anytime Drywall, Inc.	Pro Se
PGS Westside I, Inc.-Chatsworth	Pro Se
Vince Volk Plumbing, Inc.	Pro Se
James H. Bryd & Laura F. Byrd	Pro Se

Plaintiff(s):

FGH, LLC

Represented By
William C Beall

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:23-11194 Nick Sklavenitis

Chapter 13

Adv#: 9:24-01008 Miracle Mile Properties, LP v. Sklavenitis et al

#19.00 HearingRE: [20] Motion for Default Judgment AGAINST DEFENDANTS NICK SKLAVENTIS AND MARIA SKLAVENTIS, JOINT AND SEVERABLE; IN THE AMOUNT OF \$17,747.10

Docket 20

Tentative Ruling:

July 10, 2024

Appearances required.

On December 20, 2023, Nick and Maria Sklavenitis (the "Debtors") filed a voluntary petition for relief pursuant to Chapter 13 of Title 11 of the U.S. Code. *See* Case No. 9:23-bk-11194-RC, Docket No. 1, *Voluntary Petition for Individuals Filing for Bankruptcy*. On March 1, 2024, Miracle Mile Properties, LP ("Miracle") filed against the Debtors that *Complaint to Determine Non-Dischargeability of Debt; To Object to Discharge; To Object/Revoke Chapter 13 Plan* (the "Complaint"). *See id.* at Docket No. 27. The Complaint includes two (2) causes of action; denial of the Debtors' discharge under 11 U.S.C. § 523(a), and attorneys' fees in bringing the adversary action under the lease between the Debtors and Miracle. *See id.* at pp. 9-10. On March 13, 2024, the Court entered that *Order and Notice of Dismissal Arising from Debtor's Request for Voluntary Dismissal of Chapter 13* (the "Order"). *See* Docket No. 33. The Order provides in part that the Debtors' "bankruptcy case is dismissed." *See id.*

On June 12, 2024, three (3) months after the Order was entered, Miracle filed *Plaintiff's Notice of Motion and Motion for Default Judgment Against Nick Sklavenitis and Maria Sklavenitis, Joint and Severable; in the Amount of \$17,747.10* (the "Motion"). *See* Docket No. 20. The Motion seeks a default judgment on the Complaint.

First, pursuant to this Court's Local Rule 9013-1(c)(2) provides that "[e]very motion must be accompanied by written notice of motion," which "notice of motion must advise the opposing party that LBR 9013-1(f) requires written response to be filed and

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9:00 AM

CONT...

Nick Sklavenitis

Chapter 13

served at least 14 days before the hearing." No such notice was filed and served with the Motion, and so the Motion is denied for lack of appropriate notice.

Second, the Complaint is a non-dischargeability action, and the Debtors' Chapter 13 case has been dismissed. "Generally, it is accepted that the dismissal of an underlying bankruptcy case should usually result in the dismissal of all related adversary proceedings; however, this result is not mandatory and for good cause shown the presiding court is vested with discretion to retain the adversary proceeding in the interest of justice." *In re Moseley*, 161 B.R. 382, 384 (Bankr. E.D. Tex. 1993)(citing, *inter alia*, *In re Carraher*, 971 F.3d 327, 328 (9th Cir. 1992)). "As a result of the voluntary dismissal of Debtors' underlying case, the issue of the dischargeability of a specific debt [] is rendered moot. Due to the dismissal of Debtors' underlying case, there is no longer any discharge from which a debt can be excepted nor is there a discharge to be denied." *Id.* "It is simply not a justiciable issue unless there is a discharge to deny or a discharge from which to be excepted." *Id.*

The dismissal of the Debtors' case renders the Complaint moot, and, therefore, the Motion. The Court denies the Motion on the basis of mootness in addition to the aforementioned notice issue. The question remaining is the dismissal of the Complaint, which the Court intends on doing. If Miracle is not agreeable to dismissal at the hearing, the Court will issue and order to show cause why the Complaint should not be dismissed on mootness grounds.

Party Information

Debtor(s):

Nick Sklavenitis

Represented By
Michael D Kwasigroch

Defendant(s):

Nick Sklavenitis

Pro Se

Maria Sklavenitis

Pro Se

DOES 1 to 50, inclusive

Pro Se

Joint Debtor(s):

Maria Sklavenitis

Represented By

**United States Bankruptcy Court
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9:00 AM

CONT...

Nick Sklavenitis

Michael D Kwasigroch

Chapter 13

Movant(s):

Miracle Mile Properties, LP

Represented By

Ada Rita Cordero-Sacks

Ada R Cordero-Sack

Plaintiff(s):

Miracle Mile Properties, LP

Represented By

Ada Rita Cordero-Sacks

Ada R Cordero-Sack

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:24-10004 Jharett Bondoc Siron

Chapter 7

Adv#: 9:24-01018 Siron v. United States Department of Education Mohela

#20.00 Status Hearing
RE: [1] Adversary case 9:24-ap-01018. Complaint by Jharett Bondoc Siron against United States Department of Education Mohela . (\$350.00 Fee Not Required). Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan))

Docket 1

Tentative Ruling:

July 10, 2024

Appearances required.

On May 14, 2024, Jharett Siron ("Plaintiff") filed that *Complaint*. See Docket No. 1. The Court's Clerk issued that *Summons and Notice of Status Conference in Adversary Proceeding* (the "Summons") on May 14, 2024. See Docket No. 3-1. There is no proof of service that appears on the docket regarding proof of service of the Complaint and the Summons on United States Department of Education Mohela by Plaintiff.

The Court will issue and order to show cause why this adversary proceeding should not be dismissed for lack of prosecution.

Party Information

Debtor(s):

Jharett Bondoc Siron Pro Se

Defendant(s):

United States Department of Pro Se

Plaintiff(s):

Jharett Siron Pro Se

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9:00 AM

CONT... Jharett Bondoc Siron

Chapter 7

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:24-10045 **Rafael Velasquez, Jr.**

Chapter 7

Adv#: 9:24-01014 Velasquez, Jr. v. Resurgence Financial, LLC, an Illinois Limited Lia

#21.00 Status Hearing RE: [1] Adversary case 9:24-ap-01014. Complaint by Rafael Velasquez Jr. against Resurgence Financial, LLC, an Illinois Limited Liability Company,. (\$350.00 Fee Not Required). Nature of Suit: (12 (Recovery of money/property - 547 preference)),(11 (Recovery of money/property - 542 turnover of property)) (Olmstead, Reed)

Docket 1

Tentative Ruling:

July 10, 2024

Appearances waived.

The status conference is continued to be heard alongside *Plaintiff's Motion for Default Judgment Under LBR 7055-1* on July 24, 2024, at 9:00 a.m.

Party Information

Debtor(s):

Rafael Velasquez Jr.

Represented By
Reed H Olmstead

Defendant(s):

Resurgence Financial, LLC, an

Pro Se

Plaintiff(s):

Rafael Velasquez Jr.

Represented By
Reed H Olmstead

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:24-10090 Edward Ned Li

Chapter 11

Adv#: 9:24-01015 Skillern et al v. Li

#22.00 Status Hearing

RE: [1] Adversary case 9:24-ap-01015. Complaint by C. Shawn Skillern, CSS Enterprises, Inc. against Edward Ned Li. fraud as fiduciary, embezzlement, larceny)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Winthrop, Rebecca)

Docket 1

***** VACATED *** REASON: Continued to July 24, 2024, at 9:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Ned Li

Represented By
Stella A Havkin

Defendant(s):

Edward N Li

Pro Se

Plaintiff(s):

C. Shawn Skillern

Represented By
Rebecca J Winthrop

CSS Enterprises, Inc.

Represented By
Rebecca J Winthrop

Trustee(s):

Mark M Sharf (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

9:24-10303 Michael Anthony John

Chapter 7

Adv#: 9:24-01016 Littlejohn v. John et al

#23.00 Status Hearing RE: [1] Adversary case 9:24-ap-01016. Complaint by Douglas C. Littlejohn against Michael Anthony John , Sharianne Mildred John . false pretenses, false representation, actual fraud) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (ES9)

Docket 1

Tentative Ruling:

July 10, 2024

Appearances required.

The Court has reviewed the *Joint Status Report*. See Docket No. 7. The Court is unclear about Plaintiff's assertions regarding the Court's jurisdiction to enter judgment in this adversary proceeding. Plaintiff does not consent to this Court entering a judgment in this adversary proceeding. See *id.* at p. 4. Does Plaintiff challenge the Court's jurisdiction to enter judgment on the non-dischargeability causes of action, or is the challenge solely as to its exemplary/punitive damages cause of action? As to the last cause of action, the Court is unclear what Plaintiff seeks, as it conflicts with the prayer. Is Plaintiff seeking an award of monetary damages as a part of the adversary proceeding, or is it seeking that those damages be non-dischargeable, or both? If Plaintiff seeks a judgment declaring that certain amounts owed to Plaintiff by Defendant are non-dischargeable, the Court will set the following litigation deadlines:

July 26, 2024 – Last day to amend pleadings and join other parties

December 31, 2024 – Last day to complete discovery, including receiving responses

January 29, 2025, at 9:00 a.m. – Continued status conference

February 26, 2025, at 9:00 a.m. – Deadline for dispositive motions to be heard

March 13, 2025 – Deadline to file joint pre-trial conference stipulation and proposed

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

Wednesday, July 10, 2024

Hearing Room 201

9:00 AM

CONT... **Michael Anthony John**
order

Chapter 7

March 27, 2025, at 9:00 a.m. – Pre-trial conference (in-person)

April 24, 2025, at 9:00 a.m. – Trial (in-person)

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

Party Information

Debtor(s):

Michael Anthony John

Represented By
Reed H Olmstead

Defendant(s):

Michael Anthony John

Pro Se

Sharianne Mildred John

Pro Se

Joint Debtor(s):

Sharianne Mildred John

Represented By
Reed H Olmstead

Plaintiff(s):

Douglas C. Littlejohn

Pro Se

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10262 Robert A. Ballog and Julie A. Ballog

Chapter 7

#24.00 Reaffirmation Hearing Date Set RE: [12] Reaffirmation Agreement Between Debtor and Community West Bank

Docket 12

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Robert A. Ballog

Represented By
Brent D George

Joint Debtor(s):

Julie A. Ballog

Represented By
Brent D George

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10263 Tina Ayers

Chapter 7

#25.00 Reaffirmation Hearing Date Set RE: [9] Reaffirmation Agreement Between Debtor and AMERICAN HONDA FINANCE CORPORATION

Docket 9

Tentative Ruling:

July 10, 2024

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):

Tina Ayers

Represented By
Alla Tenina

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, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10277 Jeffrey L Tufaro and Katelyn A Tufaro

Chapter 7

#26.00 Reaffirmation Hearing Date Set

RE: [14] Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A. (and Docket #[18] has a better pdf for page 1 of Reaffirmation Agreement)

Docket 14

*** VACATED *** REASON: Rescheduled to August 7, 2024, at 10:00 a.m.

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Jeffrey L Tufaro

Represented By
Julie J Villalobos

Joint Debtor(s):

Katelyn A Tufaro

Represented By
Julie J Villalobos

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10287 David Wayne Gaughran

Chapter 7

#27.00 Reaffirmation Hearing Date SetRE: [27] Reaffirmation Agreement Between Debtor and TOYOTA MOTOR CREDIT CORPORATION

Docket 27

Tentative Ruling:

July 10, 2024

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):

David Wayne Gaughran

Represented By
Vernon L Ellicott

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10303 Michael Anthony John and Sharianne Mildred John

Chapter 7

#28.00 Reaffirmation Hearing Date Set
RE: [39] Reaffirmation Agreement Between Debtor and The Law Offices of Daniel J. Knight, A Professional Law Corporation

Docket 39

*** VACATED *** REASON: Recission of Reaffirmation Agreement filed 6/25/24.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony John

Represented By
Reed H Olmstead

Joint Debtor(s):

Sharianne Mildred John

Represented By
Reed H Olmstead

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10333 Thomas Robert Chute, Jr and Rhoda Byrne Chute

Chapter 7

#29.00 Reaffirmation Hearing Date Set RE: [8] Reaffirmation Agreement Between Debtor and Sesloc Credit Union

Docket 8

Tentative Ruling:

July 10, 2024

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):

Thomas Robert Chute Jr

Represented By
Leslie A Tos

Joint Debtor(s):

Rhoda Byrne Chute

Represented By
Leslie A Tos

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10340 Danielle Monique Richardson

Chapter 7

#30.00 Reaffirmation Hearing Date SetRE: [12] Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A. (Delmotte, Joseph)

Docket 12

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Danielle Monique Richardson

Represented By
Daniel A Higson

Trustee(s):

Jerry Namba (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10360 Jerry Lee Brown and Rene Antonette La Polla

Chapter 7

#31.00 Reaffirmation Hearing Date Set
RE: [14] Reaffirmation Agreement Between Debtor and Community West Bank

Docket 14

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Jerry Lee Brown

Represented By
Karen L Grant

Joint Debtor(s):

Rene Antonette La Polla

Represented By
Karen L Grant

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, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10360 Jerry Lee Brown and Rene Antonette La Polla

Chapter 7

#32.00 Reaffirmation Hearing Date Set RE: [18] Pro se Reaffirmation Agreement Between Debtor and AmeriCredit Financial Services, Inc. dba GM Financ

Docket 18

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Jerry Lee Brown

Represented By
Karen L Grant

Joint Debtor(s):

Rene Antonette La Polla

Represented By
Karen L Grant

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, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10373 Veronica H Clarke

Chapter 7

#33.00 Reaffirmation Hearing Date Set RE: [11] Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A.

Docket 11

Tentative Ruling:

July 10, 2024

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):

Veronica H Clarke

Represented By
Jasmine Motazedi

Trustee(s):

Jerry Namba (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10375 Kirk Edward Smets, II

Chapter 7

#34.00 Reaffirmation Hearing Date Set RE: [9] Pro se Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc.

Docket 9

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Kirk Edward Smets II

Represented By
Daniel A Higson

Trustee(s):

Jerry Namba (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10386 Keith R. Pabers and Eliza L. Udy

Chapter 7

#35.00 Reaffirmation Hearing Date Set RE: [10] Reaffirmation Agreement Between Debtor and Alliant Credit Union

Docket 10

Tentative Ruling:

July 10, 2024

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):

Keith R. Pabers

Represented By
Brian Nomi

Joint Debtor(s):

Eliza L. Udy

Represented By
Brian Nomi

Trustee(s):

Jerry Namba (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10405 Teresa Maria Rosas

Chapter 7

#36.00 Reaffirmation Hearing Date Set RE: [10] Pro se Reaffirmation Agreement Between Debtor and TOYOTA MOTOR CREDIT CORPORATION

Docket 10

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Teresa Maria Rosas

Represented By
Monica Robles

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10418 Stephanie Irais Rodriguez and Jose Felix Rodriguez

Chapter 7

#37.00 Reaffirmation Hearing Date Set
RE: [15] Reaffirmation Agreement Between Debtor and CoastHills Credit Union

Docket 15

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Stephanie Irais Rodriguez Pro Se

Joint Debtor(s):

Jose Felix Rodriguez Pro Se

Trustee(s):

Sandra McBeth (TR) Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10418 Stephanie Irais Rodriguez and Jose Felix Rodriguez

Chapter 7

#38.00 Reaffirmation Hearing Date SetRE: [20] Reaffirmation Agreement Between Debtor and CarMax Auto Finance

Docket 20

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Stephanie Irais Rodriguez Pro Se

Joint Debtor(s):

Jose Felix Rodriguez Pro Se

Trustee(s):

Sandra McBeth (TR) Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10444 Filiberta G. Alcorta

Chapter 7

#39.00 Reaffirmation Hearing Date Set
RE: [8] Reaffirmation Agreement Between Debtor and Nationstar Mortgage LLC

Docket 8

*** VACATED *** REASON: Continued to 8/7/2024 at 10:00AM.

Tentative Ruling:

July 10, 2024

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):

Filiberta G. Alcorta

Represented By
Michael B Clayton

Trustee(s):

Jerry Namba (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10457 Marisela Martinez

Chapter 7

#40.00 Reaffirmation Hearing Date Set RE: [15] Reaffirmation Agreement Between Debtor and OneMain

Docket 15

Tentative Ruling:

July 10, 2024

Appearances required.

Party Information

Debtor(s):

Marisela Martinez

Represented By
Todd J Mannis

Trustee(s):

Sandra McBeth (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:24-10580 Maria Arlene Dawson

Chapter 7

#41.00 Reaffirmation Hearing Date Set RE: [9] Reaffirmation Agreement Between Debtor and Navy Federal Credit Union

Docket 9

Tentative Ruling:

July 10, 2024

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):

Maria Arlene Dawson

Represented By
Larry D Webb

Trustee(s):

Jerry Namba (TR)

Pro Se

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:22-10379 Gift Theory, Inc.

Chapter 7

Adv#: 9:23-01026 Sandra K. McBeth, Chapter 7 Trustee v. Citibank, N.A.

#42.00 CONT'D Status Hearing

RE: [1] Adversary case 9:23-ap-01026. Complaint by Sandra K. McBeth, Chapter 7 Trustee against Citibank, N.A.. (\$350.00 Fee Charge To Estate). Complaint For: (1) Avoidance And Recovery Of Fraudulent Conveyances [11 U.S.C. §§ 544, 548, 550(a), And 551; Cal. Civ. Code § 3439 Et Seq.]; And (2) Avoidance And Recovery Of Preference Payments [11 U.S.C. §§ 547, 550(a), And 551] Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)) (Page, Zachary)

FR. 8-23-23, 10-25-23, 2-21-24

Docket 1

***** VACATED *** REASON: Continued by stipulated order to August 21, 2024 at 10:00 AM.**

Tentative Ruling:

February 21, 2024

Appearances waived.

The Court has reviewed the *Joint Status Report*. See Docket No. 13. The Court will continue the status conference to July 10, 2024, at 10:00 a.m.

October 25, 2023

Appearances required.

The Court has reviewed the *Joint Status Report*. See Docket No. 7. The Court will establish the following litigation dates:

Deadline to amend pleadings - November 22, 2023

Continued status conference - February 21, 2024, at 10:00 a.m.

Discovery cutoff - April 1, 2024

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

CONT... Gift Theory, Inc.

Chapter 7

Deadline to hear dispositive/pretrial motions - May 22, 2024, at 10:00 a.m.

Pretrial Conference - July 10, 2024, at 10:00 a.m. (Pretrial stipulation and proposed order to be filed in accordance with the Court's Local Rule 7016-1)

Trial - July 22, 2024, at 9:00 a.m.

Plaintiff to lodge a scheduling order within 7 days.

August 23, 2023

In-person appearances required.

The Complaint for: (1) Avoidance and Recovery of Fraudulent Conveyances [11 U.S.C. §§ 544, 548, 550(a), and 551; Cal Civ. Code § 3439 et seq.]; and (2) Avoidance and Recovery of Preference Payments [11 U.S.C. §§ 547, 550(a), and 551]; and (3) Disallowance of Any Claims Held by Defendant [11 U.S.C. § 502(d)] (the "Complaint") was filed on June 27, 2023. See Docket No. 1.

The Summons and Notice of Status Conference in Adversary Proceeding was issued on June 27, 2023. See Docket No. 2-1. Pursuant to Fed. R. Bankr. P. 7004(e), "service made under [Rule 4\(e\)](#), [\(g\)](#), [\(h\)\(1\)](#), [\(i\)](#), or [\(j\)\(2\) F.R.Civ.P.](#) shall be by delivery of the summons and complaint within 7 days after the summons is issued. If service is by any authorized form of mail, the summons and complaint shall be deposited in the mail within 7 days after the summons is issued. If a summons is not timely delivered or mailed, another summons shall be issued and served." Now, August 20, 2023, nearly two (2) months after the Summons was issued, there is no proof of service that the Court can locate regarding timely service of the Summons.

Pursuant to those Adversary Proceeding Status Conference Procedures (the "Procedures"), "[a] joint status report prepared using Local Form F 7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference. The plaintiff must attach a copy of the Local Form F 7016-1.STATUS.REPORT to these Adversary Proceeding Status Conference Procedures as Exhibit A. Failure to file a joint status report may result in the imposition of monetary sanctions and/or the status conference being continued. 3. If a party does not cooperate in the preparation of a joint status report, the other party should follow the procedure set forth in this Court's Local Bankruptcy Rule 7016-1(a)

**United States Bankruptcy Court
Central District of California
Northern Division
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Courtroom 201 Calendar**

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

CONT... Gift Theory, Inc.

Chapter 7

(3) for filing a unilateral status report." *See* Docket No. 2, p. 1. The Court cannot locate any status report as required by the Procedures.

This Case is dismissed for the failure to prosecute, and the failure to follow the requirements of the Procedures.

Party Information

Debtor(s):

Gift Theory, Inc.

Represented By
William E. Winfield

Defendant(s):

Citibank, N.A.

Pro Se

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Beth Ann R. Young
Zachary Page

Trustee(s):

Sandra McBeth (TR)

Represented By
Timothy J Yoo
Todd M Arnold
Carmela Pagay

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

9:22-10379 Gift Theory, Inc.

Chapter 7

Adv#: 9:23-01026 Sandra K. McBeth, Chapter 7 Trustee v. Citibank, N.A.

#43.00 Pre-Trial Conference
RE: [1] Adversary case 9:23-ap-01026. Complaint by Sandra K. McBeth, Chapter 7 Trustee against Citibank, N.A.. (\$350.00 Fee Charge To Estate). Complaint For: (1) Avoidance And Recovery Of Fraudulent Conveyances [11 U.S.C. §§ 544, 548, 550(a), And 551; Cal. Civ. Code § 3439 Et Seq.]; And (2) Avoidance And Recovery Of Preference Payments [11 U.S.C. §§ 547, 550(a), And 551] Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(12 (Recovery of money/property - 547 preference)) (Page, Zachary)

Docket 1

***** VACATED *** REASON: In-person pre-trial conference continued to October 9, 2024, at 9:00 a.m. per order entered June 21, 2024**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gift Theory, Inc.

Represented By
William E. Winfield

Defendant(s):

Citibank, N.A.

Represented By
Jillian A Benbow

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Beth Ann R. Young
Zachary Page

Trustee(s):

Sandra McBeth (TR)

Represented By
Timothy J Yoo
Todd M Arnold

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

Wednesday, July 10, 2024

Hearing Room 201

10:00 AM

CONT...

Gift Theory, Inc.

Carmela Pagay

Chapter 7

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

Wednesday, July 10, 2024

Hearing Room 201

1:00 PM

9:23-10945 Jeffrey Dennis Peppard

Chapter 11

#44.00 CONT'D Hearing on Approval RE: [90] Second Amended Disclosure Statement Describing Second Amended Chapter 11 Plan

FR. 4-10-24, 6-5-24

Docket 90

Tentative Ruling:

July 10, 2024

Appearances required.

April 10, 2024

Appearances required.

Before the Court is that *First Amended Disclosure Statement Describing First Amended Chapter 11 Plan* (the "Disclosure Statement") of Jeffrey D. Peppard (the "Debtor"). See Docket No. 68. Specifically, the Debtor seeks approval of the Disclosure Statement pursuant to 11 U.S.C. § 1125(b). "An acceptance or rejection of a plan may not be solicited after 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 summary of the plan, and a written disclosure statement approved, after notice and a hearing, by the court as containing adequate information." See 11 U.S.C. § 1125(b). "Adequate information means information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records to enable a 'hypothetical investor' typical of the holders of claims and interests in the case to make an informed judgment about the plan." Shapiro, *California Practice Guide: Bankruptcy*, 11:1026 (Rutter Group 2022); see also 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

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

Wednesday, July 10, 2024

Hearing Room 201

1:00 PM

CONT... Jeffrey Dennis Peppard

Chapter 11

cost of providing additional information." 11 U.S.C. § 1125(a)(1).

Claims

Section III.B. of the Disclosure Statement sets forth the priority tax claims of the Debtor. Absent from this list of claims is that of Claim No. 6 in favor of the Franchise Tax Board, which has claimed a priority unsecured claim of \$27,377.86. *See* Claim No. 6. The Debtor describes a claim of \$34,906.93 as being owed to the Employment Development Department, but that claim is not provided for in the Disclosure Statement. *See* Docket No. 68, p. 9, lines 1-2.

Section III.C. of the Disclosure Statement sets forth the secured claims of the Debtor. *See id.* at pp. 14-18. Class 6 relates to the secured claim of the Franchise Tax Board, which the Debtor lists as totaling \$261,040. *See id.* at p. 18, lines 1-14. Claim No. 6 filed by the Franchise Tax Board provides for a total claim of \$57,950.72, with a secured portion of \$27,174.77. *See* Claim No. 6.

Exhibit 3 to the Disclosure Statement sets forth the Debtor's general unsecured, non-priority claims. *See* Docket No. 68, *Exhibit 3*. The Franchise Tax Board is listed as having a general unsecured, non-priority claim of \$3,398.09, whereas Claim No. 6 provides for a general unsecured, non-priority claim of \$30,775.95. *See id.*; *see also* Claim No. 6. The Franchise Tax Board's claim is also listed under Class 6, but included in the Class 5 schedule.

Bank of America filed a general unsecured, non-priority claim of \$8,786.56. *See* Claim No. 4. Exhibit 3 to the Disclosure Statement does not provide for Claim No. 4. *See* Docket No. 68, *Exhibit 3*. Bank of America is scheduled as having an unsecured, non-priority claim in the amount of \$46,231.43, but that claim is not provided for in Exhibit 3 to the Disclosure Statement. *See* Docket No. 63, *Schedule E/F: Creditors Who Have Unsecured Claims*, p. 2; *see also* Docket No. 68, *Exhibit 3*. The City of Santa Barbara is scheduled as having a general unsecured, non-priority claim of \$10,621.45, but Exhibit 3 to the Disclosure Statement provides for a claim of just \$3,841.45. *See* Docket No. 63, *Schedule E/F: Creditors Who Have Unsecured Claims*, p. 3; *see also* Docket No. 68, *Exhibit 3*. Kemble White Attorney is scheduled as having a general unsecured, non-priority claim of \$3,500, but is not provided for in Exhibit 3 to the Disclosure Statement. *See* Docket No. 63, *Schedule E/F: Creditors Who Have Unsecured Claims*, p. 4; *see also* Docket No. 68, *Exhibit 3*.

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Wednesday, July 10, 2024

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1:00 PM

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, July 10, 2024

Hearing Room 201

1:00 PM

9:23-10945 Jeffrey Dennis Peppard

Chapter 11

#45.00 CONT'D Hearing RE: Chapter 11 Status Conference

FR. 12-12-23, 2-20-24, 4-10-24, 4-19-24, 6-5-24

Docket 1

Tentative Ruling:

July 10, 2024

Appearances required.

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*

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CONT... Jeffrey Dennis Peppard

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 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,

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CONT... Jeffrey Dennis Peppard

Chapter 11

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.

Party Information

Debtor(s):

Jeffrey Dennis Peppard

Represented By
Jeffrey S Shinbrot

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1:00 PM

9:24-10044 FRINJ Coffee, Incorporated.

Chapter 11

#46.00 CONT'D Hearing
RE: [81] Application to Employ Tadjedin Thomas & Engbloom Law Group as
Special Litigation Counsel

FR. 6-18-24

Docket 81

Tentative Ruling:

June 18, 2023

Appearances waived.

This matter is continued to July 10, 2024, at 1:00 p.m.

Party Information

Debtor(s):

FRINJ Coffee, Incorporated.

Represented By
Michael Jay Berger

Movant(s):

FRINJ Coffee, Incorporated.

Represented By
Michael Jay Berger
Michael Jay Berger
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
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1:00 PM

9:24-10044 FRINJ Coffee, Incorporated.

Chapter 11

#47.00 CONT'D Hearing
RE: [96] Application for Compensation First Interim Fee Application of Michael Jay Berger.

FR. 6-18-24

Docket 96

Tentative Ruling:

June 18, 2023

Appearances waived.

This matter is continued to July 10, 2024, at 1:00 p.m.

Party Information

Debtor(s):

FRINJ Coffee, Incorporated.

Represented By
Michael Jay Berger

Movant(s):

FRINJ Coffee, Incorporated.

Represented By
Michael Jay Berger
Michael Jay Berger
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se

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Hearing Room 201

1:00 PM

9:24-10044 FRINJ Coffee, Incorporated.

Chapter 11

#48.00 HearingRE: [119] Motion Debtors Notice Of Motion And Motion Under Bankruptcy Code § 502(C) To Estimate Claim Of Paige Gesualdo; Memorandum Of Points And Authorities; And Declaration Of John A. Ruskey Iii In Support Thereof

Docket 119

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

FRINJ Coffee, Incorporated.

Represented By
Michael Jay Berger

Movant(s):

FRINJ Coffee, Incorporated.

Represented By
Michael Jay Berger
Michael Jay Berger
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se

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Hearing Room 201

1:00 PM

9:24-10044 FRINJ Coffee, Incorporated.

Chapter 11

#49.00 Hearing RE: [68] Confirmation of Chapter 11 Plan (Subchapter_V Case)

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

FRINJ Coffee, Incorporated.

Represented By
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se

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Wednesday, July 10, 2024

Hearing Room 201

1:00 PM

9:24-10044 FRINJ Coffee, Incorporated.

Chapter 11

#50.00 CONT'D Chapter 11 Status Conference

FR. 3-6-24, 5-8-24, 5-22-2, 6-5-24

Docket 1

Tentative Ruling:

June 5, 2024

Appearances required.

May 22, 2024

Appearances required.

May 8, 2024

Appearances required.

The Court has reviewed the *Subchapter V Status Report*. See Docket No. 75. The Court is inclined to set the following confirmation dates:

July 10, 2024, at 1:00 p.m. - Continued status conference

July 10, 2024, at 1:00 p.m. - Confirmation Hearing

June 10, 2024 - Deadline to serve the plan, ballots and notice of confirmation hearing

June 25, 2024 - Deadline to submit ballots and file objections to confirmation of the plan

July 3, 2024 - Deadline to submit confirmation brief and ballot tally

The Debtor is to submit a scheduling order with these dates.

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1:00 PM

CONT... FRINJ Coffee, Incorporated.

Chapter 11

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

March 6, 2024

Appearances required.

The Court has reviewed that *Subchapter V Status Report*. See Docket No. 49. The Court will inquire with 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

Debtor(s):

FRINJ Coffee, Incorporated.

Represented By
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se

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Wednesday, July 10, 2024

Hearing Room 201

1:00 PM

9:24-10051 Gabriel Contreras Cardenas and Jovita Contreras

Chapter 11

#51.00 CONT'D Chapter 11 Status Conference

FR. 3-6-24

Docket 1

*** VACATED *** REASON: Advanced to June 18, 2024, at 1:00 p.m. by
the Court (at hearing held on 5/21/24).

Tentative Ruling:

March 6, 2024

Appearances required.

The Court has reviewed that *Chapter 11 Status Report*. See Docket No. 30. The Court will inquire with the Office of the United States Trustee regarding the Debtors' compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

Party Information

Debtor(s):

Gabriel Contreras Cardenas

Represented By
Reed H Olmstead

Joint Debtor(s):

Jovita Contreras

Represented By
Reed H Olmstead

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1:00 PM

9:24-10279 Damian Joseph Nieman

Chapter 11

#52.00 Hearing RE: [66] Disclosure Statement Filed by Debtor Damian Joseph Nieman.

Docket 66

Tentative Ruling:

July 10, 2024

Appearances required.

Before the Court are Damian Joseph Nieman's (the "Debtor") *Chapter 11 Disclosure Statement Dated May 24, 2024* (the "Disclosure Statement") and *1st Amended Chapter 11 Plan Dated May 24, 2024* (the "Plan"). See Docket Nos. 66 and 65, respectively. The Debtor seeks the Court's approval of the Disclosure Statement as containing adequate information describing the Plan.

Legal Authority

"An 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 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." 11 U.S.C. § 1125(b). Adequate 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 [a hypothetical investor] of the relevant class to make an informed judgment about the plan..." 11 U.S.C. § 1125(a)(1). Courts judge the adequacy of information contained in a disclosure statement on a case-by-case basis. See *In re Diversified Investors Fund XVII*, 91 B.R. 559, 560 (Bankr. C.D. Cal. 1988). A disclosure statement does not contain adequate information if it does not accurately describe the plan.

Analysis

The Plan describes as administrative expense priority claims, claims of the taxing

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1:00 PM

CONT... Damian Joseph Nieman

Chapter 11

authorities, which are unsecured priority claims. *See* Docket No. 65, *Exhibit A*.
Administrative expense claims are unclassified, while unsecured priority claims are to
be classified. *See* Docket No. 66, p. 2.

The classes of claims as between the Plan and the Disclosure Statement are not
synchronized. For Example, Class 3 in the Disclosure Statement relates to priority
claims, while, according to *Exhibit A* to the Plan, Class 3 relates to general unsecured
non-priority claims. *See* Docket No. 66, p. 2 and Docket No. 65, *Exhibit A*.

The Plan describes an "Amended Schedule E/F," whereas the docket contains no
amended schedules. *See* Docket No. 65, *Exhibit A*. It appears to the Court that it is
the originally filed schedules that control in this case.

The Plan does not provide for the general unsecured non-priority claim of Keith
Caldwell. *See id.*; *see also* Docket No. 1, *Schedule E/F; Creditors Who Have
Unsecured Claims*, p. 3. The Caldwell claim is included in the originally filed
schedules.

It is wholly unclear what occurs if the Debtor cannot sell his home as described,
resulting in a foreclosure sale, or if the income from the disclosed film projects is not
realized.

Party Information

Debtor(s):

Damian Joseph Nieman

Represented By
Chris Gautschi

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9:24-10279 Damian Joseph Nieman

Chapter 11

#53.00 CONT'D Chapter 11 Status Conference

FR. 5-8-24

Docket 1

Tentative Ruling:

July 10, 2024

Appearances required.

May 8, 2024

Appearances required.

The Court has reviewed that *Chapter 11 Status Conference Report*. See Docket No. 46. The Court is inclined to set the following dates:

June 21, 2024 - Claims bar date

May 17, 2024 - Deadline for Debtor to serve notice of claims bar date

May 28, 2024 - Deadline for Debtor to file disclosure statement and plan

July 10, 2024, at 1:00 p.m. - Disclosure statement hearing

July 10, 2024, at 1:00 p.m. - Continued status conference

The Court will inquire with 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... Damian Joseph Nieman

Chapter 11

Debtor(s):

Damian Joseph Nieman

Represented By
Chris Gautschi

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Wednesday, July 10, 2024

Hearing Room 201

1:00 PM

9:24-10542 Wagon West Mobile Home Community, Inc.

Chapter 11

#54.00 Chapter 11 Status Conference (Subchapter V Case)

Docket 1

Tentative Ruling:

July 10, 2024

Appearances required.

The Court has reviewed that *Subchapter V Status Report*. See Docket No. 24. The Court's primary concerns are the lack of insurance and the possible unauthorized use of cash collateral.

Pursuant to 11 U.S.C. § 363(c)(2), "[t]he trustee may not use, sell, or lease cash collateral under paragraph (1) of this subsection unless (A) each entity that has an interest in such cash collateral consents; or (B) the court, after notice and a hearing, authorizes such use, sale, or lease in accordance with the provisions of this section." "[T]he unauthorized use of cash collateral is a significant offense..." *In re CHA Hawaii, LLC*, 426 B.R. 828, 837 (Bankr. D. HI 2010).

In the instant case, no motion to use cash collateral was filed by the Debtor, presumably based on the Debtor's disagreement about whether Moore has a lien that encompasses cash. It is not clear when Moore informed the Debtor about their belief regarding the Debtor's unauthorized use of cash collateral, but the case is now entering its second month without such a motion having been filed. The Court will inquire with the Debtor about this issue at the status conference.

Pursuant to 11 U.S.C. § 1112(b)(4)(C), "on a 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 purposes of this subsection, the term 'cause' includes [] failure to maintain appropriate insurance that poses a risk to the estate or to the public." Pursuant to that *Order Setting Initial Status Conference*, "the Court may do one or more of the following at the status conference (or at any

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CONT... Wagon West Mobile Home Community, Inc. Chapter 11

continued hearing) without further notice: A. Dismiss the case; [or] B. Covert the case to another chapter." *See* Docket No. 10, pp. 1-2.

Here, the Debtor does not have proof of insurance of the assets of the estate, or liability insurance for operating its business. If the Debtor does not file proof of loss/liability insurance prior to the status conference, the Court will dismiss the case. Given the lack of cash, a Chapter 7 trustee would likely have the same issues procuring insurance that the Debtor has experienced.

Party Information

Debtor(s):

Wagon West Mobile Home

Represented By
Reed H Olmstead

Trustee(s):

Mark M Sharf (TR)

Pro Se

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Wednesday, July 10, 2024

Hearing Room 201

1:00 PM

9:24-10553 Ronald E. Sweeney

Chapter 11

#55.00 STATUS HEARING
re: [1] Chapter 11 Voluntary Petition Individual.

Docket 1

***** VACATED *** REASON: Case dismissed on 6/4/2024 for failure to file case opening documents.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald E. Sweeney

Pro Se

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Hearing Room 201

1:00 PM

9:24-10178 BroBasket California, LLC

Chapter 7

#56.00 Hearing
RE: [53] Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Chapter 7 Trustees Motion for Order Authorizing: (1) Sale of Certain Personal Property of the Estate Free and Clear of Liens and Interests; (2) Payment of Auctioneers Commission and Ordinary Costs of Sale; (3) Waiving the 14 Day Stay Prescribed by Rule 6004(h); and (4) Authorizing Abandonment or Destruction of Certain Personal Property of the Estate; Memorandum of Points and Authorities; Declaration in Support. (Triplett, Meghann)

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

BroBasket California, LLC

Represented By
Jeremy H Rothstein

Movant(s):

Jeremy W. Faith (TR)

Represented By
Samuel Mushegh Boyamian
Meghann A Triplett

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Samuel Mushegh Boyamian
Meghann A Triplett