

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

Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

9: -

Chapter 0

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Docket 0

Tentative Ruling:

12/10/2025 8:27:37 AM

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Chapter 0

- NONE LISTED -

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

Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

9:23-10241 Sustenance Inc.

Chapter 7

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

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

fr. 6-4-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances waived.

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

June 4, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 11. The Court is

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CONT... Sustenance Inc.

Chapter 7

inclined to set the following deadlines:

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

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

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

Plaintiff is to upload a scheduling order within 7 days.

Party Information

Debtor(s):

Sustenance Inc.

Represented By
Leslie A Tos

Defendant(s):

JPMORGAN CHASE BANK,

Represented By
Christopher O Rivas

Plaintiff(s):

Jeremy W. Faith, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Meghann A Triplett

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

Chapter 7

Adv#: 9:25-01017 Jeremy W. Faith, Chapter 7 Trustee v. Citibank, National Association

#2.00 CONT'D Status Conference re: [1] Adversary case 9:25-ap-01017. Complaint by Jeremy W. Faith, Chapter 7 Trustee against Citibank, National Association. (\$350.00 Fee Charge To Estate). Complaint for: (1) Avoidance, Recovery and Preservation of Actual Fraudulent Transfers [11 U.S.C. §§ 544(b), 550, and 551, Cal. Civ. Code §§ 3439.04(a)(1), 3439.07 and 3439.09]; (2) Avoidance, Recovery and Preservation of Constructive Fraudulent Transfers [11 U.S.C. §§ 544(b), 550, and 551, Cal. Civ. Code §§ 3439.04(a)(2) or 3439.05 and 3439.07]; (3) Avoidance, Recovery and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548(a)(1)(A), 550, and 551]; and (4) Avoidance, Recovery and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548(a)(1)(B), 550, and 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other))

fr. 6-4-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report* and that *Notice of Settlement*. See Docket Nos. 19 and 18, respectively. It appears that the parties have resolved this matter. The status conference will be continued to January 14, 2026, at 9:00 a.m.

June 4, 2025

Appearances required.

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CONT... Sustenance Inc.

Chapter 7

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

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

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

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

Plaintiff is to upload a scheduling order within 7 days.

Party Information

Debtor(s):

Sustenance Inc.

Represented By
Leslie A Tos

Defendant(s):

Citibank, National Association

Represented By
Deborah Challener

Plaintiff(s):

Jeremy W. Faith, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Meghann A Triplett

**United States Bankruptcy Court
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9:25-10016 David Andrew Hubbell

Chapter 7

Adv#: 9:25-01019 Banc of California, a California state-chartered b v. Hubbell et al

#3.00 CONT'D Status Conference re: [1] Adversary case 9:25-ap-01019. Complaint by Banc of California, a California state-chartered bank fka PACIFIC WESTERN BANK against David Andrew Hubbell, Kristen Dennise Hubbell. false pretenses, false representation, actual fraud)), (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury))

fr. 6-4-25, 8-6-25, 9-10-25, 11-5-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 57. The Court is inclined to issue the following litigation-related dates:

January 15, 2026 – Deadline to add parties

June 30, 2026 – Deadline to complete discovery, including receipt of responses

August 26, 2026, at 9:00 a.m. – Deadline for the Court to hear dispositive motions

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

The parties request that this proceeding be ordered to mediation. See *id.* at p. 3. At what point will this matter be best postured for mediation?

Party Information

Debtor(s):

David Andrew Hubbell

Represented By
Edwin J Rambuski

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CONT... David Andrew Hubbell

Chapter 7

Defendant(s):

David Andrew Hubbell

Represented By
Edwin J Rambuski

Kristen Dennise Hubbell

Represented By
Edwin J Rambuski

Joint Debtor(s):

Kristen Dennise Hubbell

Represented By
Edwin J Rambuski

Plaintiff(s):

Banc of California, a California state

Represented By
Raffi Khatchadourian
Jessica M. Simon

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
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9:25-11380 Gabriela Eichert

Chapter 13

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

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

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

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

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

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

Pursuant to those *Adversary Proceeding Status Conference Procedures of Judge Ronald A. Clifford III* (the "Procedures"), served on Plaintiff, "[a] joint status report

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CONT...

Gabriela Eichert

Chapter 13

prepared using Local Form F 7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference." *See* Docket No. 2, p. 1. "Failure to file a joint status report may result in the imposition of monetary sanctions and/or the status conference being continued." *Id.* This Court's Local Rule 7016-1(a)(2) provides, "[u]nless otherwise ordered by the court, at least 14 days before the date set for each status conference the parties are required to file a joint status report using mandatory court form F 7016-1.STATUS.REPORT []." Pursuant to this Court's Local Rule 7016-1(f), "if a status conference statement [] is not filed [], the court may order [] [a]n award of monetary sanctions including attorneys' fees against the party at fault and/or counsel, payable to the party not at fault." Pursuant to this Court's Local Rule 9011-3(a), "[t]he violation of, or failure to conform to, the FRBP or these rules may subject the offending party or counsel to penalties, including monetary sanctions, the imposition of costs and attorneys' fees payable to opposing counsel, and/or dismissal of the case or proceeding."

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

Plaintiff has not filed a status report.

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

Party Information

Debtor(s):

Gabriela Eichert

Pro Se

Defendant(s):

United Wholesale Mortgage LLC

Pro Se

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CONT... Gabriela Eichert

Chapter 13

Samuel P Eichert Jr.

Pro Se

Joint Debtor(s):

Samuel Paul Eichert Jr.

Pro Se

Plaintiff(s):

Gabriela Eichert

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01040 McBeth, Chapter 7 Trustee for the Estate of 595s7t v. Makat Investments,

#5.00 CONT'D Hearing re: [38] Plaintiff's motion for summary judgment

fr. 11-19-25,

Docket 38

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The hearing on the motion is continued to December 10, 2025, at 9:00 a.m.

Party Information

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Movant(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

**United States Bankruptcy Court
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CONT... Makat Investments, LLC

Chapter 12

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01040 McBeth, Chapter 7 Trustee for the Estate of 595s7t v. Makat Investments,

#6.00 CONT'D Status Conference re: [1] Adversary case 9:24-ap-01040. Complaint by Sandra K. McBeth, Chapter 7 Trustee for the Estate of 595s7th LLC against Makat Investments, LLC. (\$350.00 Fee Charge To Estate). Nature of Suit: (14 (Recovery of money/property - other)),(11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

fr. 1-29-25, 3-26-25, 4-23-25, 6-18-25, 10-22-25, 11-19-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The status conference is continued to December 10, 2025, at 9:00 a.m.

October 22, 2025

This status conference is continued to November 19, 2025, at 9:00 a.m.

June 18, 2025

Appearances waived.

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CONT... Makat Investments, LLC

Chapter 12

The Court has reviewed that *Joint Status Report*. See Docket No. 30. With discovery seemingly back on track, the Court will continue the status conference to October 22, 2025, at 9:00 a.m.

April 23, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 20. The Plaintiff, given delays in the Defendant providing discovery responses, seeks to extend the current discovery cutoff date of May 30, 2025, and the deadline for this Court to hear dispositive motions of July 9, 2025. It is unclear to the Court how much more time the Plaintiff is requesting for each of these deadlines.

March 26, 2025

Appearances required. The Defendant shall appear, through counsel or otherwise, in-person.

The Court has reviewed that *Unilateral Status Report* (the "Report"). See Docket No. 11. Despite efforts to meet with, and obtain Makat Investments, LLC's (the "Defendant") input for the Report, the Defendant has gone radio silent. See *id.* at p. 4. Those *Adversary Proceeding Status Conference Procedures* and this Court's Local Rule 7016-1(a)(2) require all parties to an adversary proceeding to participate in the formulation of the joint status reports prior to each status conference. See Docket No. 2. The failure to do so "may result in the imposition of monetary sanctions and/or the status conference being continued." See *id.* at p. 1. In fact, this Court's Local Rule 7016-1(f)(4) provides that if a status conference statement is not filed, "[a]n award of non-monetary sanctions against the party at fault including entry of judgment of dismissal or the entry of an order striking the answer and entering a default" may be ordered by the Court.

By all accounts, the Defendant has lost interest in advancing the case. Beyond the Defendant's, and counsel to the Defendant's, failure to respond to requests to meet and confer regarding the Report, the Defendant has failed to provide initial disclosures

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CONT... Makat Investments, LLC

Chapter 12

as required by Fed. R. Civ. P. 16(a)(1), made applicable to adversary proceedings by Fed. R. Bankr. P. 7026. *See* Docket No. 9, *Plaintiff's Notice of Motion and Motion to Compel Initial Disclosures and Payment of Expenses* (the "Motion"). The Defendant has not complied with this Court's Local Rule 7016-1(c). Sandra McBeth (the "Plaintiff"), the Chapter 7 Trustee for the bankruptcy estate of 595s7th LLC, and the plaintiff in the instant adversary proceeding, has now been placed in the position of having to incur the fees, expenses, and delays in filing the Motion in order to compel the Defendant to do what the Rules of Civil Procedure applicable to this adversary proceeding require, absent any prompting of the Plaintiff. The Defendant has not responded to the Motion. The Court is inclined to resolve the Motion in two stages. First, the Court will grant the Motion, requiring the Defendant to provide full disclosures as required under Fed. R. Civ. P. 26(a)(1) on or before April 4, 2025. Second, the Court will issue an order to show cause as to why the Court should not issue terminating sanctions, striking the answer and entering judgment for the Plaintiff, for the Defendant's failure to provide its input for the Report and to timely provide initial disclosures, and to issue monetary sanctions in the amount of \$1,500 against the Defendant and the Defendant's counsel, jointly and severally. The Court will hold a hearing on the show cause order on April 23, 2025, at 10:00 a.m. The Motion requests fees and costs related to the drafting and arguing of the Motion, which the Court is inclined to grant as a part of the sanctions the Court intends on levying, but the Court requires evidence of those fees and expenses, and so the Court will require that the Plaintiff submit evidence in support of their expenses and fees incurred in bringing the Motion to be filed on or before April 2, 2025.

January 29, 2025

Appearances required.

As the parties are aware, "[a] joint status report preparing using Local Form F 7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference." *See* Docket No. 2, *Adversary Proceeding Status Conference Procedures*. The Court finds no status report, and so is unable to prepare for a meaningful status conference in this matter.

Party Information

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CONT... Makat Investments, LLC

Chapter 12

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01041 McBeth, Chapter 7 Trustee for the Estate of Live O v. Makat Investments,

#7.00 Hearing re: [37] Plaintiff's motion for summary judgment

Docket 37

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

Party Information

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Movant(s):

Sandra K McBeth, Chapter 7 Trustee

Represented By
Michael G D'Alba

Plaintiff(s):

Sandra K McBeth, Chapter 7 Trustee

Represented By
Michael G D'Alba

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01041 McBeth, Chapter 7 Trustee for the Estate of Live O v. Makat Investments,

#8.00 CONT'D Status Conference re: [1] Adversary case 9:24-ap-01041. Complaint by Sandra McBeth against Makat Investments, LLC. (\$350.00 Fee Charge To Estate). - Complaint to: (1) Avoid Transfer; (2) Recover Avoided Transfer; (3) Obtain Turnover; and (4) Obtain Accounting [11 U.S.C. §§ 108, 542, 544, and 550] - Nature of Suit: (14 (Recovery of money/property - other)), (11 (Recovery of money/property - 542 turnover of property)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

fr. 1-29-25, 3-26-25, 4-23-25, 6-18-25, 10-22-25, 11-19-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 46. The Court is also aware that a motion for summary adjudication has been filed, and is set to be heard by the Court on December 10, 2025. See Docket No. 37, *Plaintiff's Notice of Motion and Motion for Summary Judgment*. Lastly, the Court on November 13, 2025, entered that *Order Approving Second Stipulation Under LBR 7016-1(a)(5) to Extend Scheduling Order*. See Docket No. 47.

The status conference is continued to December 10, 2025, at 9:00 a.m.

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CONT... Makat Investments, LLC

Chapter 12

October 22, 2025

This status conference hearing is continued to November 19, 2025, at 9:00 a.m.

June 18, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 28. With discovery seemingly back on track, the Court will continue the status conference to October 22, 2025, at 9:00 a.m.

April 23, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 21. The Plaintiff, given delays in the Defendant providing discovery responses, seeks to extend the current discovery cutoff date of May 30, 2025, and the deadline for this Court to hear dispositive motions of July 9, 2025. It is unclear to the Court how much more time the Plaintiff is requesting for each of these deadlines.

March 26, 2025

Appearances required. The Defendant shall appear, through counsel or otherwise, in-person.

The Court has reviewed that *Unilateral Status Report* (the "Report"). See Docket No. 13. Despite efforts to meet with, and obtain Makat Investments, LLC's (the "Defendant") input for the Report, the Defendant has gone radio silent. See *id.* at p. 4. Those *Adversary Proceeding Status Conference Procedures* and this Court's Local Rule 7016-1(a)(2) require all parties to an adversary proceeding to participate in the formulation of the joint status reports prior to each status conference. See Docket No.

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CONT... Makat Investments, LLC

Chapter 12

3. The failure to do so "may result in the imposition of monetary sanctions and/or the status conference being continued." *See id.* at p. 1. In fact, this Court's Local Rule 7016-1(f)(4) provides that if a status conference statement is not filed, "[a]n award of non-monetary sanctions against the party at fault including entry of judgment of dismissal or the entry of an order striking the answer and entering a default" may be ordered by the Court.

By all accounts, the Defendant has lost interest in advancing the case. Beyond the Defendant's, and counsel to the Defendant's, failure to respond to requests to meet and confer regarding the Report, the Defendant has failed to provide initial disclosures as required by Fed. R. Civ. P. 16(a)(1), made applicable to adversary proceedings by Fed. R. Bankr. P. 7026. *See* Docket No. 11, *Plaintiff's Notice of Motion and Motion to Compel Initial Disclosures and Payment of Expenses* (the "Motion"). The Defendant has not complied with this Court's Local Rule 7016-1(c). Sandra McBeth (the "Plaintiff"), the Chapter 7 Trustee for the bankruptcy estate of Live Oak Rentals LLC, and the plaintiff in the instant adversary proceeding, has now been placed in the position of having to incur the fees, expenses, and delays in filing the Motion in order to compel the Defendant to do what the Rules of Civil Procedure applicable to this adversary proceeding require, absent any prompting of the Plaintiff. The Defendant has not responded to the Motion. The Court is inclined to resolve the Motion in two stages. First, the Court will grant the Motion, requiring the Defendant to provide full disclosures as required under Fed. R. Civ. P. 26(a)(1) on or before April 4, 2025. Second, the Court will issue an order to show cause as to why the Court should not issue terminating sanctions, striking the answer and entering judgment for the Plaintiff, for the Defendant's failure to provide its input for the Report and to timely provide initial disclosures, and to issue monetary sanctions in the amount of \$1,500 against the Defendant and the Defendant's counsel, jointly and severally. The Court will hold a hearing on the show cause order on April 23, 2025, at 10:00 a.m. The Motion requests fees and costs related to the drafting and arguing of the Motion, which the Court is inclined to grant as a part of the sanctions the Court intends on levying, but the Court requires evidence of those fees and expenses, and so the Court will require that the Plaintiff submit evidence in support of their expenses and fees incurred in bringing the Motion to be filed on or before April 2, 2025.

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

Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

**CONT... Makat Investments, LLC
January 29, 2025**

Chapter 12

Appearances required.

As the parties are aware, "[a] joint status report preparing using Local Form F 7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference." *See* Docket No. 3, *Adversary Proceeding Status Conference Procedures*. The Court finds no status report, and so is unable to prepare for a meaningful status conference in this matter.

Party Information

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Plaintiff(s):

Sandra K McBeth, Chapter 7 Trustee

Represented By
Michael G D'Alba

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, December 10, 2025

Hearing Room 201

9:00 AM

9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01042 McBeth, Chapter 7 Trustee for the Estate of Cornel v. Makat Investments,

#9.00 CONT'D Hearing re: [34] Plaintiff's motion for summary judgment

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

Docket 34

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The hearing on the motion is continued to December 10, 2025, at 9:00 a.m.

November 5, 2025

Appearances waived.

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

Party Information

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, December 10, 2025

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9:00 AM

CONT... Makat Investments, LLC

Chapter 12

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Movant(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

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, December 10, 2025

Hearing Room 201

9:00 AM

9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01042 McBeth, Chapter 7 Trustee for the Estate of Cornel v. Makat Investments,

#10.00 CONT'D Status Conference re: [1] Adversary case 9:24-ap-01042. Complaint by Sandra K. McBeth, Chapter 7 Trustee for the Estate of Cornelius Farms, LLC against Makat Investments, LLC. (\$350.00 Fee Charge To Estate). Nature of Suit: (14 (Recovery of money/property - other)),(11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

fr. 1-29-25, 3-27-25, 4-23-25, 6-18-25, 10-22-25, 11-19-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The status conference is continued to December 10, 2025, at 9:00 a.m.

October 22, 2025

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

June 18, 2025

Appearances waived.

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Central District of California
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CONT... Makat Investments, LLC

Chapter 12

The Court has reviewed that *Joint Status Report*. See Docket No. 27. With discovery seemingly back on track, the Court will continue the status conference to October 22, 2025, at 9:00 a.m.

April 23, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 19. The Plaintiff, given delays in the Defendant providing discovery responses, seeks to extend the current discovery cutoff date of May 30, 2025, and the deadline for this Court to hear dispositive motions of July 9, 2025. It is unclear to the Court how much more time the Plaintiff is requesting for each of these deadlines.

March 26, 2025

Appearances required. The Defendant shall appear, through counsel or otherwise, in-person.

The Court has reviewed that *Unilateral Status Report* (the "Report"). See Docket No. 11. Despite efforts to meet with, and obtain Makat Investments, LLC's (the "Defendant") input for the Report, the Defendant has gone radio silent. See *id.* at p. 4. Those *Adversary Proceeding Status Conference Procedures* and this Court's Local Rule 7016-1(a)(2) require all parties to an adversary proceeding to participate in the formulation of the joint status reports prior to each status conference. See Docket No. 2. The failure to do so "may result in the imposition of monetary sanctions and/or the status conference being continued." See *id.* at p. 1. In fact, this Court's Local Rule 7016-1(f)(4) provides that if a status conference statement is not filed, "[a]n award of non-monetary sanctions against the party at fault including entry of judgment of dismissal or the entry of an order striking the answer and entering a default" may be ordered by the Court.

By all accounts, the Defendant has lost interest in advancing the case. Beyond the Defendant's, and counsel to the Defendant's, failure to respond to requests to meet and confer regarding the Report, the Defendant has failed to provide initial disclosures

**United States Bankruptcy Court
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CONT... Makat Investments, LLC

Chapter 12

as required by Fed. R. Civ. P. 16(a)(1), made applicable to adversary proceedings by Fed. R. Bankr. P. 7026. *See* Docket No. 9, *Plaintiff's Notice of Motion and Motion to Compel Initial Disclosures and Payment of Expenses* (the "Motion"). The Defendant has not complied with this Court's Local Rule 7016-1(c). Sandra McBeth (the "Plaintiff"), the Chapter 7 Trustee for the bankruptcy estate of Cornelius Farms LLC, and the plaintiff in the instant adversary proceeding, has now been placed in the position of having to incur the fees, expenses, and delays in filing the Motion in order to compel the Defendant to do what the Rules of Civil Procedure applicable to this adversary proceeding require, absent any prompting of the Plaintiff. The Defendant has not responded to the Motion. The Court is inclined to resolve the Motion in two stages. First, the Court will grant the Motion, requiring the Defendant to provide full disclosures as required under Fed. R. Civ. P. 26(a)(1) on or before April 4, 2025. Second, the Court will issue an order to show cause as to why the Court should not issue terminating sanctions, striking the answer and entering judgment for the Plaintiff, for the Defendant's failure to provide its input for the Report and to timely provide initial disclosures, and to issue monetary sanctions in the amount of \$1,500 against the Defendant and the Defendant's counsel, jointly and severally. The Court will hold a hearing on the show cause order on April 23, 2025, at 10:00 a.m. The Motion requests fees and costs related to the drafting and arguing of the Motion, which the Court is inclined to grant as a part of the sanctions the Court intends on levying, but the Court requires evidence of those fees and expenses, and so the Court will require that the Plaintiff submit evidence in support of their expenses and fees incurred in bringing the Motion to be filed on or before April 2, 2025.

January 29, 2025

Appearances required.

As the parties are aware, "[a] joint status report preparing using Local Form F 7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference." *See* Docket No. 2, *Adversary Proceeding Status Conference Procedures*. The Court finds no status report, and so is unable to prepare for a meaningful status conference in this matter.

Party Information

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

CONT... Makat Investments, LLC

Chapter 12

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

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, December 10, 2025

Hearing Room 201

9:00 AM

9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01044 Sandra K. McBeth, Chapter 7 Trustee For The Estate v. Makat Investments,

#11.00 Hearing re: [35] Plaintiff's motion for summary judgment

Docket 35

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

Party Information

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Movant(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

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, December 10, 2025

Hearing Room 201

9:00 AM

9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01044 Sandra K. McBeth, Chapter 7 Trustee For The Estate v. Makat Investments,

#12.00 CONT'D Status Conference re: [1] Adversary case 9:24-ap-01044. Complaint by Sandra K. McBeth, Chapter 7 Trustee For The Estate Of Live Oak Rentals, LLC against Makat Investments, LLC. (\$350.00 Fee Charge To Estate). Nature of Suit: (14 (Recovery of money/property - other)),(11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

fr. 1-29-25, 3-26-25, 4-23-25, 6-18-25, 10-22-25, 11-19-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 44. The Court is also aware that a motion for summary adjudication has been filed, and is set to be heard by the Court on December 10, 2025. See Docket No. 35, *Plaintiff's Notice of Motion and Motion for Summary Judgment*. Lastly, the Court on November 13, 2025, entered that *Order Approving Second Stipulation Under LBR 7016-1(a)(5) to Extend Scheduling Order*. See Docket No. 45.

The status conference is continued to December 10, 2025, at 9:00 a.m.

October 22, 2025

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, December 10, 2025

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9:00 AM

CONT... **Makat Investments, LLC**

Chapter 12

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

June 18, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 26. With discovery seemingly back on track, the Court will continue the status conference to October 22, 2025, at 9:00 a.m.

April 23, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 19. The Plaintiff, given delays in the Defendant providing discovery responses, seeks to extend the current discovery cutoff date of May 30, 2025, and the deadline for this Court to hear dispositive motions of July 9, 2025. It is unclear to the Court how much more time the Plaintiff is requesting for each of these deadlines.

March 26, 2025

Appearances required. The Defendant shall appear, through counsel or otherwise, in-person.

The Court has reviewed that *Unilateral Status Report* (the "Report"). See Docket No. 11. Despite efforts to meet with, and obtain Makat Investments, LLC's (the "Defendant") input for the Report, the Defendant has gone radio silent. See *id.* at p. 4. Those *Adversary Proceeding Status Conference Procedures* and this Court's Local Rule 7016-1(a)(2) require all parties to an adversary proceeding to participate in the formulation of the joint status reports prior to each status conference. See Docket No. 2. The failure to do so "may result in the imposition of monetary sanctions and/or the status conference being continued." See *id.* at p. 1. In fact, this Court's Local Rule 7016-1(f)(4) provides that if a status conference statement is not filed, "[a]n award of

**United States Bankruptcy Court
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Northern Division
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CONT... Makat Investments, LLC

Chapter 12

non-monetary sanctions against the party at fault including entry of judgment of dismissal or the entry of an order striking the answer and entering a default" may be ordered by the Court.

By all accounts, the Defendant has lost interest in advancing the case. Beyond the Defendant's, and counsel to the Defendant's, failure to respond to requests to meet and confer regarding the Report, the Defendant has failed to provide initial disclosures as required by Fed. R. Civ. P. 16(a)(1), made applicable to adversary proceedings by Fed. R. Bankr. P. 7026. See Docket No. 9, *Plaintiff's Notice of Motion and Motion to Compel Initial Disclosures and Payment of Expenses* (the "Motion"). The Defendant has not complied with this Court's Local Rule 7016-1(c). Sandra McBeth (the "Plaintiff"), the Chapter 7 Trustee for the bankruptcy estate of Live Oak Rentals LLC, and the plaintiff in the instant adversary proceeding, has now been placed in the position of having to incur the fees, expenses, and delays in filing the Motion in order to compel the Defendant to do what the Rules of Civil Procedure applicable to this adversary proceeding require, absent any prompting of the Plaintiff. The Defendant has not responded to the Motion. The Court is inclined to resolve the Motion in two stages. First, the Court will grant the Motion, requiring the Defendant to provide full disclosures as required under Fed. R. Civ. P. 26(a)(1) on or before April 4, 2025. Second, the Court will issue an order to show cause as to why the Court should not issue terminating sanctions, striking the answer and entering judgment for the Plaintiff, for the Defendant's failure to provide its input for the Report and to timely provide initial disclosures, and to issue monetary sanctions in the amount of \$1,500 against the Defendant and the Defendant's counsel, jointly and severally. The Court will hold a hearing on the show cause order on April 23, 2025, at 10:00 a.m. The Motion requests fees and costs related to the drafting and arguing of the Motion, which the Court is inclined to grant as a part of the sanctions the Court intends on levying, but the Court requires evidence of those fees and expenses, and so the Court will require that the Plaintiff submit evidence in support of their expenses and fees incurred in bringing the Motion to be filed on or before April 2, 2025.

January 29, 2025

Appearances required.

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

201

9:00 AM

CONT... Makat Investments, LLC

Chapter 12

As the parties are aware, "[a] joint status report preparing using Local Form F 7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference." *See* Docket No. 2, *Adversary Proceeding Status Conference Procedures* (the "Procedures Order"). The Court finds no status report, and so is unable to prepare for a meaningful status conference in this matter.

Party Information

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

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, December 10, 2025

Hearing Room 201

9:00 AM

9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01045 Sandra K. McBeth, Chapter 7 Trustee For The Estate v. Makat Investments,

#13.00 Hearing re: [35] Plaintiff's motion for summary judgment

Docket 35

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

Party Information

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Movant(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

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, December 10, 2025

Hearing Room 201

9:00 AM

9:24-10319 Makat Investments, LLC

Chapter 12

Adv#: 9:24-01045 Sandra K. McBeth, Chapter 7 Trustee For The Estate v. Makat Investments,

#14.00 CONT'D Status Conference re: [1] Adversary case 9:24-ap-01045. Complaint by Sandra K. McBeth, Chapter 7 Trustee For The Estate Of Live Oak Rentals, LLC against Makat Investments, LLC. (\$350.00 Fee Charge To Estate). Nature of Suit: (14 (Recovery of money/property - other)),(11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

fr. 1-29-25, 3-26-25, 4-23-25, 6-18-25, 10-22-25, 11-19-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 46. The Court is also aware that a motion for summary adjudication has been filed, and is set to be heard by the Court on December 10, 2025. See Docket No. 35, *Plaintiff's Notice of Motion and Motion for Summary Judgment*. Lastly, the Court on November 13, 2025, entered that *Order Approving Second Stipulation Under LBR 7016-1(a)(5) to Extend Scheduling Order*. See Docket No. 47.

The status conference is continued to December 10, 2025, at 9:00 a.m.

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

CONT... **Makat Investments, LLC**
October 22, 2025

Chapter 12

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

June 18, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 26. With discovery seemingly back on track, the Court will continue the status conference to October 22, 2025, at 9:00 a.m.

April 23, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 19. The Plaintiff, given delays in the Defendant providing discovery responses, seeks to extend the current discovery cutoff date of May 30, 2025, and the deadline for this Court to hear dispositive motions of July 9, 2025. It is unclear to the Court how much more time the Plaintiff is requesting for each of these deadlines.

March 26, 2025

Appearances required. The Defendant shall appear, through counsel or otherwise, in-person.

The Court has reviewed that *Unilateral Status Report* (the "Report"). See Docket No. 11. Despite efforts to meet with, and obtain Makat Investments, LLC's (the "Defendant") input for the Report, the Defendant has gone radio silent. See *id.* at p. 4. Those *Adversary Proceeding Status Conference Procedures* and this Court's Local Rule 7016-1(a)(2) require all parties to an adversary proceeding to participate in the formulation of the joint status reports prior to each status conference. See Docket No.

**United States Bankruptcy Court
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9:00 AM

CONT... Makat Investments, LLC

Chapter 12

2. The failure to do so "may result in the imposition of monetary sanctions and/or the status conference being continued." *See id.* at p. 1. In fact, this Court's Local Rule 7016-1(f)(4) provides that if a status conference statement is not filed, "[a]n award of non-monetary sanctions against the party at fault including entry of judgment of dismissal or the entry of an order striking the answer and entering a default" may be ordered by the Court.

By all accounts, the Defendant has lost interest in advancing the case. Beyond the Defendant's, and counsel to the Defendant's, failure to respond to requests to meet and confer regarding the Report, the Defendant has failed to provide initial disclosures as required by Fed. R. Civ. P. 16(a)(1), made applicable to adversary proceedings by Fed. R. Bankr. P. 7026. *See* Docket No. 9, *Plaintiff's Notice of Motion and Motion to Compel Initial Disclosures and Payment of Expenses* (the "Motion"). The Defendant has not complied with this Court's Local Rule 7016-1(c). Sandra McBeth (the "Plaintiff"), the Chapter 7 Trustee for the bankruptcy estate of Live Oak Rentals LLC, and the plaintiff in the instant adversary proceeding, has now been placed in the position of having to incur the fees, expenses, and delays in filing the Motion in order to compel the Defendant to do what the Rules of Civil Procedure applicable to this adversary proceeding require, absent any prompting of the Plaintiff. The Defendant has not responded to the Motion. The Court is inclined to resolve the Motion in two stages. First, the Court will grant the Motion, requiring the Defendant to provide full disclosures as required under Fed. R. Civ. P. 26(a)(1) on or before April 4, 2025. Second, the Court will issue an order to show cause as to why the Court should not issue terminating sanctions, striking the answer and entering judgment for the Plaintiff, for the Defendant's failure to provide its input for the Report and to timely provide initial disclosures, and to issue monetary sanctions in the amount of \$1,500 against the Defendant and the Defendant's counsel, jointly and severally. The Court will hold a hearing on the show cause order on April 23, 2025, at 10:00 a.m. The Motion requests fees and costs related to the drafting and arguing of the Motion, which the Court is inclined to grant as a part of the sanctions the Court intends on levying, but the Court requires evidence of those fees and expenses, and so the Court will require that the Plaintiff submit evidence in support of their expenses and fees incurred in bringing the Motion to be filed on or before April 2, 2025.

**United States Bankruptcy Court
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9:00 AM

**CONT... Makat Investments, LLC
January 29, 2025**

Chapter 12

Appearances required.

As the parties are aware, "[a] joint status report preparing using Local Form F 7016-1.STATUS.REPORT must be filed fourteen (14) days before each status conference." *See* Docket No. 2, *Adversary Proceeding Status Conference Procedures* (the "Procedures Order"). The Court finds no status report, and so is unable to prepare for a meaningful status conference in this matter.

Party Information

Debtor(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Defendant(s):

Makat Investments, LLC

Represented By
Reed H Olmstead

Plaintiff(s):

Sandra K. McBeth, Chapter 7

Represented By
Michael G D'Alba

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, December 10, 2025

Hearing Room 201

9:00 AM

9:23-10601 Ampersand Publishing, LLC

Chapter 7

Adv#: 9:23-01067 Namba v. 715 Anacapa, LLC, a California limited liability c

#15.00 Hearing re: [89] Motion for entry of order authorizing defendants 715 Anacapa, LLC, 725 Kellogg, LLC, and Wendy McCaw to file under seal

Docket 89

Tentative Ruling:

December 10, 2025

Appearances required.

Party Information

Debtor(s):

Ampersand Publishing, LLC

Represented By
Anthony A. Friedman

Defendant(s):

715 Anacapa, LLC, a California

Represented By
Ashlee N Lin
Zachary Truman Elsea

725 Kellogg, LLC, a California

Represented By
Ashlee N Lin
Zachary Truman Elsea

Wendy McCaw

Represented By
Ashlee N Lin
Zachary Truman Elsea

Plaintiff(s):

Jerry Namba

Represented By
Tinho Mang
D Edward Hays

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

Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

CONT... Ampersand Publishing, LLC

Chapter 7

Trustee(s):

Jerry Namba (TR)

Represented By
Tinho Mang
D Edward Hays

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

Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

9:24-10572 Thomas Anthony Ferro

Chapter 7

#16.00 CONT'D (as a Status Conference) Hearing RE: [9] Motion to
Avoid Lien Judicial Lien with Cal-West Equities, Inc.

fr: 9-10-24; 01-14-25, 3-25-25, 4-22-25, 5-6-25, 6-17-25,
8-5-25, 9-30-25, 10-22-25, 11-19-25,

Docket 9

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The status conference is continued to December 10, 2025, at 9:00 a.m.

November 5, 2025

Appearances waived.

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

October 22, 2025

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

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

Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

CONT... Thomas Anthony Ferro
Government Shutdown.

Chapter 7

September 30, 2025

Appearances waived.

The hearing is continued to October 22, 2025, at 9:00 a.m.

August 5, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 142. The Court will hear from the parties, but the Court is inclined to deny the motion for failure to prosecute the motion, without prejudice to the motion being refiled. The Motion was filed more than a year ago, and is still not yet ripe for resolution.

July 17, 2025

Appearances waived.

The Court has reviewed that *Joint Status Report*. See Docket No. 136. The hearing on the motion is continued to August 5, 2025, at 1:00 p.m. A status conference report regarding the motion is to be filed 14 days prior to the continued hearing.

May 6, 2025

Appearances required.

Background

On May 22, 2024, Thomas Anthony Ferro (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 7 of Title 11 of the U.S. Code. See Docket No. 1, *Voluntary Petition for Individuals Filing for Bankruptcy*. On July 3, 2024, the Debtor

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Central District of California
Northern Division
Ronald A Clifford III, Presiding
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9:00 AM

CONT...

Thomas Anthony Ferro

Chapter 7

filed *Debtor's Notice of Motion and Motion to Avoid Lien Under 11 U.S.C. § 522(f)* (the "Motion"). See Docket No. 9. Through the Motion, the Debtor seeks to avoid the judgment lien assigned to Cal-West Equities, Inc. ("Cal-West") pursuant to 11 U.S.C. § 522(f) as impairing the Debtor's homestead exemption in a parcel of real property located at 23448 W. Moon Shadows Drive, Malibu, CA 90265 (the "Property"). See *id.*

On July 17, 2024, Cal-West filed that *Notice of Opposition and Request for a Hearing* (the "Opposition"). See Docket No. 18. Through the Opposition, Cal-West argues that the Motion must be denied in that (1) the Debtor's spouse's joint tenancy interest in the Property must be included in the Debtor's estate as community property, (2) Cal-West must first conduct discovery as to other alleged consensual liens on the Property, which liens may be inferior to that of Cal-West's lien, (3) the Debtor's homestead exemption should be reduced to \$175,000 based on the Debtor's bad faith, and (4) Cal-West's lien cannot be avoided because its underlying claim is non-dischargeable. See *id.*

On September 3, 2024, the Debtor filed *Debtor's Reply to Opposition of Cal-West Equities, Inc.'s to [sic] Motion to Avoid Judicial Lien Pursuant to 11 U.S.C. § 522(f)*. See Docket No. 40.

On March 11, 2025, Cal-West filed that *Second Supplemental Opposition to Debtor's Motion to Avoid Lien of Cal-West Equities, Inc. Under 11 U.S.C. § 522(f)* (the "Second Supplemental Opposition"). See Docket No. 89. Through the Second Supplemental Opposition, Cal-West argues that "Debtor and his wife took a number of actions that not only demonstrate that the Property is community property, but demonstrate that the presumption of community property should and does apply." See *id.* at p. 4, lines 9-12. Cal-West also argues that it filed "objections to the claim of Geringer [] that would create additional equity in the Property" and that the deadline to object to "the homestead exemption has not yet passed." See *id.* at lines 14-17. Lastly, Cal-West argues that the home on the Property recently succumbed to a fire, and that there are issues regarding what portion of the Property remains to satisfy Cal-West's lien. See *id.* at lines 17-23.

The Non-Dischargeability of Cal-West's Claim

Cal-West argues that the hearing on the Motion should be continued to "allow a

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determination of nondischargeability to be made..." See Docket No. 18. The Court does not follow. "Courts have routinely held that the avoidability of a lien is not affected by the dischargeability of the underlying debt." *In re Hunnicutt*, 457 B.R. 463, 464 (Bankr. D.S.C. 2011)(internal citations omitted). "Lien avoidance and dischargeability of debts are not dependent on each other." *In re Sirikanjanachai*, 628 B.R. 562, 570 (1st Cir. BAP 2021)(citations omitted). "The 'avoidance of a lien does not destroy the underlying debt but rather changes the status of a creditor from a secured creditors to an unsecured position.'" *Id.* at 569. "Thus, a creditor whose judgment lien has been avoided under § 522(f), but whose claim is nondischargeable, may seek to recover from non-exempt property after the debtor's discharge." *Id.*

Cal-West seems to agree that a determination of the dischargeability of its claim by this Court has no bearing on the Debtor's ability to avoid Cal-West's lien under 11 U.S.C. § 522(f). See Docket No. 18, fn 6. Cal-West, however, argues that "equity demands that the Court not allow Debtor to avoid the Cal-West lien." *Id.* Again, the Court does not follow. "[E]quitable considerations do not allow a bankruptcy court to contravene express provisions of the Bankruptcy Code." *In re Betteroads Asphalt, LLC*, 594 B.R. 516, 560 (Bankr. D. P.R. 2018)(citing *Law v. Siegel*, 571 U.S. 415 (2014)).

The Debtor's Claimed Exemption

"When a debtor files for bankruptcy, it creates an estate that includes virtually all the debtor's assets." *In re Masingale*, 108 F.4th 1195, 1197 (9th Cir. 2024)(internal citations omitted). "But to help debtors get back on their feet, the Bankruptcy Code permits them to exempt interests in specified property from the estate..." *Id.* "The debtor 'shall file a list of property that the debtor claims as exempt' under § 522(b), and '[u]nless a party in interest objects, the property claimed as exempt on such list is exempt.'" *Id.* "The effect of an exemption is that the debtor's interest in the property is withdrawn from the estate (and hence from the creditors) for the benefit of the debtor." *Id.* "Under the Bankruptcy Rules, a party in interest (such as a trustee or creditor) has thirty days from the date of the creditors' meeting to object to the claimed homestead exemption." *Id.* at 1198; see also Fed. R. Bankr. P. 4003(b)(1) ("a party in interest may file an objection to the list of property claimed as exempt within 30 days after the meeting of creditors held under § 341(a) is concluded or within 30 days after any amendment to the list or supplemental schedules is filed, whichever is

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later.").

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In the instant case, the Debtor claimed as exempt, \$699,426 in the Property pursuant to Cal. Code of Civ. P. § 704.730. *See* Docket No. 1, *Schedule C: The Property You Claim as Exempt*. The meeting of creditors under 11 U.S.C. § 341(a) concluded on April 28, 2025. *See* Docket Nos. 98 and 11. The deadline for parties-in-interest to object to the Debtor's claimed exemption has not yet lapsed. At the moment, the Debtor has a valid exemption in the Property, but subject to any objection to the claimed exemption.

Damage to Property Post-Petition

"Absent conversion from one chapter to another, the nature and extent of a debtor's exemption rights are determined as of the date of the petition... Thus, any post-petition disposition of the property or post-petition change in the identity of the property into proceeds has no impact upon the exemption analysis." *In re Kim*, 257 B.R. 680, 685 (9th Cir. BAP 2000)(citing *In re Herman*, 120 B.R. 127, 130 (9th Cir. BAP 1990)). "Under the so-called 'snapshot' rule, bankruptcy exemptions are fixed at the time of the bankruptcy petition." *In re Jacobson*, 676 F.3d 1193, 1199 (9th Cir. 2012)(citing *White v. Stump*, 266 U.S. 310, 313 (1924)). "Those exemptions must be determined in accordance with the state law 'applicable on the date of filing.'" *Id.*

The Court is unclear as to Cal-West's argument that damage to the Property post-petition affects its analysis here. If the Court is to determine the exemptions of the Debtor in the Property as of the date of the petition, what difference does erosion of value post-petition make in the analysis? In fact, a lower value would only further bolster the Debtor's Motion.

The Nature of the Debtor's Interest in the Property

"As a general principle, a debtor's property rights that become part of the bankruptcy estate under § 541 are determined by applicable nonbankruptcy law." *In re Khalil*, 2015 WL 2213696 *6 (9th Cir. BAP 2015).

"California is a community property state, which characterizes marital property as either community property or separate property." *In re Brace*, 908 F.3d 531, 536 (9th Cir. 2018)(internal citations omitted). Pursuant to Cal. Fam. Code § 760, "[e]xcept as otherwise provided by statute, all property, real or personal, wherever situated,

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acquired by a married person during the marriage while domiciled in this state is community property." "Property that a spouse acquired before the marriage is that spouse's separate property." *Id.* at 537. "[F]or property acquired on or after January 1, 1985, married persons may change – i.e., transmute – the character of property from community to separate, or vice versa, if the transmutation is 'made in writing by an express declaration that is made, joined in, consented to, or accepted by the spouse whose interest in the property is adversely affected.'" *In re Brace*, 470 P.3d 15, 20 (2020); *see also* Cal. Fam. Code § 852(a). "[A] valid transmutation under Family Code 852, subdivision (a), can be divided into two basic components: (1) a writing that satisfies the statute of frauds; and (2) an expression of intent to transfer a property interest." *In re Bibb*, 87 Cal.App.4th 461, 468 (2001). Specifically, Cal. Fam. Code. § 852(a) "require(s) that a writing effecting a transmutation of property contain on its face a clear and unambiguous expression of intent to transfer an interest in the property, independent of extrinsic evidence." *Id.* A grant deed signed by the party adversely affected by the purported transmutation constitutes a writing "made, joined in, consented to, or accepted by the spouse whose interest in the property is adversely affected." *Id.* A deed that purports to transmute separate property of one spouse into the separate property of both spouses as joint tenants is satisfied when the deed reads, "[Separate Property Holding Spouse] hereby grant(s) to [themselves and their spouse], as joint tenants the following described real property..." *Id.* Use of the word "grant" in the deed "satisfies the express declaration requirement of section 852, subdivision (a)." *Id.*

Under California law, as to real property, "[i]f the debtor holds property in joint tenancy, only his one-half joint interest becomes part of the bankruptcy estate." *In re Brace*, 979 F.3d 1228, 1230 (9th Cir. 2020)(citing *In re Reed*, 940 F.2d 1317, 1332 (9th Cir. 1991)); *see also In re Brace*, 470 P.3d at 21 ("joint tenants typically have separate property interests in the property.").

Here, the deed of the Property reads, "THOMAS FERRO, A MARRIED MAN WHO ACQUIRED TITLE AS THOMAS FERRO, AND UNMARRIED MAN hereby GRANT(S) to THOMAS FERRO AND ROSA FERRO, HUSBAND AND WIFE AS JOINT TENANTS." *See* Docket No. 9, *Exhibit B*. The Debtor testified that he "acquired title to [the Property] in 1986," "as an unmarried man," and then, after his 2006 marriage to Rosa Ferro, conveyed a joint tenancy interest in the Property to he

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and his wife, Rosa Ferro, recording a grant deed regarding the same in 2012. *See* Docket No. 9, p. 7, lines 6-15. Ergo, the Property was separate property of the Debtor, and then conveyed by the Debtor to he and his spouse as joint tenants. This conveyance effected a valid transmutation of the Property.

Cal-West argues, citing *In re Brace*, that as to "real property [] acquired after January 1, 1975, the form of title does not govern the character of the property; instead, the general community property presumption applies." *See* Docket No. 18, p. 14, lines 24-26. Cal-West also argues, citing *In re Bibb*, that "a grant deed signed by a husband conveying separate real property to himself and his wife as 'joint tenants' meets the express declaration requirement for transmitting [sic] the property from separate property to community property." *See id.* at p. 15, lines 8-18. Cal-West then argues that the aforementioned deed of trust transmuted the Property to community property. *See id.* at lines 19-21. Lastly, Cal-West argues, citing *In re Bibb*, that since Rosa Ferro obtained her interest in the Property after the marriage, her interest is presumed to be community property, and because there was no written transmutation, the Property is in-fact community property. *See id.* at lines 21-24. The Court disagrees.

The Court in *In re Bibb* held just the opposite from Cal-West's final conclusion. There, a spouse that held separate property, transmuted their separate property to them and their spouse as joint tenants. This was held to meet the strictures of Cal. Fam. Code. § 852(a). This same analysis applies to the instant case, as Cal-West seems to agree, at least in part. The Debtor transmuted their separate property to them and their spouse as joint tenants. The Ninth Circuit has held that "[u]nder California law, if the property at issue is held in joint tenancy, only the debtor's one-half joint interest becomes part of the bankruptcy estate." *In re Brace*, 908 F.3d at 537. Cal-West appears to be arguing that after the Debtor executed the deed of trust titling the Property into a joint tenancy, the spouse's interest in-fact became community property, presumptively, and a further writing would need to be produced proving that the Property was transmuted into the Debtor's spouse's separate property as a joint tenant. This seems to the Court to cut against the *In re Bibb* holding.

In the *In re Brace* matter, the monies used to purchase the property after the marriage were community property. Title in the property was taken as a joint tenancy. The California Supreme Court held that "when a married couple uses community funds to acquire property with joint tenancy title on or after January 1, 1975, the property is

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presumptively community property under Family Code section 760 in a dispute between the couple and a bankruptcy trustee." *In re Brace*, 470 P.3d at 18. This is not the factual scenario here. Here, this was separate property of the Debtor, obtained prior to the marriage, and transmuted to the spouses as joint tenants after the marriage. The California Supreme Court specifically held that "we do not address interspousal deeds by which one spouse conveys his or her separate property to both spouses as joint tenants, as in *Bibb*." *See id.* at 936.

Through the Second Supplemental Opposition, Cal-West takes a new position. Cal-West now argues that the Property was always community property because the deed for the Property reads that "[t]his conveyance confirms a community property interest, which was purchased with Community Property Funds, R & T 11911.'" *See* Docket No. 89, p. 7, lines 2-8. The Debtor has testified that he "acquired title to the Property [] on September 25, 1986 as an unmarried man. [] *See* Docket No. 43, p. 2, lines 1-3. On May 14, 1998, the Debtor "granted the Property to [himself] as an unmarried man after [his] divorce from [his] former wife." *See id.* at lines 4-8. Not until May 2, 2012, did the Debtor execute a deed "transferring joint tenancy interest in the Property to Rose for no consideration." *See id.* at lines 12-16. The evidence shows that the Property was the Debtor's sole property until he executed the 2012 deed that gave his current wife, Rosa Ferro, an interest in the Property as a joint tenant.

Cal-West also argues that the Debtor intended the Property to be community property with Rosa Ferro because of his actions regarding the Property and statements made at the 11 U.S.C. § 341(a) meeting. *See* Docket No. 89, p. 7, lines 9-16. Cal-West argues that the Debtor testified at the 11 U.S.C. § 341(a) hearing that he placed Rosa Ferro on title because she was older than he is, they have young children, and he "didn't want her to have to go through probate." *See id.* Cal-West also argues that the Debtor and Rosa Ferro live together in the Property, and that "they used the Property as community property, for their mutual benefit, and Debtor's actions related to it show precisely that his intention was to treat the Property as community property and transmute it to community property through the Grant Deed." *See id.* at p. 8, lines 1-5. Cal-West also argues that the outstanding loans against the Property were used for the community, and that the Geringer loan was executed by both the Debtor and Rosa Ferro. *See id.* at lines 6-19.

Cal-West also leaves out critical parts of holdings and the law in its argument in the

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Supplemental Opposition. Cal-West appears to summarize Cal. Civ. Code § 5110 in citing *In re Marriage of Tucker*, 141 Cal.App.3d 128 (1983). See Docket No. 89, p. 13, lines 5-14. Specifically,

Cal-West cites *In re Marriage of Tucker*, 141 Cal.App.3d 128 (1983), as providing that "if title to real property is taken in joint tenancy during marriage, it is presumed to be community property." See *id.* at lines 9-14. In fact, the Tucker court held that "[u]nder Civ. Code § 5110, when property is *acquired* and title taken in joint tenancy during marriage the presumption that the property is community property can be rebutted only by a showing of an agreement or understanding to the contrary." *In re Marriage of Tucker*, 141 Cal.App.3d at 129. (emphasis added). The California Supreme Court in *In re Brace* provided the same. 9 Cal.5th 903 (2020). "'The presumption, ... that property acquired during the marriage is community, is perhaps the most fundamental principle of California's community property law.'" *Id.* at 914. The presumption at play in Cal. Fam. Code § 760 and Cal. Evid. Code § 662 is that property "acquired" after marriage is community. It is not simply taking title to property during marriage that triggers the presumption.

Lastly, Cal-West argues in the Second Supplemental Opposition that "[w]hile the First and Second [mortgages on the Property] were obtained prior to the marriage, Debtor and his wife paid them during marriage with community funds and with loans obtained against the Property." See Docket No. 89, p. 15, lines 8-10. However, monies of the community property used to pay obligations on a separate property mortgage only creates a monetary right between spouses upon dissolution. See *In re Fadel*, 492 B.R. 1 (9th Cir. BAP 2013).

Cal-West has failed to advance a valid argument illustrating that the Property is not owned by the Debtor and Rosa Ferro as joint tenants, and thus only the Debtor's interest in the Property constitutes property of the Debtor's bankruptcy estate.

Value of the Property

On August 27, 2024, Cal-West filed that *Supplemental Opposition to Debtor's Motion to Avoid Lien of Cal-West Equities, Inc. Under 11 U.S.C. 525(f)* (the "First Supplemental Opposition"). See Docket No. 38. Through the First Supplemental Opposition, Cal-West argues that the Property's value is \$2.6 million instead of \$2.3 million. Unless one or more of the consensual liens on the Property is avoided, the

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increased valuation matters not.

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Next Steps

The deadline for parties to object to the exemptions of the Debtor has indeed not passed.

April 22, 2025

Appearances required.

March 25, 2025

Appearances required.

The Court has reviewed that *Joint Status Report*. See Docket No. 93. The Court maintains some confusion about where this matter stands. What precisely is ripe for determination, and what must be decided through an evidentiary hearing?

January 14, 2025

Appearances required.

Background

On May 22, 2024, Thomas Anthony Ferro (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 7 of Title 11 of the U.S. Code. See Docket No. 1, *Voluntary Petition for Individuals Filing for Bankruptcy*. On July 3, 2024, the Debtor filed *Debtor's Notice of Motion and Motion to Avoid Lien Under 11 U.S.C. § 522(f)* (the "Motion"). See Docket No. 9. Through the Motion, the Debtor seeks to avoid the judgment lien assigned to Cal-West Equities, Inc. ("Cal-West") pursuant to 11 U.S.C. § 522(f) as impairing the Debtor's homestead exemption in a parcel of real property located at 23448 W. Moon Shadows Drive, Malibu, CA 90265 (the "Property"). See *id.*

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On July 17, 2024, Cal-West filed that *Notice of Opposition and Request for a Hearing* (the "Opposition"). See Docket No. 18. Through the Opposition, Cal-West argues that the Motion must be denied in that (1) the Debtor's spouse's joint tenancy interest in the Property must be included in the Debtor's estate as community property, (2) Cal-West must first conduct discovery as to other alleged consensual liens on the Property, which liens may be inferior to that of Cal-West's lien, (3) the Debtor's homestead exemption should be reduced to \$175,000 based on the Debtor's bad faith, and (4) Cal-West's lien cannot be avoided because its underlying claim is non-dischargeable. See *id.*

On September 3, 2024, the Debtor filed *Debtor's Reply to Opposition of Cal-West Equities, Inc.'s to [sic] Motion to Avoid Judicial Lien Pursuant to 11 U.S.C. § 522(f)*. See Docket No. 40.

The Non-Dischargeability of Cal-West's Claim

Cal-West argues that the hearing on the Motion should be continued to "allow a determination of nondischargeability to be made..." See Docket No. 18. The Court does not follow. "Courts have routinely held that the avoidability of a lien is not affected by the dischargeability of the underlying debt." *In re Hunnicutt*, 457 B.R. 463, 464 (Bankr. D.S.C. 2011)(internal citations omitted). "Lien avoidance and dischargeability of debts are not dependent on each other." *In re Sirikanjanachai*, 628 B.R. 562, 570 (1st Cir. BAP 2021)(citations omitted). "The 'avoidance of a lien does not destroy the underlying debt but rather changes the status of a creditor from a secured creditors to an unsecured position.'" *Id.* at 569. "Thus, a creditor whose judgment lien has been avoided under § 522(f), but whose claim is nondischargeable, may seek to recover from non-exempt property after the debtor's discharge." *Id.*

Cal-West seems to agree that a determination of the dischargeability of its claim by this Court has no bearing on the Debtor's ability to avoid Cal-West's lien under 11 U.S.C. § 522(f). See Docket No. 18, fn 6. Cal-West, however, argues that "equity demands that the Court not allow Debtor to avoid the Cal-West lien." *Id.* Again, the Court does not follow. "[E]quitable considerations do not allow a bankruptcy court to contravene express provisions of the Bankruptcy Code." *In re Betteroads Asphalt, LLC*, 594 B.R. 516, 560 (Bankr. D. P.R. 2018)(citing *Law v. Siegel*, 571 U.S. 415 (2014)).

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The Court will inquire with Cal-West about the authority this Court has to contravene the auspices of 11 U.S.C. § 522(f) based on what Cal-West believes to be the non-dischargeable nature of its claims against the Debtor under 11 U.S.C. §§ 523(a)(2)(A) and (a)(6). *See* Docket No. 21.

The Debtor's Claimed Exemption

"When a debtor files for bankruptcy, it creates an estate that includes virtually all the debtor's assets." *In re Masingale*, 108 F.4th 1195, 1197 (9th Cir. 2024)(internal citations omitted). "But to help debtors get back on their feet, the Bankruptcy Code permits them to exempt interests in specified property from the estate..." *Id.* "The debtor 'shall file a list of property that the debtor claims as exempt' under § 522(b), and '[u]nless a party in interest objects, the property claimed as exempt on such list is exempt.'" *Id.* "The effect of an exemption is that the debtor's interest in the property is withdrawn from the estate (and hence from the creditors) for the benefit of the debtor." *Id.* "Under the Bankruptcy Rules, a party in interest (such as a trustee or creditor) has thirty days from the date of the creditors' meeting to object to the claimed homestead exemption." *Id.* at 1198; *see also* Fed. R. Bankr. P. 4003(b)(1) ("a party in interest may file an objection to the list of property claimed as exempt within 30 days after the meeting of creditors held under § 341(a) is concluded or within 30 days after any amendment to the list or supplemental schedules is filed, whichever is later.").

In the instant case, the Debtor claimed as exempt, \$699,426 in the Property pursuant to Cal. Code of Civ. P. § 704.730. *See* Docket No. 1, *Schedule C: The Property You Claim as Exempt*. The meeting of creditors under 11 U.S.C. § 341(a) is to take place on February 24, 2025. *See* Docket No. 66. The deadline for parties-in-interest to object to the Debtor's claimed exemption has not yet lapsed. At the moment, the Debtor has a valid exemption in the Property, but subject to any objection to the claimed exemption.

The Nature of the Debtor's Interest in the Property

"As a general principle, a debtor's property rights that become part of the bankruptcy estate under § 541 are determined by applicable nonbankruptcy law." *In re Khalil*, 2015 WL 2213696 *6 (9th Cir. BAP 2015).

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Under California law, as to real property, "[i]f the debtor holds property in joint tenancy, only his one-half joint interest becomes part of the bankruptcy estate." *In re Brace*, 979 F.3d 1228, 1230 (9th Cir. 2020)(citing *In re Reed*, 940 F.2d 1317, 1332 (9th Cir. 1991)); *see also In re Brace*, 470 P.3d at 21 ("joint tenants typically have separate property interests in the property.").

Here, the deed of the Property reads, "THOMAS FERRO, A MARRIED MAN WHO ACQUIRED TITLE AS THOMAS FERRO, AND UNMARRIED MAN hereby

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GRANT(S) to THOMAS FERRO AND ROSA FERRO, HUSBAND AND WIFE AS JOINT TENANTS." *See* Docket No. 9, *Exhibit B*. The Debtor testified that he "acquired title to [the Property] in 1986," "as an unmarried man," and then, after his 2006 marriage to Rosa Ferro, conveyed a joint tenancy interest in the Property to he and his wife, Rosa Ferro, recording a grant deed regarding the same in 2012. *See* Docket No. 9, p. 7, lines 6-15. Ergo, the Property was separate property of the Debtor, and then conveyed by the Debtor to he and his spouse as joint tenants. This conveyance effected a valid transmutation of the Property.

Cal-West argues, citing *In re Brace*, that as to "real property [] acquired after January 1, 1975, the form of title does not govern the character of the property; instead, the general community property presumption applies." *See* Docket No. 18, p. 14, lines 24-26. Cal-West also argues, citing *In re Bibb*, that "a grant deed signed by a husband conveying separate real property to himself and his wife as 'joint tenants' meets the express declaration requirement for transmitting [sic] the property from separate property to community property." *See id.* at p. 15, lines 8-18. Cal-West then argues that the aforementioned deed of trust transmuted the Property to community property. *See id.* at lines 19-21. Lastly, Cal-West argues, citing *In re Bibb*, that since Rosa Ferro obtained her interest in the Property after the marriage, her interest is presumed to be community property, and because there was no written transmutation, the Property is in-fact community property. *See id.* at lines 21-24. The Court disagrees.

The Court in *In re Bibb* held just the opposite from Cal-West's final conclusion. There, a spouse that held separate property, transmuted their separate property to them and their spouse as joint tenants. This was held to meet the strictures of Cal. Fam. Code. § 852(a). This same analysis applies to the instant case, as Cal-West seems to agree, at least in part. The Debtor transmuted their separate property to them and their spouse as joint tenants. The Ninth Circuit has held that "[u]nder California law, if the property at issue is held in joint tenancy, only the debtor's one-half joint interest becomes part of the bankruptcy estate." *In re Brace*, 908 F.3d at 537. Cal-West appears to be arguing that after the Debtor executed the deed of trust titling the Property into a joint tenancy, the spouse's interest in-fact became community property, presumptively, and a further writing would need to be produced proving that the Property was transmuted into the Debtor's spouse's separate property as a joint tenant. This appears to the Court to cut against the *In re Bibb* holding.

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In the *In re Brace* matter, the monies used to purchase the property after the marriage were community property. Title in the property was taken as a joint tenancy. The California Supreme Court held that "when a married couple uses community funds to acquire property with joint tenancy title on or after January 1, 1975, the property is presumptively community property under Family Code section 760 in a dispute between the couple and a bankruptcy trustee." *In re Brace*, 470 P.3d at 18. This factual scenario would partially support Cal-West's argument. That is not the factual scenario here. Here, this was separate property of the Debtor, obtained prior to the marriage, and transmuted to the spouses as joint tenants after the marriage. The California Supreme Court specifically held that "we do not address interspousal deeds by which one spouse conveys his or her separate property to both spouses as joint tenants, as in *Bibb*." *See id.* at 936.

Cal-West has failed to advance a valid argument illustrating that the Property is not owned by the Debtor and Rosa Ferro as joint tenants, and thus only the Debtor's interest in the Property constitutes property of the Debtor's bankruptcy estate.

Value of the Property

On August 27, 2024, Cal-West filed that *Supplemental Opposition to Debtor's Motion to Avoid Lien of Cal-West Equities, Inc. Under 11 U.S.C. 525(f)* (the "Supplement"). *See* Docket No. 38. Through the Supplement, Cal-West argues that the Property's value is \$2.6 million instead of \$2.3 million. Unless one or more of the consensual liens on the Property is avoided, the increased valuation matters not.

Next Steps

With the above analysis in mind, the Court will meet with the parties about next steps regarding the resolution of the Motion.

Party Information

Debtor(s):

Thomas Anthony Ferro

Represented By

Debra Brand

Joseph Gerard McCarty

**United States Bankruptcy Court
Central District of California
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Ronald A Clifford III, Presiding
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Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

CONT... Thomas Anthony Ferro

Chapter 7

Movant(s):

Thomas Anthony Ferro

Represented By

Debra Brand

Debra Brand

Joseph Gerard McCarty

Joseph Gerard McCarty

Trustee(s):

Jerry Namba (TR)

Represented By

Timothy J Yoo

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

Wednesday, December 10, 2025

Hearing Room 201

9:00 AM

9:24-10572 Thomas Anthony Ferro

Chapter 7

#17.00 CONT'D: Objection to Claim #12 by Claimant Geringer Capital, Inc., successor-in-interest to Miller Carbonic, Inc., in the amount of \$ 541,917.01

fr. 5-6-25, 6-17-25, 9-9-25, 9-30-25, 10-22-25, 11-5-25, 11-19-25,

Docket 100

Tentative Ruling:

December 10, 2025

Appearances waived.

The hearing on the motion is continued to January 14, 2026, at 9:00 a.m.

November 19, 2025

Appearances waived.

The hearing on the objection is continued to December 10, 2025, at 9:00 a.m.

November 5, 2025

Appearances waived.

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

October 22, 2025

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

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9:00 AM

CONT... Thomas Anthony Ferro

Chapter 7

September 30, 2025

Appearances waived.

The hearing is continued to October 22, 2025, at 9:00 a.m.

May 6, 2025

Appearances waived.

The hearing is continued to June 17, 2025, pursuant to that *Stipulation to Continue Hearing on Objection to Proof of Claim of Geringer Capital, Inc., Successor-In-Interest to Miller Carbonic, Inc. [Claim Number 12]*. See Docket No. 112.

Party Information

Debtor(s):

Thomas Anthony Ferro

Represented By
Debra Brand
Joseph Gerard McCarty

Trustee(s):

Jerry Namba (TR)

Represented By
Timothy J Yoo

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, December 10, 2025

Hearing Room 201

1:00 PM

9:22-10501 R.P. Ruiz Corporation

Chapter 11

#18.00 CONT'D Hearing re: Post Confirmation Status Conference

fr. 11-21-23, 3-19-24, 6-18-24, 7-24-24, 11-20-24, 4-23-25,
7-16-25, 8-20-25,

Docket 301

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed that *Eighth Post-Confirmation Status Report*. See Docket No. 383. Have payments to general non-priority unsecured creditors began? The Court will hear from the Office of the United States Trustee.

August 20, 2025

Appearances waived.

The Court has reviewed that *Seventh Post-Confirmation Status Report*. See Docket No. 379. The post-confirmation status conference is continued to December 10, 2025, at 9:00 a.m.

July 16, 2025

Appearances required.

**United States Bankruptcy Court
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Wednesday, December 10, 2025

Hearing Room 201

1:00 PM

CONT... R.P. Ruiz Corporation

Chapter 11

The Court has reviewed that *Sixth Post-Confirmation Status Report*. See Docket No. 375. The question for the Debtor is, has Newco Capital been paid up to date? The question for the Office of the U.S. Trustee is, is there anything further the Court should be made aware of?

Assuming the Court is satisfied with the progress of the case after hearing from parties, the Court will continue the post-confirmation status conference to January 14, 2026, at 9:00 a.m.

April 23, 2025

Appearances required.

The Court has reviewed that *Fifth Post-Confirmation Status Report*. See Docket No. 369. The Court will hear from the Office of the United States Trustee. Absent any issues, the Court is inclined to continue the post-confirmation status conference to July 16, 2025, at 1:00 p.m.

November 20, 2024

Appearances required.

The Court will hear from the Office of the U.S. Trustee, but absent any issues, is inclined to continue the post-confirmation status conference to April 23, 2025, at 1:00 p.m.

July 24, 2024

Appearances waived.

The Court has reviewed that *Third Post-Confirmation Status Report*. See Docket No. 362. The post-confirmation status conference is continued to November 20, 2024, at 1:00 p.m.

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Central District of California
Northern Division
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1:00 PM

CONT... R.P. Ruiz Corporation

Chapter 11

June 18, 2024

Appearances required.

On for hearing is the post-confirmation status conference. The Court ordered that an updated status report be filed 14 days prior to the continued status conference. *See* Docket No. 359. The Court finds no such report. The Court will continue the status conference to July 24, 2024, at 1:00 p.m., requiring, again, a status report to be filed no less than 14 days prior to the status conference. At the instant status conference, the Court will confer with the Office of the U.S. Trustee on any post-confirmation issues that should be addressed.

March 19, 2024

Appearances required.

The Court has reviewed that *Second Post-Confirmation Status Report*. *See* Docket No. 355. The Court is inclined to continue the post-confirmation status conference to June 18, 2024, at 2:00 p.m., but will hear from the Office of the United States Trustee.

November 21, 2023

Appearances required.

The Court has reviewed that *First Post-Confirmation Status Report*. *See* Docket No. 345. The Court is inclined to continue the status conference to March 19, 2024, at 2:00 p.m., but will hear from the Office of the United States Trustee.

July 25, 2023

Appearances required.

April 18, 2023

Appearances waived.

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1:00 PM

CONT... R.P. Ruiz Corporation

Chapter 11

The Court will continue the status conference to June 14, 2023, at 2:00 p.m.

November 30, 2022

No appearance required.

The Court has reviewed the *Status Report*. See Docket No. 102. The Court continues the status conference to April 18, 2023, at 2:00 p.m.

August 24, 2022

Appearance required.

The Court has reviewed the *Status Report*. See Docket No. 54. The Court is inclined to continue the status conference to November 15, 2022, at 2:00 p.m.

Party Information

Debtor(s):

R.P. Ruiz Corporation

Represented By
Steven R Fox

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, December 10, 2025

Hearing Room 201

1:00 PM

9:24-10578 Underground Solutions LLC

Chapter 11

#19.00 CONT'D Hearing re: Post Confirmation Status Conference

fr. 7-24-24, 9-25-24, 1-15-25, 3-26-25, 4-23-25,
7-16-25, 8-20-25,

Docket 265

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed that *Third Post-Confirmation Status Report*. See Docket No. 196. Have payments to general non-priority unsecured creditors began? It appears that those payments were to begin in December 2025. The Court will hear from the Office of the United States Trustee.

July 16, 2025

Appearances required.

The Court has reviewed that *First Post-Confirmation Status Report* (the "Report"). See Docket No. 181. It appears that the Debtor's operations have stumbled out of the gate, causing the Debtor to be behind in payments to the SBA, the IRS and the EDD. Have these creditors been paid up to date since the Report was filed?

March 26, 2025

Appearances required.

January 15, 2025

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1:00 PM

CONT... Underground Solutions LLC

Chapter 11

Appearances required.

September 25, 2024

Appearances required.

The Court has reviewed that *Status Report for Status Conference*. See Docket No. 83. The Court will inquire with the Office of the U.S. Trustee regarding the Debtor's compliance with the *Guidelines and Requirements of Chapter 11 Debtors-In-Possession*. Assuming the Debtor is in full compliance, the Court will set the deadline for the debtor to file and serve a disclosure statement and plan of November 1, 2024. The Court will set a disclosure statement hearing for December 4, 2024, at 1:00 p.m. The Court will continue the status conference to December 4, 2024, at 1:00 p.m. The Debtor is to upload a scheduling order within 7 days.

July 24, 2024

Appearances waived.

The Court has reviewed that *Initial Status Report for Initial Status Conference*. See Docket No. 42. The Court will continue the status conference to September 25, 2024, at 1:00 p.m.

Party Information

Debtor(s):

Underground Solutions LLC

Represented By
Steven R Fox

**United States Bankruptcy Court
Central District of California
Northern Division
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Wednesday, December 10, 2025

Hearing Room 201

1:00 PM

9:24-10954 Ronald E. Sweeney

Chapter 11

#20.00 CONT'D Chapter 11 Status Conference

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

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

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

September 10, 2025

Appearances required.

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

Now past the one-year anniversary of the instant case, the Debtor does not appear close to an exit. If the Debtor's secured creditors are in-fact oversecured, those claims

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1:00 PM

CONT...

Ronald E. Sweeney

Chapter 11

may be increasing by the day due to accrued interest, costs, and/or attorneys' fees. The Debtor has been seeking take out financing since at least July 2, 2025, but apparently has been unable to secure any such loan. The initial exit strategy of liquidating the Malibu residence seems to be fading. The sale price has been lowered precipitously alongside the lack of interest, and, given the state of the area since the fires, it is not clear that a sale anywhere near the current asking price is realizable. The Debtor is now considering becoming a landlord with the property.

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

July 16, 2025

Appearances required.

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

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

March 26, 2025

Appearances required.

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1:00 PM

CONT...

Ronald E. Sweeney

Chapter 11

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

January 29, 2025

Appearances required.

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

November 19, 2024

Appearances required.

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

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

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CONT...

Ronald E. Sweeney

Chapter 11

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

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

October 22, 2024

Appearances required.

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

The Court is concerned with the Debtor's ability to meet its obligations on a go-forward basis absent an immediate liquidation of assets. The income and expense projections attached to the Report do not include the costs of special litigation counsel

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1:00 PM

CONT... Ronald E. Sweeney

Chapter 11

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

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

October 9, 2024

Appearances waived.

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

Party Information

Debtor(s):

Ronald E. Sweeney

Represented By
David B Zolkin
James R Selth

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1:00 PM

9:24-11386 Alpinebay Inc.

Chapter 11

#21.00 CONT'D Chapter 11 Status Conference

fr. 1-29-25, 2-26-25, 5-21-25, 8-20-25,
9-24-25, 10-8-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed *Debtor's Notice of Motion and Voluntary Motion to Dismiss Chapter 11 Case* (the "Motion). See Docket No. 146. When is the Motion to be heard?

October 8, 2025

Appearances waived.

The Court has reviewed *Debtor's Late Status Conference Report*. See Docket No. 137. To allow the Office of the U.S. Trustee to appear and provide any comments, the Court will continue the status conference to December 10, 2025, at 1:00 p.m. A status report is to be filed no later than fourteen days prior to the continued status conference.

September 24, 2025

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1:00 PM

**CONT... Alpinebay Inc.
Appearances required.**

Chapter 11

Pursuant to that *Order Setting Initial Status Conference*, "[n]ot less than fourteen calendar days prior to the date scheduled for every initial or continued status conference, the debtor-in-possession shall file and serve a written status report [] unless the Court has expressly relieved the debtor-in-possession of the obligation to file a written status report." *See* Docket No. 6, p. 3, lines 3-6. Here, no status conference report has been filed in advance of the status conference.

The Court finds no operating report for the month of August 2025.

The Court previously entered an order requiring the Debtor to file a disclosure statement, with a hearing date of September 24, 2025. *See* Docket No. 126, *Scheduling Order*. No disclosure statement has been filed, and no notice of the hearing has been filed or served.

On September 4, 2025, the Debtor filed that *Notice of Motion and Motion for Order Approving Compromise with Proform Finishing Products, LLC* (the "Motion"). *See* Docket No. 135. The Motion attempts to resolve the Debtor's sole unsecured claim for a cash payment of \$400,000. *See id.* at p. 3, lines 7-14. It is not clear (1) if the Debtor has \$400,000 in cash it can pay the creditor, or (2) how payment of nearly all the Debtor's cash will allow it to continue in business given its monthly cash needs. Lastly, if the cash payment is to come from the Debtor, it is not clear to the Court how the Debtor uses the cash collateral of its secured creditors to satisfy an unsecured claim without the consent of its secured creditors. *See* Docket No. 100, *Order Granting Debtor's Ex Parte Motion to Amend Final Order Authorizing Use of Cash Collateral and Prescribing Adequate Protection*.

May 21, 2025

Appearances required.

The Court has reviewed that *Status Conference Report*. *See* Docket No. 123. The Court will hear from the Office of the United States Trustee regarding the Debtor's

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CONT... Alpinebay Inc.

Chapter 11

compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*.

The Court is inclined to set August 8, 2025, as the deadline for the Debtor to file and serve a disclosure statement, plan of reorganization, a motion to approve the adequacy of the to-be filed disclosure statement, and notice of the hearing thereon. The Court will set a disclosure statement hearing for September 24, 2025, at 1:00 p.m. The Court will continue the status conference to August 20, 2025, at 1:00 p.m., with a status conference report to be filed no later than fourteen (14) days prior to the continued status conference. The Debtor is to upload a scheduling order with these dates within seven (7) days.

February 26, 2025

Appearances required.

The Subchapter V designation having been stricken, the Court is inclined to set a bar date for the Debtor to file a disclosure statement and plan, as well as a disclosure statement hearing. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors-in-Possession*.

Party Information

Debtor(s):

Alpinebay Inc.

Represented By
Christopher J. Langley

**United States Bankruptcy Court
Central District of California
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Wednesday, December 10, 2025

Hearing Room 201

1:00 PM

9:25-11392 Myle Paulette Zagorsky

Chapter 11

#22.00 Chapter 11 Status Conference

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed *Debtor-in-Possession Status Conference Report*. See Docket No. 22. The Court will hear from parties-in-interest, including the Office of the United States Trustee. The Court is inclined to set the following deadlines and dates:

December 30, 2025 – Deadline for the Debtor to provide notice of the claims bar date

January 30, 2026 – Claims bar date

February 20, 2026 – Deadline for the Debtor to file and serve a disclosure statement and plan of reorganization, and notice of the hearing on approval of the to-be filed disclosure statement

February 25, 2026, at 1:00 p.m. – Continued status conference

April 8, 2026, at 1:00 p.m. – Hearing on approval of to-be filed disclosure statement

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

Party Information

Debtor(s):

Myle Paulette Zagorsky

Represented By
Thomas B Ure

**United States Bankruptcy Court
Central District of California
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Wednesday, December 10, 2025

Hearing Room 201

1:00 PM

9:25-11445 Rasmussen, Rasmussen and Rasmussen

Chapter 11

#23.00 Chapter 11 Status Conference

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed that *Case Management Conference Status Report Number 1*:
See Docket No. 24. The Court will hear from parties-in-interest, including the Office
of the United States Trustee. The Court is inclined to set the following deadlines and
dates:

December 30, 2025 – Deadline for the Debtor to provide notice of the claims bar date

January 30, 2026 – Claims bar date

February 26, 2026 – Deadline for the Debtor to file and serve a disclosure statement
and plan of reorganization, and notice of the hearing on approval of the to-be filed
disclosure statement

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

April 8, 2026, at 1:00 p.m. – Hearing on approval of to-be filed disclosure statement

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

Party Information

Debtor(s):

Rasmussen, Rasmussen and

Represented By
Eric Bensamochan

Movant(s):

Rasmussen, Rasmussen and

Represented By

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Hearing Room 201

1:00 PM

CONT...

Rasmussen, Rasmussen and Rasmussen

Eric Bensamochan

Chapter 11

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Wednesday, December 10, 2025

Hearing Room 201

1:00 PM

9:25-11446 Neal Feay Company

Chapter 11

#24.00 Chapter 11 Status Conference

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

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

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

Have no payments been made to Neal Rasmussen or Eileen Rasmussen in the year preceding the petition date?

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

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

January 30, 2026 – Claims bar date

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

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CONT... Neal Feay Company

Chapter 11

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

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

Party Information

Debtor(s):

Neal Feay Company

Represented By
Eric Bensamochan

Movant(s):

Neal Feay Company

Represented By
Eric Bensamochan

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Hearing Room 201

1:00 PM

9:25-11352 Westside Tow and Transport Inc.

Chapter 11

#25.00 CONT'D Hearing re: [72] Emergency motion of debtor Westside Tow and Transport, Inc. for entry of interim and final orders: (I) authorizing use of cash collateral; (II) granting adequate protection; and (III) scheduling final hearing

fr. 10-14-25, 10-22-25, 10-29-25, 11-19-25,

Docket 72

Tentative Ruling:

December 10, 2025

Appearances required.

On November 19, 2025, Westside Tow & Transport, Inc. (the "Debtor") filed that *Notice of Continued Hearing on Debtor's Emergency Motion for Order Authorizing Use of Cash Collateral on an Interim Basis* (the "Notice"). See Docket No. 71. On that same date, the Debtor filed *Westside Tow and Transport, Inc.'s Notice of Motion and Second Motion for Entry of Final Order Authorizing Use of Cash Collateral* (the "Motion"). See Docket No. 72. The budget attached to the Motion, again, includes two (2) lines items for adequate protection payments to the Small Business Administration. See *id.* at p. 14. The Debtor seeks the use of cash collateral through March 31, 2026. See *id.* at p. 4, lines 13-15.

November 19, 2025

Appearances required.

Before the Court is that *Emergency Motion of Debtor Westside Towing and Transport, Inc. for Entry of Interim and Final Orders (I) Authorizing Use of Cash Collateral; (II) Granting Adequate Protection; and (III) Scheduling Final Hearing* (the "Motion"). See Docket No. 10. The budget for income and expenses runs through December 2025. See *id.* at p. 13. That *Stipulation Between Debtor and the*

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CONT... Westside Tow and Transport Inc. Chapter 11

Small Business Administration for Adequate Protection and Use of Cash Collateral allows the Debtor the use of the Small Business Administration's cash collateral through December 15, 2025. *See* Docket No. 55.

The Court finds no further budget to govern the Debtor's use of cash collateral beyond December 2025.

Is the Debtor solely looking to utilize cash collateral through December 15, 2025, at this juncture?

October 29, 2025

Appearances required.

In appraisal of the Debtor's amended *Schedule D*, CFG Merchant Solutions, Rosewood Business Ventures, LLC, Capital West, LLC, and the Small Business Administration maintained liens against the Debtor's cash as of the Petition Date. *See* Docket No. 44, *Schedule D: Creditors Who Have Claims Secured by Property*, pp. 8-14. Through that *Motion of Debtor Westside Tow and Transport, Inc. for Entry of Interim and Final Orders (I) Authorizing Use of Cash Collateral; (II) Granting Adequate Protection; and (III) Scheduling Final Hearing* (Docket No. 10, the "Motion"), as augmented by that *Supplemental Declaration of Peter N. Wambaa in Support of Debtor's [sic] Emergency Motion for Use of Cash Collateral* (Docket No. 42, the "Supplement"), the Debtor seeks the use of the cash collateral of certain of its secured creditors pursuant to 11 U.S.C. §§ 361 and 363.

To commence, on October 24, 2025, the Court entered that *Interim Order Authorizing Debtor Westside Tow and Transport Inc. to Use Cash Collateral Through October 29, 2025, and Setting Continued Hearing* (the "Order"). *See* Docket No. 37. The Order required that the Debtor "on or before October 22, 2025, file and serve notice of the continued hearing on the Motion on all creditors." *See id.* at p. 3, lines 10-11. The Order parrots the hearing notes on the Court's calendar dated October 22, 2025. *See*

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Docket No. 34. On October 22, 2025, the Debtor filed that *Notice of Continued Hearing on Debtor's Emergency Motions: A. For Order Authorizing Use of Cash Collateral On an Interim Basis; B. For Order: (1) Deeming Utility Companies Adequately Assured for Future Performance, and (2) Restraining Utility Companies from Discontinuing, Altering, or Refusing Service* (the "Notice"). See Docket No. 35. The Notice attempts to comply with the Order, but at last does not. BMW Financial was not served with the Notice at its preferred address. See Proof of Claim No. 1. The Internal Revenue Service was not served at all with the Notice. See Proof of Claim No. 3.

As an aside, whilst the Debtor amended its schedules of creditors, it failed to take in the Internal Revenue Service as a priority creditor, despite the Internal Revenue Service's filed proof of claim prior to the schedules having been amended. See Docket No. 44, *Schedule E/F: Creditors Who Have Unsecured Claims*, pp. 16-17; see also Proof of Claim No. 3.

The Court remains unclear as to why debts on the trucks/trailers are being serviced. If it is adequate protection that is being requested, what proof is the Court to rely upon in reaching the supposition that the payments constitute adequate protection as opposed, purely, to post-petition paydowns of prepetition obligations?

October 14, 2025

Appearances required.

Background

On October 8, 2025, Westside Tow & Trucking, Inc. (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 11 of Title 11 of the United States Code. See Docket No. 1, *Voluntary Petition for Non-Individuals Filing for Bankruptcy*. On October 10, 2025, the Debtor filed that *Emergency Motion of Debtor Westside Tow and Transport, Inc. for Entry of Interim and Final Orders (I) Authorizing Use of Cash*

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CONT... Westside Tow and Transport Inc.

Chapter 11

Collateral; (II) Granting Adequate Protection; and (III) Scheduling Final Hearing (the "Cash Collateral Motion"). *See* Docket No. 10. The Debtor, through the Cash Collateral Motion, requests the use of certain secured creditors' cash collateral on an interim basis, through January 31, 2026, and ultimately on a final basis. *See id.* at p. 4, lines 15-19. The Debtor asserts that eight (8) entities have an interest in the Debtor cash, serving as their collateral: (1) Small Business Administration (the "SBA"); (2) Harvest Small Business Finance ("Harvest"); (3) Fintap; (4) Rosewood Business Ventures, LLC; (5) American Funding Services; (6) Capital West, LLC; (7) CFG Merchant Solutions; and (8) Green Note Capital. *See id.* at lines 4-7. Of the eight (8) entities mentioned, the Debtor scheduled just Harvest as a secured creditor (i.e., holding a lien against certain of the Debtor's property). *See* Docket No. 1, *Schedule D: Creditors Who Have Claims Secured by Property*, 16-22. The balance are scheduled as solely holding unsecured, non-priority claims (i.e., not holding liens against any of the Debtor's property). *See id.* at pp. 23-24, *Schedule E/F: Creditors Who Have Unsecured Claims*.

As adequate protection for the diminution in the value of the secured creditors' collateral utilized by the Debtor post-petition, the Motion provides that said secured creditors (the SBA and Harvest) are to receive "[r]eplacement liens in Debtor's assets subject to a Carve-Out for certain professional fees and statutory U.S. Trustee fees." *See* Docket No. 10, p. 4, lines 20-23. These creditors, however, again, are solely Harvest and the SBA. The Motion is silent as to the balance of the secured creditors.

The Debtor, through the Motion, asserts that its assets "consist of its cash-on-hand, accounts receivables, and the Arlington Property," the value of which "does not exceed \$3.1 [million]." *See id.* at p. 5, lines 23-24. The Debtor scheduled no accounts receivable, \$25,000 in cash, and a property located at 9500 Arlington Avenue, Riverside, CA valued at \$2.8 million. *See* Docket No. 1, pp. 11-15, *Schedule A/B: Assets – Real and Personal Property*.

Notice

As the Motion is an emergency motion, the Court required that notice of the hearing on the Motion be provided to all secured creditors and the Office of the United States

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Trustee (the "OUST") by October 10, 2025, at 5:00 p.m., telephonically, and that written notice of the hearing on the Motion and the Motion be emailed to all secured creditors, the 20 largest unsecured creditors, and the OUST by October 10, 2025.

That Notice of Debtor's Emergency Motion: A. For Order Authorizing Use of Cash Collateral On An Interim Basis; B. For Order: (1) Deeming Utility Companies Adequately Assured for Future Performance, and (2) Restraining Utility Companies from Discontinuing, Altering, or Refusing Service (the "Notice") was filed on October 10, 2025. *See* Docket No. 11.

On October 10, 2025, a proof of service was filed for the Notice and the Motion. *See* Docket No. 15. There is no proof that secured creditors and the OUST were informed by phone of the hearing by 5:00 p.m., on October 10, 2025. It is also not clear that Capital West was emailed the Motion and Notice prior to 5:00 p.m., on October 10, 2025.

Unless the Court is informed otherwise, it appears that notice of the Motion was improper.

Analysis

Pursuant to 11 U.S.C. § 1108, "[u]nless the court, on request of a party in interest and after notice and a hearing, orders otherwise, the trustee may operate the debtor's business." As set forth in 11 U.S.C. § 363(c)(1), "[i]f the business of the debtor is authorized to be operated under [11 U.S.C. § 1108] and unless the court orders otherwise, the trustee may enter into transactions, including the sale or lease of property of the estate, in the ordinary course of business, without notice or a hearing, and may use property of the estate in the ordinary course of business without notice or a hearing." Bankruptcy Code Section 363(c)(2) provides that the "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." Pursuant to 11 U.S.C. § 363(e), "at any time, on request of an entity that has an interest in property used, sold, or leased, or proposed to be used, sold, or leased, by the trustee, the court, with or without a hearing, shall prohibit or condition

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such use, sale, or lease as is necessary to provide adequate protection of such interest."

"While the term 'adequate protection' is not defined in the Code, 11 U.S.C. § 361 sets forth three non-exclusive examples of what may constitute adequate protection: 1) periodic cash payments equivalent to decrease in value, 2) an additional or replacement lien on other property, or 3) other relief that provides the indubitable equivalent." *In re Mellor*, 734 F.2d 1396, 1400 (9th Cir. 1984).

Here, as a starting point, the Debtor appears to ignore six (6) of its eight (8) purported secured creditors. Whilst the Motion identifies eight (8) creditors as being secured, the Debtor only offers an analysis as to its use of cash collateral, including offering replacement liens, to two (2) of those creditors, the SBA and Harvest. *See* Docket No. 10, p. 9, lines 20-23. This speaks nothing of the confusion regarding the Debtor's statements in the Motion regarding its secured claims as opposed to its schedules.

The budget attached to the Motion does not appear to include reorganization items (i.e., general insolvency counsel's fees and fees to the OUST). *See id.* at *Exhibit 1*. If those expenses are not in-fact included, and if the Debtor is seeking a carve-out for those expenses, does the Debtor not burn cash through the end of the year, 2025? How, then, would replacement liens provide adequate protection for any diminution in value of the secured creditors' collateral?

Where are the deposits to the utility companies in the budget?

What basis does the Court have for granting a carve-out from secured creditors' collateral to pay the fees of insolvency counsel and the OUST? To be clear, a carve-out, by the Court's understanding, is the reduction of a secured creditors lien in favor of the amounts that are the subject of the carve-out. Absent agreement by the secured creditor(s), the Debtor has provided no analysis for the Court granting such relief.

The Debtor's schedules disclose three (3) BMW cars and a Dodge Ram. *See* Docket No. 1, p. 13. One BMW has a claim against it of \$60,954.82, another has a claim against it of \$118,592.52, and the third has a claim against it of \$128,116.36. *See id.* First, what use does the Debtor, a towing company, have for more than \$300,000 in luxury cars and a pickup truck? Second, what of the budgeted expenses for the Motion relate to the BMW cars and the Dodge Ram?

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What amounts of the budgeted expenses relate to payments to insiders?

What justification does the Debtor have for making mortgage payments, post-petition, on the property in Riverside? What is the relationship of the property in Riverside to the Debtor's towing and storage operations?

Party Information

Debtor(s):

Westside Tow and Transport Inc.

Represented By
Tamar Terzian

Movant(s):

Westside Tow and Transport Inc.

Represented By
Tamar Terzian

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9:25-10187 Pacer Print

Chapter 11

#26.00 CONT'D Hearing re: [3] Motion for authority to use cash collateral
on an interim and final basis

fr. 2-20-25, 4-9-25, 5-21-25,

Docket 3

Tentative Ruling:

December 10, 2025

Appearances required.

On November 17, 2025, Pacer Print (the "Debtor") filed that *Notice of Hearing on Debtor's Third Supplement Motion for Authority to Use Cash Collateral on an Interim and Final Basis* and that *Third Supplement to Debtor's Motion for Authority to Use Cash Collateral on an Interim and Final Basis* (the "Motion"). See Docket Nos. 153 and 152, respectively.

Through the Motion, the Debtor seeks and order authorizing it to use cash collateral, pursuant to a disclosed budget, through and including July 4, 2026. See Docket No. 152, pp. 4-5.

The Court is inclined to grant the Motion, authorizing the Debtor to use cash collateral pursuant to the disclosed budget, through and including July 4, 2026. If required, the Court will hold a continued hearing on the Motion, and any augmentation to the Motion, on June 17, 2026, at 1:00 p.m. The Debtor is to file and serve notice of the continued hearing on the Motion, as well as any augmentations to the Motion, on or before May 27, 2026.

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

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CONT... Pacer Print

Chapter 11

May 21, 2025

Appearances required.

April 9, 2025

Appearances required.

Before the Court is that *Motion for Authority to Use Cash Collateral on an Interim and Final Basis* (the "Motion") filed by Pacer Print (the "Debtor"). See Docket No. 3; see also Docket No. 62, *Supplement to Debtor's Motion for Authority to Use Cash Collateral on an Interim and Final Basis*. Through the Motion, the Debtor seeks authority to use the cash collateral of the Small Business Administration, CHTD Company, Channel Partners Capital, and Itria Ventures through an including the first week of June 2025. See generally Docket No. 3; see also Docket No. 62, p. 2, lines 1-3.

Having found no opposition, the Court is inclined to grant the Motion, approving the Debtor's use of cash collateral through an including June 6, 2025, and continuing the hearing on the Motion to June 4, 2025, at 1:00 p.m. Any augmentations to the Motion and notice of the continued hearing on the Motion are to be filed and served by the Debtor on or before May 14, 2025.

The Debtor is to upload a conforming order within 7 days.

Party Information

Debtor(s):

Pacer Print

Represented By
Steven R Fox

Movant(s):

Pacer Print

Represented By
Steven R Fox
Steven R Fox

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9:25-10187 Pacer Print

Chapter 11

#27.00 CONT'D Chapter 11 Status Conference

fr. 4-9-25, 5-21-25, 7-16-25, 10-8-25,

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed that *Status Conference Report*. See Docket No. 154. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors-in-Possession*.

The deadline for the Debtor to file a disclosure statement and plan of reorganization is January 21, 2026. See Docket No. 162, *Order Granting Ex Parte Motion to Extend Deadline to File Disclosure Statement and Plan*. The Court will hold a hearing on the approval of the to-be filed disclosure statement on March 11, 2026, at 1:00 p.m. Notice of the disclosure statement hearing is to be filed and served, and the disclosure statement and plan of reorganization are to be served on or before January 28, 2026.

The Court will continue the status conference to March 11, 2026, at 1:00 p.m.

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

October 8, 2025

Appearances waived.

The Court has reviewed that *Status Conference Report*. See Docket No. 131. To allow the Office of the U.S. Trustee to appear and provide any comments, the Court

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CONT... Pacer Print

Chapter 11

will continue the status conference to December 10, 2025, at 1:00 p.m. A status report is to be filed no later than fourteen days prior to the continued status conference.

July 16, 2025

Appearances required.

The Court has reviewed that *Status Conference Report*. See Docket No. 104. A disclosure statement and plan is due to be filed on or before November 28, 2025. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors in Possession*.

Assuming full compliance, the Court will continue the status conference to September 24, 2025, at 1:00 p.m., with a status report filed 14 days prior thereto.

May 21, 2025

Appearances required.

The Court has reviewed that *Status Conference Report*. See Docket No. 87. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*. Assuming a report of full compliance, the Court is inclined to continue the status conference to July 16, 2025, at 1:00 p.m. The Court is also inclined to set a deadline for the Debtor to file and serve a plan of reorganization and disclosure statement describing that plan of November 28, 2025. The Debtor is to upload a scheduling order with those two (2) dates within 7 days.

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CONT... **Pacer Print**

Chapter 11

April 9, 2025

Appearances required.

The Court has reviewed that *Status Report for Initial Status Conference*. See Docket No. 70. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors in Possession*. Assuming a report of full compliance, the Court is inclined to continue the status conference to June 4, 2025, at 1:00 p.m. The Court is also inclined to set a deadline for the Debtor to file and serve a plan of reorganization and disclosure statement describing that plan of November 28, 2025. The Debtor is to upload a scheduling order with those two (2) dates within 7 days.

Party Information

Debtor(s):

Pacer Print

Represented By
Steven R Fox

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9:25-10985 Laurel Creek, LP, a California limited partnership

Chapter 11

#28.00 CONT'D Hearing re: [59] Motion for order: (i) authorizing the debtor to obtain post-petition financing pursuant to 11 U.S.C. §§ 105, 361, 362, 363(c), 363(e), 364(c), 364(d)(1) and 364(e); and (ii) granting related relief including

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

Docket 59

Tentative Ruling:

December 10, 2025

Appearances required.

November 19, 2025

Appearances required.

The Debtor has augmented that *Motion for Order: (i) Authorizing the Debtor to Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 363(c), 363(e), 364(c), 364(d)(1), and 364(e); and (ii) Granting Related Relief* (the "Motion") with that *Supplemental Briefing in Support of Motion for Orders: (i) Authorizing the Debtor to Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 363(c), 363(e), 364(c), 364(d)(1), and 364(e); and (ii) Granting Related Relief* (the "Supplement," Docket No. 87), and, circuitously or otherwise, that *Chapter 11 Plan of Liquidation Dated October 22, 2025* (the "Plan," Docket No. 80). The Court appreciates the augmentation to the record.

The Supplement further elaborates on the Motion and the terms of the underlying financing, describes in more, albeit still incomplete detail the liens against the Debtor's property, and focuses the Court's attention to the Plan as the

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CONT... **Laurel Creek, LP, a California limited partnership**
memorialization of its exit strategy from Chapter 11.

Chapter 11

Two issues raised in the Supplement present opening reasons to pause. First, the Debtor discloses in the Supplement and the Plan that it "intends to employ a chief restructuring officer and will identify such person by the date of the hearing on the Motion." *See* Docket No. 87, p. 5, lines 17-18. The identity of this person, and the terms of their employment, most notably, the tasks to be performed, seems to the Court critical in hearing from the Debtor further on the Motion. Second, "[t]he Debtor has agreed to stipulate to the appointment of a receiver by the City of San Luis Obispo over the health and safety violations and issues with the Property." *See id.* at lines 18-20. The Court confesses its lack of clarity here. Who this receiver is, and what the Debtor sees as this receiver's relationship to the Debtor's bankruptcy estate is difficult to make out by reviewing the Supplement and the Plan.

Beyond this issue, the Court poses to the Debtor the following query: how are the lienholders that are to be primed by the proposed financing adequately protected pursuant to 11 U.S.C. § 364(d)? What amounts constitute the liens of Class 4 in the Plan? To start, what is the value of the Property, today, and what are the total liens and order of priority, today?

Regarding the proposed carve-out, how precisely would that work? Meaning, is that \$500,000 to be paid first, after paying claims in Classes 1-4, but before paying the Class 5 claim?

November 5, 2025

Appearances waived.

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

October 8, 2025

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Appearances required.**

Chapter 11

On July 24, 2025, Laurel Creek, LP (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 11 of Title 11 of the United States Code. *See* Docket No. 1, *Voluntary Petition for Non-Individuals Filing for Bankruptcy*. The Debtor owns a parcel of real property located at 1150 Laurel Lane, San Luis Obispo, CA (the "Property"). *See* Docket No. 18, p. 8, *Schedule A/B: Assets – Real and Personal Property*. The Debtor scheduled 22 liens against the Property totaling \$73,809,668.86. *See* Docket No. 18, pp. 11-19, *Schedule D: Creditors Who Have Claims Secured by Property*. The largest of the scheduled liens is in favor of CPIF California, LLC ("CPIF") in the amount of \$59,773,549.48. *See id.* at pp. 13-14. It is not clear to the Court what position the CPIF lien occupies in relation to the other liens on the Property. It does seem clear that the Debtor takes the position that Petro Pace Finance ("Petro") maintains a first position lien on the Property, and the Debtor scheduled Petro as having secured liens totaling \$10,037,589.89. *See id.* at p. 17. The Debtor scheduled unsecured claims of \$20,145,700.13. *See id.* at pp. 21-54, *Schedule E/F: Creditors Who Have Unsecured Claims*.

"The Property was constructed in 2022 but failed inspection in early 2025, leading to building code violations and an order for tenants to vacate." *See* Docket No. 59, *Motion for Order: (i) Authorizing the Debtor to Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 363(c), 363(e), 364(c), 364(d)(1), and 364(e); and (ii) Granting Related Relief* (the "Motion"), p. 12, lines 10-11. Kirk Reimer provided the Debtor with an "As-Is" value for the Property of \$42.5 million, an "As Complete" value of \$60.4 million, and a "Complete and Stabilized" value of \$62.6 million. *See id.* at p. 118. Ergo, by Reimer's measure, at least as of July 1, 2026, the Property will always be valued less than the liens against it. These values suppose a sale timeframe with 12-18 months of market time and exposure. *Id.*

Before the Court is the Motion. Through the Motion, the Debtor seeks this Court's approval of post-petition financing in the total amount of \$11.9 million pursuant to 11 U.S.C. § 364(d) from CPIF (the "DIP Facility"). *See id.* at p. 7, line 27. Of the DIP Facility, the Debtor proposes to spend \$6,903,546 to complete the build out of the

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Property, and \$3,666,247 is to be spent on a category related to insurance, taxes and PACE reinstatement costs. *See id.* at p. 114. The Motion cites several maturity triggers, but acutely relevant is "the first anniversary of receipt of any draw under [the DIP Facility]." *See id.* at pp. 9-10. That is, a year from the first draw upon the DIP Facility, it will be due and payable in full.

Unknown to the Court are several expenses the Debtor will be responsible for should the Court approve the Motion. First, the DIP Facility accrues interest at 12% per annum. *See id.* at p. 11, lines 9-10. The total estimated interest expense is unknown to the Court, but if the maturity extends a year, the cost would be \$700,000, perhaps more. The Debtor is to reimburse CPIF for all "reasonable legal fees and expenses incurred by [CPIF] in connection with the drafting, negotiating and closing of [the DIP Facility], [and] any fees or costs incurred by [CPIF] in connection with any repayment, refinancing, amendment, or permitted assignment of [the DIP Facility]." *See id.* at pp. 10-11. The Court finds no estimate of these costs, but these costs would seem to drive up the true cost of the DIP Facility by several hundred thousand dollars, at least.

The Court is further unable to appreciate the endgame for the Debtor. The Motion poses more questions than answers. Leading amongst these inquiries is ... *cui bono*? The Court does not by studying the Motion comprehend the priority of the many secured liens against the Property, other than Petro claiming the first step. The Debtor surely intends on completing the Property's buildout, and utilizing the Property for the means the Debtor started to build the Property towards, but other than completing the Property to increase its value to secured creditors, what value flows to all other creditors? The quick trigger provision of 11 U.S.C. § 362(d)(3) is speedily approaching. Surely the Debtor has outlined, or perhaps drafted a plan of reorganization that answers this most important of questions, but no such information is provided with the Motion. The Debtor offers that CPIF "has agreed in concept to a carve-out and/or reduction of its pre-petition secured claim in order to provide a distribution to unsecured creditors of the Estate," but no finer detail is disclosed. *See id.* at p. 17, lines 4-8.

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Chapter 11

The Debtor suggests that it "will seek authorization from the Court for payment to certain pre-petition creditors of the Debtor's estate that are required to finish the construction on the Property." *See id.* at p. 19, lines 10-12. This intention has the odor of a critical vendor claim payment procedure. Has the Ninth Circuit not prohibited such payments?

Why, and the Court will expect a pointed reply from the Debtor, would the Court approve of a financing motion that by the only evidence in front of it solely benefits secured creditors? There is little in the Motion to underscore how the financing, if approved, would pave the way for the Debtor to confirm a plan of reorganization.

Party Information

Debtor(s):

Laurel Creek, LP, a California

Represented By
Jeffrey I Golden
Anerio V Altman

Movant(s):

Laurel Creek, LP, a California

Represented By
Jeffrey I Golden
Anerio V Altman

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9:25-10985 Laurel Creek, LP, a California limited partnership

Chapter 11

#29.00 CONT'D Chapter 11 Status Conference (Single Asset Real Estate)

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

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed that *Status Report* (the "Report"). See Docket No. 110. The Report leaves the Court with more queries than answers, and a level of discomfort with the direction of the case. Heading into its fifth month, the instant case is no nearer to an exit than the date the bankruptcy petition was filed. In fact, by all accounts, that expanse has grown.

The Court will start with the Debtor's announcement in the Report that it "intends to employ a Chief Restructuring Officer to supervise and control the Debtor with respect to remedying the Property to resolve each health and safety violation asserted by the City of San Luis Obispo." See *id.* at p. 6, lines 15-17. The Debtor, however, also states in the Report that the City of San Luis Obispo is moving for a receiver, and that the "City's imposition of a receiver guarantees that those improvements will be made first before any sale." See *id.* at p. 7, lines 7-8. The Court maintains some confusion about what the Debtor's intentions are regarding a chief restructuring officer and that of a receiver appointed by a State Court. The Court has not learned from the Debtor what its position would be in the State Court, if any, and what steps it has or intends on taking in the State Court. If a receiver were to be appointed over the Debtor's real property by the State Court, assuming that has not yet occurred, what role would the Debtor then have in improving the real property? What access would the Debtor have to the real property? The Debtor seems to be waiting for the City of San Luis Obispo to take control of its real property. If the mission at this juncture is to wait idly whilst

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CONT... Laurel Creek, LP, a California limited partnership Chapter 11

the Debtor's real property is improved, destroyed, or something in-between by a non-debtor, what value is this bankruptcy case providing? It does not seem that this Court is required, with all the attendant expense of a Chapter 11 case, to sort out mechanics liens.

Second, the Debtor states in the Report that it "has been focusing on approving a DIP loan first before addressing a plan as the procurement of a DIP Loan bears heavily on the Debtor's ability to reorganize." *See id.* at p. 7, lines 14-15. What benefit does debtor-in-possession financing provide to a debtor that appears to acquiesce with being taken out of possession of the sole asset it seeks to reorganize around? How could the Court approve of such a loan when it is not clear to the Court that the Debtor would have the authority to improve its real property with such loan, even if it wanted to, because of the appointment of a receiver over the real property? Is the pursuit of the financing at this point a waste of effort?

Third, the Debtor states that it "intends to file a disclosure statement and plan within the next two to three months." *See id.* at lines 12-13. If a receiver is ordered by the State Court, how could the Debtor be in any position to confirm a plan of reorganization given the fact that the Debtor's exit strategy surrounds improving its real property, and then selling that real property? The Debtor may not even have access to the real property in short order.

The Court is inclined to dismiss the instant bankruptcy case. The Debtor appears to agree that it requires assistance with improving its real property, and is satisfied with allowing the City of San Luis Obispo to undertake that role through the appointment of a receiver. With \$74 million in secured debt against an asset worth substantially less, and with no credible signs of reorganization, cause exists to dismiss the instant bankruptcy case.

November 19, 2025

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**CONT... Laurel Creek, LP, a California limited partnership
Appearances required, in-person for the Debtor.**

Chapter 11

That *Order Setting Initial Status Conference* provides, "[n]ot less than fourteen calendar days prior to the date scheduled for every initial or continued status conference, the debtor-in-possession shall file and serve a written status report on the parties identified in paragraph 1, unless the Court has expressly relieved the debtor-in-possession of the obligation to file a written status report." *See* Docket No. 3, p. 3, lines 3-6.

The Court finds no status report.

September 10, 2025

Appearances required.

The Court has reviewed that *Status Report* (the "Report"). *See* Docket No. 46.

The Report notes that the Debtor intends to file a plan "within the next two to three months." *See id.* at p. 6, lines 23-25. The Debtor is a single asset real estate business. *See* Docket No. 21, *Voluntary Petition for Non-Individuals Filing for Bankruptcy*, p. 3. The Debtor scheduled 22 claims that are purportedly secured by the Debtor's real property. *See* Docket No. 20, *Schedule D: Creditors Who Have Claims Secured by Property*, pp. 11-19. Is the Debtor not concerned about the quick trigger provision of 11 U.S.C. § 362(d)(3)?

The Report notes that "[a] budget is attached to this report," a budget the Court is unable to locate. *See* Docket No. 46, p. 6, lines 10-11.

Has the Debtor prepared the July 2025, operating report?

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

Party Information

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CONT... Laurel Creek, LP, a California limited partnership

Chapter 11

Debtor(s):

Laurel Creek, LP, a California

Represented By
Jeffrey I Golden
Anerio V Altman

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9:25-10986 Laurel Creek II, LP, a California limited partners

Chapter 11

#30.00 CONT'D Chapter 11 Status Conference

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

Docket 1

Tentative Ruling:

December 10, 2025

Appearances required.

The Court has reviewed that *Status Report* (the "Report"). See Docket No. 76.

November 19, 2025

Appearances required, in person for the Debtor.

That *Order Setting Initial Status Conference* provides, "[n]ot less than fourteen calendar days prior to the date scheduled for every initial or continued status conference, the debtor-in-possession shall file and serve a written status report on the parties identified in paragraph 1, unless the Court has expressly relieved the debtor-in-possession of the obligation to file a written status report." See Docket No. 3, p. 3, lines 3-6.

The Court finds no status report.

September 10, 2025

Appearances required.

The Court has reviewed that *Status Report* (the "Report"). See Docket No. 40.

The Court will hear from the Office of the United States Trustee regarding the

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CONT... **Laurel Creek II, LP, a California limited partners** **Chapter 11**
Debtor's compliance with those *Guidelines and Requirements of Chapter 11 Debtors*
in Possession.

Party Information

Debtor(s):

Laurel Creek II, LP, a California

Represented By
Jeffrey I Golden
Anerio V Altman

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9:25-10915 Outer Aisle Gourmet, LLC

Chapter 11

#31.00 Hearing re: [92] Debtor's disclosure statement to accompany
debtor's chapter 11 plan of reorganization

Docket 92

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Outer Aisle Gourmet, LLC

Represented By
Garrick A Hollander

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9:25-10915 Outer Aisle Gourmet, LLC

Chapter 11

#32.00 CONT'D Chapter 11 Status Conference

fr. 9-10-25, 12-03-25,

Docket 1

Tentative Ruling:

December 3, 2025

Appearances waived.

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

September 10, 2025

Appearances required.

The Court has reviewed that *Initial Status Report* (the "Report"). See Docket No. 68. The Court will establish October 27, 2025, as the last day for parties to file proofs of claim. The Debtor shall provide notice to parties of the last day to file proofs of claim on or before October 2, 2025. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession*. Assuming full compliance, the Court will continue the status conference to December 3, 2025, at 1:00 p.m. The Debtor shall lodge a scheduling order, noting the continued status conference and the claims bar date, within 7 days.

Party Information

Debtor(s):

Outer Aisle Gourmet, LLC

Represented By
Garrick A Hollander

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CONT...

Outer Aisle Gourmet, LLC

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Chapter 11

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9:25-10127 ReEnvision Aesthetics and Medspa, PC

Chapter 11

#33.00 Hearing re: [83] Debtor's original disclosure statement describing
original chapter 11 plan

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ReEnvision Aesthetics and Medspa,

Represented By
Steven R Fox

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9:25-10127 ReEnvision Aesthetics and Medspa, PC

Chapter 11

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

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

Docket 1

Tentative Ruling:

July 16, 2025

Appearances required.

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

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

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

April 9, 2025

Appearances required.

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

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CONT... **ReEnvision Aesthetics and Medspa, PC**
See Docket No. 52.

Chapter 11

March 26, 2025

Appearances required.

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

Party Information

Debtor(s):

ReEnvision Aesthetics and Medspa,

Represented By
Steven R Fox

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9:25-10762 Applied Powdercoat, LLC

Chapter 11

#35.00 CONT'D Hearing re: [63] Motion of First Bank of the Lake to convert or dismiss case, or, in the alternative, remove debtor from possession

(Advanced from 12-2-25), 11-19-25,

Docket 63

Tentative Ruling:

November 19, 2025

Appearances required.

Background

On June 6, 2025 (the "Petition Date"), Applied Powdercoat, LLC (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 11 of Title 11 of the United States Code. *See* Docket No. 1, *Voluntary Petition for Non-Individuals Filing for Bankruptcy*. As a small business debtor, as that term is defined under 11 U.S.C. § 101(51D), the Debtor elected to proceed under Subchapter V of the Bankruptcy Code. *See id.* at p. 2. The Debtor scheduled as one of its secured creditors, First Bank of the Lake (the "Bank"). *See* Docket No. 12, *Schedule D: Creditors Who Have Claims Secured by Property*, p. 14.

On July 8, 2025, the Debtor filed that *Stipulation for Entry of Order Authorizing Use of Cash Collateral* (the "Stipulation to Use Cash"). *See* Docket No. 15. Through the Stipulation to Use Cash, the Debtor agreed that the Bank had a lien on the Debtor's cash and receivables on the Petition Date, and that it "had used \$90,000 in Cash Collateral without approval of [the Bank] or the Court, as required by 11 U.S.C. section 363(c)," constituting a "material violation of the requirements of 11 U.S.C. section 363." *See id.* at p. 14, lines 12-27. The Stipulation to Use Cash allowed the Debtor the use of the Bank's cash collateral through July 24, 2025. *See id.* at p. 16, lines 19-23. The Debtor and the Bank stipulated twice more, allowing the Debtor's use of the Bank's cash collateral, the last of those stipulations authorizing said use

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CONT... Applied Powdercoat, LLC

Chapter 11

through September 2025. *See* Docket No. 71, *Notice of Emergency Motion and Motion for Order Authorizing Debtor's Use of Cash Collateral Pursuant to 11 U.S.C. § 363 and Fed. R. Bankr. Proc. 4001*, p. 5, lines 3-4. From October 1, 2025, through November 4, 2025, the Debtor, once again, utilized the cash collateral of the Bank, without agreement of the Bank or order of this Court.

On September 4, 2025, the Debtor filed *Debtor's Notice of Motion and Motion to Extend the Time to File a Plan of Reorganization Pursuant to 11 U.S.C. § 1189(b)* (the "Motion to Extend"). *See* Docket No. 51. As a subchapter V case, the Debtor was required to file a plan of reorganization "not later than 90 days after the order for relief under this chapter, except that the court may extend the period if the need for the extension is attributable to circumstances for which the debtor should not justly be held accountable." *See* 11 U.S.C. § 1189(b). The purpose of the Motion to Extend was to seek this Court's approval of a 60-day extension of the 11 U.S.C. § 1189(b) plan filing deadline. *See id.* at p. 2, lines 1-6. The Court denied the Motion to Extend, and, through its tentative ruling and a Docket entry, ordered the Debtor to lodge an order conforming to its ruling on the Motion to Extend within 7 days of the hearing, which hearing was held on November 4, 2025. *See* Docket No. 70. No such order has been lodged by the Debtor.

On October 30, 2025, the Bank filed that *Motion of First Bank of the Lake to Convert or Dismiss Case, or in the Alternative, Remove Debtor from Possession* (the "Motion"). *See* Docket No. 63. Through the Motion, the Bank argues that the instant case should be dismissed, converted, or the Debtor removed from possession of the estate's assets for the Debtor's failure to timely file a plan of reorganization, continuing operational losses, unauthorized use of the Bank's cash collateral, and failure to timely file monthly operating reports. *See id.* at p. 3, lines 4-12.

On November 5, 2025, the Debtor filed that *Notice of Emergency Motion and Emergency Motion for Order Authorizing Debtor's Use of Cash Collateral Pursuant to 11 U.S.C. § 363 and Fed. R. Bankr. Proc. 4001* (the "Emergency Motion to Use Cash"). *See* Docket No. 71. The Debtor filed the Emergency Motion to Use Cash after more than a month of unauthorized use of the Bank's cash collateral.

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Chapter 11

Notice

Pursuant to Fed. R. Bankr. P. 2002(a)(4), a movant "must give the debtor, the trustee, all creditors, and all indenture trustees at least 21 days' notice of [] a hearing on a motion to dismiss a Chapter 7, 11, or 12 case or to convert it to another chapter..." Pursuant to this Court's Local Rule 9013-1(h), "if a party does not timely file and serve documents, the court may deem this to be consent to the granting or denial of the motion, as the case may be."

On October 30, 2025, the Bank filed that *Notice of Motion for: To Convert or Dismiss Case, or in the Alternative, Remove Debtor from Possession* (the "Notice"). See Docket No. 64. The Notice was served on the Office of the United States Trustee, the Subchapter V Trustee, the Debtor, and several creditors, but not all creditors were served with the Notice as required under Fed. R. Bankr. P. 2002(a)(4). See *id.* at p. 3, *Proof of Service of Document*. As the government was shutdown during service of the Notice, the Court will not take the default of the Office of the United States Trustee. The Court does, however, take the default of all other parties served with the Motion.

Unless all creditors are served with the Notice, the Motion must be denied for the Bank's failure to serve notice of the hearing on the Motion in conformance with Fed. R. Bankr. P. 2002. The Court is inclined to continue the hearing on the Motion, thus allowing service of the Notice on all creditors, but such continuance will not reopen the response deadline for all parties the Court is taking default of.

Analysis

Pursuant to 11 U.S.C. § 1112(b), "on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate." "For purposes of this subsection, the term 'cause' includes (A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable

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CONT... Applied Powdercoat, LLC

Chapter 11

likelihood of rehabilitation; (B) gross mismanagement of the estate; [] (D) unauthorized use of cash collateral substantially harmful to 1 or more creditors; (E) failure to comply with an order of the court; [and] (J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court." Section 1104 of the Bankruptcy Code does not apply to Chapter 11 cases where the debtor has elected to proceed under Subchapter V. *See* 11 U.S.C. § 1181(a).

Cause exists to dismiss the instant case, or to convert the case to one under Chapter 7. First, the Debtor did not timely file a plan of reorganization in conformance with 11 U.S.C. § 1189(b), and the Court denied the Motion to Extend that would extend the deadline for the Debtor to comply with 11 U.S.C. § 1189(b). Second, the Debtor has not complied with this Court's order that it lodge an order within seven (7) days of the hearing on the Motion to Extend. Third, the Debtor has, during two (2) separate time periods, and by the Debtor's own admission used the Bank's cash collateral without authorization to do so. Fourth, the Debtor is operating at a net loss. *See* Docket No. 68, *Monthly Operating Report for Small Business Under Chapter 11*, p. 20. Lastly, the Debtor has not opposed the Motion, which the Court takes to be the Debtor's acquiescence to the relief sought through Motion.

Party Information

Debtor(s):

Applied Powdercoat, LLC

Represented By
Derrick Talerico
Paige T Rolfe

Movant(s):

First Bank of the Lake

Represented By
Bernard J Kornberg

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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9:25-10762 Applied Powdercoat, LLC

Chapter 11

#36.00 Hearing re: [86] Motion for order authorizing debtors continued use of cash collateral pursuant to 11 U.S.C. § 363 and Fed. R. Bank. Proc. 4001

Docket 86

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Applied Powdercoat, LLC

Represented By
Derrick Talerico
Paige T Rolfe

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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9:25-10762 Applied Powdercoat, LLC

Chapter 11

**#37.00 CONT'D Chapter 11 Subchapter V Status Conference
Voluntary Petition Non-Individual**

fr. 8-6-25, 9-10-25, 11-5-25, 11-19-25,

Docket 1

Tentative Ruling:

November 19, 2025

Appearances required.

November 5, 2025

Appearances waived.

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

September 10, 2025

Appearances required.

The Court has reviewed that *Subchapter V Status Report* (the "Report"). See Docket No. 49. The Debtor's plan is due to be filed on September 4, 2025, which the Debtor, through the Report, signals shall be done. See *id.* at p. 2. The Court will hear from the Office of the United States Trustee regarding the Debtor's compliance with those *Guidelines and Requirements for Chapter 11 Debtors in Possession* (the "Guidelines").

Should the Debtor be in full compliance with the Guidelines, the Court will set a confirmation hearing of October 22, 2025, at 1:00 p.m. The Debtor shall file/serve a notice of the confirmation hearing, ballots, and the plan of reorganization on or before

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CONT... Applied Powdercoat, LLC

Chapter 11

September 19, 2025. Any oppositions to confirmation of the Debtor's plan of reorganization must be filed and served on or before October 8, 2025. The Debtor is to file a ballot tally and memorandum in support of confirmation of the plan of reorganization, including any responses to oppositions to confirmation, on or before October 15, 2025. The status conference is continued to October 22, 2025, at 1:00 p.m. The Debtor is to lodge a scheduling order within 7 days.

August 6, 2025

Appearances required.

The Court has reviewed that *Subchapter V Status Report*. See Docket No. 36. The Court has authorized the use of cash collateral, ordering that an order be lodged within seven (7) days of the hearing on the motion, which order has yet to be lodged. See Docket No. 32. The Court has also reviewed the *United States Trustee's Notice of Motion and Motion Under 11 U.S.C. § 1112(b) to Dismiss or, In the Alternative, to Convert Case*. See Docket No. 37. The Court does not find the operating report for June 2025.

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

Party Information

Debtor(s):

Applied Powdercoat, LLC

Represented By
Derrick Talerico
Paige T Rolfe

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se