

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM
2:00-00000

Chapter

#0.00

**PROCEDURES FOR APPEARING FOR, OR ACCESSING,
COURT HEARINGS IN JUDGE KWAN'S CASES**

INSTRUCTIONS FOR THE GENERAL PUBLIC AND THE MEDIA: See Special Instructions Below.

INSTRUCTIONS FOR PARTIES OFFICIALLY APPEARING ON THEIR MATTERS AT HEARINGS BEFORE JUDGE KWAN AND THEIR COUNSEL: Judge Kwan conducts non-evidentiary hearings in hybrid format, that is, in person in the courtroom and remotely by video using Zoom for Government (ZoomGov) videoconferencing technology, but only in person in the courtroom for evidentiary hearings, trials and other matters specially set by Judge Kwan. Parties officially appearing on their matters at hearings before Judge Kwan and their counsel may choose to appear in person in the courtroom or remotely on ZoomGov at a hearing on their matters unless otherwise ordered by the court. Judge Kwan's courtroom is located in Courtroom 1675, 16th Floor, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Parties are directed to review Judge Kwan's self-scheduling instructions for calendaring hearings, whether by in-person and/or ZoomGov.

For parties and their counsel officially appearing on their matters using ZoomGov to appear remotely at hearings, video and audio connection information for each hearing will be provided on Judge Kwan's publicly posted hearing calendar on the court's website, which may be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>, and then selecting "Judge Kwan" from the tab on the left-hand side of the page.

Parties and their counsel officially appearing on their matters may view and/or listen to hearings before Judge Kwan using ZoomGov free of charge. Individual participants may appear at a hearing by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individual participants may also participate in a hearing by ZoomGov audio only using a telephone (standard telephone charges may apply). Neither a Zoom nor a ZoomGov account are necessary to

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM
CONT...

Chapter

participate in a hearing, and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the court and constitute its official record.

To implement the mandate of the Judicial Conference of the United States that the general public and the media may not access the video feed of a court hearing, only the audio feed (see Special Instructions to the General Public and the Media below), Judge Kwan or court personnel may inquire as to the status of a person accessing ZoomGov as either an official hearing participant or a member of the general public or the media, and the court may place persons attempting access to video feed of a court hearing in a Zoom waiting room for a status inquiry and otherwise restrict a member of the general public or the media to audio access only if accessing the hearing remotely.

SPECIAL INSTRUCTIONS FOR THE GENERAL PUBLIC AND THE MEDIA: The Judicial Conference of the United States has now clarified its policy on Cameras in the Courtroom and mandated that the members of the general public (or the Public) and the Media may not observe **by video** any court hearing proceedings unless they are actual parties or counsel with matters before the court in which they have an official interest. However, as an accommodation to the Public and the Media, the Judicial Conference of the United States has also clarified that many court hearing proceedings will still be accessible **by audio**, but that this audio accommodation for the Public and the Media is limited to (1) non-trial hearings; and (2) non-live witness evidentiary hearings.

To be clear, during hearings where no live testimony is being received by the court, the court may permit hearing accessibility remotely by audio, but not video, to the Public and the Media. No trials may ever be accessible remotely by audio to the Public and the Media. The court has the final control regarding remote audio accessibility and may choose to terminate remote audio accessibility at any time, regardless of the type of hearing. These remote audio services are accessible through ZoomGov, and the Public and the Media may utilize the telephone number login, but not the video login, presented by the court on its publicly posted hearing calendar, which may be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>, and then selecting "Judge Kwan" from the tab on the left-hand side of the page.

Members of the Public and the Media may always personally attend hearings

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT...

Chapter

before the court in open court in-person in the courtroom. Judge Kwan's courtroom is located in Courtroom 1675, 16th Floor, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.

On hearing days, Judge Kwan's courtroom will remain open during hearings for in-person public and media attendance, so that the courtroom observers will have video and audio access to ZoomGov participants. The court will have video monitors on and viewable within the courtroom for viewing. The parties, including counsel, their clients, and self-represented individual parties, may virtually join the hearing and appear remotely or virtually on ZoomGov.

Members of the general public and the media, however, may only view the hearings in person from the courtroom, which will remain open, or by audio access, as noted above. To implement the mandate of the Judicial Conference of the United States that the general public and the media may not access the video feed of a court hearing, only the audio feed, Judge Kwan or court personnel may inquire as to the status of a person accessing ZoomGov as either an official hearing participant or a member of the general public or the media, and the court may place persons attempting access to video feed of a court hearing in a Zoom waiting room for a status inquiry and otherwise restrict a member of the general public or the media to audio access only if accessing the hearing remotely. Individual members of the public and the media may access a hearing by ZoomGov audio only using a telephone (standard telephone charges may apply). Neither a Zoom nor a ZoomGov account are necessary to access the live audio feed of a hearing, and no pre-registration is required.

RESTRICTIONS ON LIVE TESTIMONY AT HEARINGS: No live testimony, however, will be permitted at a hearing by ZoomGov unless specifically authorized by the court either prior to, or during, a hearing. If a party intends to call a witness to testify by remote transmission, the party calling the witness should state such intention in the joint pretrial stipulation filed before the final pretrial conference or file a written application for permission to call a witness by remote means at least 21 days before the evidentiary hearing or as soon as practicable if the evidentiary hearing is set on less than 21 days notice.

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM
CONT...

Chapter

ZoomGov logon information for all matters on today's hearing calendar:

Video/audio web address: <https://cacb.zoomgov.com/j/1601470652>

ZoomGov meeting number: 160 147 0652

Password: 120652

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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

Zoomgov hearing etiquette: (a) wait until the judge calls on you, so everyone is not talking at once; (b) when you first speak, state your name and, if you are an attorney, whom you represent (do not make your argument until asked to do so); (c) when you make your argument, please pause from time to time so that, for example, the judge can ask a question or anyone else can make an objection; (d) if the judge does not see that you want to speak, or forgets to call on you, please say so when other parties have finished speaking (do not send a "chat" message, which the judge might not see); and (e) please let the judge know if he mispronounces your name or uses the wrong pronoun.

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:12-16195 David Alan Wilson

Chapter 7

Adv#: 2:12-01317 McKnew, Thomas I. IV et al v. Wilson

#1.00 Status Conference on Application of Judgment Creditor
Thomas I. McKnew Iv re: 24352 Santa Clara Avenue,
Dana Point, CA 92629 & related to OSC

fr. 10/10/23, 10/17/23, 10/31/23, 11/28/23, 12/5/23
1/16/24, 1/30/24

Docket 766

Tentative Ruling:

Updated tentative ruling as of 2/8/24. No tentative ruling on the merits. Appearances are required on 2/27/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions posted online on the court's website.

Prior tentative ruling as of 1/17/24. Appearances are required on 1/30/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions posted online on the court's website.

Prior tentative ruling as of 1/9/24. Appearances are required on 1/16/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions posted online on the court's website.

Prior tentative ruling as of 11/28/23. Appearances are required on 12/5/23, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions posted online on the court's website.

Prior tentative ruling as of 10/27/23. Appearances are required on 10/31/23, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... David Alan Wilson

Chapter 7

court's remote appearance instructions.

Prior tentative ruling as of 10/12/23. After the status conference on 10/10/23, counsel were to confer regarding possible settlement discussions and trial scheduling and must appear to report on their discussions, and if they are not pursuing settlement negotiations, to discuss scheduling of the evidentiary hearing in this contested matter. Appearances are required on 10/17/23, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 9/29/23. The parties should appear to discuss scheduling of the evidentiary hearing in this contested matter. Appearances are required on 10/10/23, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

David Alan Wilson

Represented By
Michael N Nicastrò
Christina M Chan
Eryk R Escobar

Defendant(s):

David A Wilson

Represented By
Jon-Michael A Marconi
James Andrew Hinds Jr
David Samuel Shevitz
Christopher A Dias
Peter M Lively

Plaintiff(s):

McKnew, Thomas I. IV

Represented By
James Andrew Hinds Jr
Paul R Shankman

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... David Alan Wilson

Chapter 7

Hye Jin Jang
Brian Barouir Yeretzian
Rachel M Sposato
Michael A Wallin

Lisa A McKnew

Represented By
James Andrew Hinds Jr
Paul R Shankman
Hye Jin Jang
Brian Barouir Yeretzian
Rachel M Sposato

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:18-10170 Min Jeong Min

Chapter 7

Adv#: 2:18-01086 Kosma Tex v. Min

#2.00 Appearance and Examination re: Enforcement of Judgment

fr. 1/9/24

Docket 43

Tentative Ruling:

No tentative ruling as of 2/8/24. Appearances are required on 2/27/24.

Party Information

Debtor(s):

Min Jeong Min

Represented By
Young K Chang

Defendant(s):

Min Jeong Min

Represented By
Young K Chang

Plaintiff(s):

Kosma Tex

Represented By
Vahe Khojayan

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:20-21080 Orchid Child Productions, LLC

Chapter 7

Adv#: 2:21-01212 WHOSE DOG R U PRODUCTIONS, INC. v. Wolkowitz

#3.00 Status conference re: Complaint for declaratory relief and for injunctive, equitable relief relating thereto

fr. 12/13/22, 12/20/22, 1/3/23, 1/24/23, 3/14/23, 6/27/23, 8/22/23, 9/19/23
11/7/23, 11/14/23, 1/30/24

Docket 1

***** VACATED *** REASON: Off Calendar per ord. ent. 2/1/24**

Tentative Ruling:

Off calendar. The status conference has been rescheduled to 3/26/24 at 1:30 p.m. upon issuance of the summons on counterclaim. No appearances are required on 2/27/24.

Party Information

Debtor(s):

Orchid Child Productions, LLC

Represented By
Sanaz Sarah Bereliani
David B Lally

Defendant(s):

Edward M. Wolkowitz

Pro Se

Plaintiff(s):

WHOSE DOG R U

Represented By
Leslie A Cohen

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Gary E Klausner
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:13-14135 Art and Architecture Books of the 21st Century

Chapter 11

#4.00 Status conference re: Post confirmation of plan

fr. 1/6/22, 7/13/22, 7/14/22, 11/15/22, 3/14/23, 5/23/23,
7/18/23,9/26/23,1/30/24

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/21/24. The plan agent must appear and report on the status of administration of the reorganized debtor (i.e., what needs to be done before administration can be concluded) and why he failed to appear at the status conference on 1/30/24. Appearances are required on 2/27/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Art and Architecture Books of the

Represented By
Thomas M Geher
David W. Meadows
Jerome S Cohen
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:17-24737 Advance Specialty Care, LLC

Chapter 11

#5.00 Status conference re: Post confirmation of plan

fr. 2/22/22, 3/8/22, 10/11/22, 2/21/23, 6/20/23, 10/17/23, 12/12/23

Docket 1

Tentative Ruling:

Debtor should report on when it will be filing a motion for entry of final decree since the debtor does not give a date when a motion for final decree will be filed and the plan went effective on 3/20/20, almost four years ago. Otherwise, no tentative ruling on the merits. Appearances are required on 2/27/24, but counsel and self-represented parties must appear in person or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Advance Specialty Care, LLC

Represented By
Raymond H. Aver

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:18-13759 Charles Peters

Chapter 11

#6.00 Status conference re: Post confirmation of plan

fr. 2/15/22, 5/24/22, 8/9/22, 1/10/23. 6/27/23, 9/19/23

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/21/24. The court has reviewed debtor's post-confirmation status report filed on 2/13/24. The court has no objection to debtor's request for setting a further status conference in 6 months, but had a question regarding his statement that at this point (over 3 years since plan confirmation on 12/17/20), he does not have a projected date for filing a request for final decree because "I want to make sure all the unsecured debt is paid prior to filing a final decree" as the confirmed plan (Docket No. 451) stated that the unsecured debts were general unsecured debts to the IRS of \$1,854.19 and Amex of \$1,796.63, which were to be paid on the plan effective date and Exhibit 1 to the status report listing unsecured debt payments showed no creditors or payments ("n/a") and listing payments to secured creditors, Fay Servicing LLC, Sam Langholz, Ocwen and Beverly Hills. Regarding Beverly Hills, the confirmed plan lists it as a priority claim creditor, not a secured creditor, and Exhibit 1 to the status report states that payments to it will begin after liquidation of the claim with a monthly payment of \$1,970.56, last made in February 2024. Would debtor clarify the status of the Beverly Hills claim as secured or unsecured, and whether payments were made and are being made on its claim, and otherwise explain what claims need to be paid before debtor can file a motion for final decree?

Appearances are required on 2/27/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... Charles Peters

Chapter 11

Debtor(s):

Charles Peters

Represented By
Frank Edel Blanco
Giovanni Orantes
Luis A Solorzano

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:23-16449 People Who Care Youth Center, Inc.

Chapter 11

#7.00 Status Conference in this Chapter 11 Bankruptcy Case

fr. 12/5/23

Docket 15

Tentative Ruling:

Supplemental tentative ruling as of 2/23/24. The court has reviewed debtor's status report filed on 2/22/24. The court notes that debtor requests that a claims bar date be established by the court. However, that has been done already as the court orally granted debtor's request to set a claims bar date at the last status conference on 12/5/23, and on 12/15/23, debtor had filed and served notice of the claims bar date of 3/31/24 (Docket No. 32). Thus, it appears that debtor is not requesting the court to set another claims bar date, but debtor had also asked that the court set other deadlines, and debtor should specify at the status conference what other deadlines should be set.

Updated tentative ruling as of 2/21/24. Debtor which may appear by counsel must report on the status and developments in the case, including but not limited to the status of the filing of a plan and disclosure statement, which it had indicated in its initial status report filed on 11/21/23 that it would "aim to file" these documents by 1/31/24, the status of repairs of its facilities, and the status of its dispute with its main secured creditor, Danco, Inc. Otherwise, no tentative ruling on the merits. Appearances are required on 2/27/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 11/28/23. The court has reviewed debtor's initial status report. No tentative ruling on the merits. Appearances are required on 12/5/23, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... People Who Care Youth Center, Inc.

Chapter 11

Debtor(s):

People Who Care Youth Center, Inc.

Represented By
Giovanni Orantes

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#8.00 Status conference re: Objection to amended claim of Michael Zargar, Abdollah Zargar and Akhtar Davidi [Claim no. 8] (*Evidentiary Hearing*)

fr. 8/19/22, 10/14/22, 12/20/22, 3/14/23, 3/28/23, 4/11/23, 6/13/23, 8/22/23, 10/17/23, 12/12/23

Docket 344

Tentative Ruling:

No updated tentative ruling as of 2/8/24. Appearances are required on 2/27/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 12/6/23. Appearances are required on 12/12/23, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 10/4/23. Appearances are required on 10/17/23, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 8/10/23. Appearances are required on 8/22/23, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 6/6/23. Appearances are required on 6/13/23, but counsel and self-represented parties must appear either in person in the

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11

courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Revised and updated tentative ruling as of 4/7/23. See tentative ruling for matter number 1. Appearances are required on 4/11/23, but counsel and self-represented parties must appear in person or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/22/23. The parties are to appear and report on the status of the related state court proceedings. Otherwise, no tentative ruling on the merits. Appearances are required on 3/28/23, but counsel and self-represented parties must appear in person or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 10/13/22. The court will delay the start of the hearing to 10:00 a.m. and suggests that counsel and any appearing parties appear by Zoom rather than in person because the court is of the view that it cannot proceed with the continued evidentiary hearing on grounds that it lacks jurisdiction to determine and assess the claimed attorneys' fees charged by Gonzalez and Gonzalez (\$104,270.56) and Robert Gentino (\$42,960) as costs pursuant to California Code of Civil Procedure (CCP) Section 685.070, which mandates a specific statutory procedure for assessing costs, including attorneys' fees awardable under CCP Section 685.040 in enforcing a judgment. CCP 685.070(b) specifies that the judgment creditor claiming costs under CCP Section 685.040 "shall file a memorandum of costs with the court clerk and serve a copy on the judgment debtor" and that service shall be made personally or by mail. CCP Section 685.070(b) also provides: "The memorandum of costs shall be executed under oath by a person who has knowledge of the facts and shall state to the person's best knowledge and belief the costs are correct, are reasonable and necessary, and have not been satisfied."

Pursuant to CCP Section 685.070(c), the judgment debtor has 10 days after service of the memorandum of costs to apply to the court on noticed motion to have costs taxed by the court, and the court shall make an order allowing or disallowing the costs to the extent justified under the circumstances of the case.

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

This statutory scheme for awarding attorneys' fees under CCP Section 685.040 as costs pursuant to CCP Section 680.070 makes clear that the allowance or disallowance of such fees is by the court that entered the judgment in the first place, that is, the state court, not the bankruptcy court, which did not enter the judgment upon which costs are claimed. That is, the claimed attorneys' fees claimed as costs to enforce the state court judgment are assessable only pursuant to the statutory procedures of CCP Section 685.070 by the state court entering the judgment.

Judgment creditors apparently recognize this in their second supplemental brief (Docket No. 425) at 32 that this court can refer or remand the matters to the state court to issues relating to the fees. The court is the view that rather than remanding the matters, it should abstain to allow the state court to rule on allowance or disallowance of the claimed fees pursuant to CCP Section 685.070(b) and (c) and grant stay relief for that adjudication. Remand is not appropriate since there was no removal of matters before the state court to this court. The state court can address issues relating to the allowance or disallowance of the claimed attorneys' fees as costs, such as equitable tolling, relief under California Rule of Court 3.1702, unclean hands, laches and/or relief under CCP Section 473.

Judgment creditors filed memoranda of costs in state court on 3/7/14, 11/13/15, 6/24/16 and 6/27/16, but the claimed attorneys' fees were not listed on these memoranda of costs, and thus, do not comply with the statutory procedure of CCP Section 685.070 regarding the claimed attorneys' fees.

Judgment creditors' original and amended proofs of claim filed in the bankruptcy court, not in the state court which entered the judgment, are not compliant with the statutorily mandated procedure under CCP Section 685.070, and thus, cannot be considered as the basis for allowance of the claimed attorneys' fees.

The court should defer ruling on the matters until the state court has reviewed the claimed attorneys' fees as costs under CCP Section 685.040 pursuant to the statutorily mandated procedure under CCP Section 685.070.

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11

Appearances are required on 10/14/22 at 10:00 a.m., but counsel and self-represented parties should appear remotely through Zoom for Government in accordance with the court's remote appearance instructions as previously discussed at the pretrial conferences for this matter, but may appear in person.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

Movant(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver
Raymond H. Aver

Shabnam Mesachi

Represented By
Raymond H. Aver

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

#9.00 Motion to Extend the Deadline to Object
to Discharge of debts under 11 U.S.C. 727

Docket 507

Tentative Ruling:

Updated tentative ruling as of 2/21/24. Grant trustee's motion to extend deadline to object to discharge of debts under 11 U.S.C. 727 for the reasons stated in the moving papers and for lack of timely written opposition. See FRBP 4004(b) and LBR 9013-1(h)(failure of party to file timely written opposition may be considered consent to granting relief). The court notes that the 60 day deadline from the first date set for the 11 U.S.C. 341(a) meeting of creditors on 1/3/24 under FRBP 4004(a) (and FRBP 1019(2)(A) since this is a case converted from Chapter 11 to Chapter 7 for the first time) to file such objection is 3/3/24 rather than 3/4/24 as stated in the motion because February in this leap year has 29 days, plus 28 days remaining in January after the meeting of creditors on 1/3/24, 3 days in March. total 60 days. However, the motion requests an extension to 5/3/24, which is 61 days after the current deadline, and the court is not restricted from approving a 61 day as opposed to a 60 day extension under FRBP 4004(b), and 5/3/24 is a Friday, the end of the business week, and setting the deadline on a Friday would eliminate a trap for the unwary. Appearances are optional on 2/27/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions. Trustee to lodge a proposed order within 7 days after hearing.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

Movant(s):

Carolyn A Dye (TR)

Represented By
Rosendo Gonzalez

Trustee(s):

Carolyn A Dye (TR)

Represented By
Rosendo Gonzalez

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

#10.00 Motion for Order Compelling Abandonment of Real Property

Docket 512

Tentative Ruling:

Updated tentative ruling as of 2/23/24.

As a preliminary matter, the court notes that the judge's copy of the motion that debtors served did not have separately tabbed exhibits as required by LBR 5005-2(d), which makes it hard for the court to review the multipage exhibits attached to the motion. The court admonishes counsel for not complying with the rule, noting that other judges have imposed sanctions for noncompliance (the court is aware that at least one judge has imposed a \$100 sanction for such noncompliance).

Regarding debtors' evidentiary objections to the Falco declaration, the court would sustain the objections on grounds of lack of foundation and/or lack of personal knowledge. FRE 602. The court realizes that in responding to the motion on regular notice of about 21 days prescribed by LBR 9013-1(d), the trustee may not have had much time to hire an appraiser as debtors had in choosing to have one before filing their motion. However, at this time, it seems to the court premature to engage in a valuation battle to have the trustee hire an appraiser because valuation really does not come into play if one of the liens on the property is avoided and recovered as a fraudulent transfer as discussed below. If valuation becomes a material issue in this contested matter, the court would expect the trustee to have admissible evidence of valuation, such as a declaration of valuation from a qualified appraiser. For the sake of addressing the motion on the merits at this time, the court considers the valuation figures of debtors.

Having considered the moving, opposing and reply papers, the court will deny the motion without prejudice because it is premature in light of the pendency of trustee's adversary proceeding filed on 1/25/24 to avoid and recover the third Antebi lien claimed to have a value of \$1.2 million as a fraudulent

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 7

transfer pursuant to 11 U.S.C. 544, 548, 550 and 551. If the trustee succeeds in her adversary proceeding, there would be equity sufficient to pay unsecured creditors, even using debtors' equity computations (see Abandonment Equity Spreadsheet chart, Docket No. 531 at 46). Debtors in their moving papers assert that the value of their residence is \$2.3 million based on the declaration of their appraiser, but the liens and other charges against the property after sale including the value of the Antebi lien, costs of sale, federal and state capital gains tax and their homestead exemption total \$2,360,292.80, resulting in negative net equity of \$60,292.80.

In this regard, the court agrees with the trustee's argument that the Daimler judgment lien of \$37,769.96 should not be counted as secured as the abstract of judgment, debtors' exhibit, was recorded postpetition on 10/4/18 after they filed their Chapter 11 petition on 2/12/18 and would be avoidable as a postpetition lien under 11 U.S.C. 549. (The court takes judicial notice of its case docket that there is no docket entry reflecting that Daimler Trust obtained stay relief to record its judgment lien. FRE 201.) Thus, probably debtors' negative net equity computation should be only \$22,522.84.

Debtors further assert that the prospect of any recovery on behalf of unsecured creditors would be further diminished by statutory Chapter 7 trustee fees of \$76,689.08.

Regardless of whether the Daimler Trust lien is treated as secured or not and the statutory Chapter 7 trustee fees are deducted, if the trustee succeeds in her adversary proceeding to avoid and recover the Antebi lien as a fraudulent transfer, there would be substantial net equity to pay unsecured creditors based on debtors' figures, \$1,075,018.20 (-\$60,292.80-76,689.08+ \$1,212,000.00=+\$1,075,018.20).

11 U.S.C. 554(b) provides that "[o]n request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." See *In re Viet Vu*, 245 B.R. 644, 647 (9th Cir. BAP 2000). "In order to approve a motion to abandon property, the bankruptcy court must find either that (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT...

Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

estate." In re Viet Vu, 245 B.R. at 647, citing 11 U.S.C. 554(b); Morgan v. K.C. Machine & Tool Co. (In re K.C. Machine & Tool Co.), 816 F.2d 238, 245 (6th Cir. 1987). Citing and quoting the Sixth Circuit in K.C. Machine & Tool Co., the Ninth Circuit Bankruptcy Appellate Panel stated in Viet Vu that "[a]n order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset...Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should be rarely ordered." 245 B.R. at 647, citing and quoting, K.C. Machine and Tool Co., 816 F.2d at 246; accord, In re Gill, 574 B.R. 709, 714 (9th Cir. BAP 2017) (also citing and quoting, K.C. Machine & Tool Co., supra).

Debtors as interested parties seeking to compel abandonment "ha[ve] the burden of establishing that the property at issue is burdensome or of inconsequential value and benefit to the estate." In re Gill, 574 B.R. at 714, citing, In re Viet Vu, 245 B.R. at 647; see also, In re Johnston, 49 F.3d 538, 540 (9th Cir. 1995) (addressing 11 U.S.C. 554(a), but also discussing 11 U.S.C. 554(b), citing K.C. Machine & Tool Co., supra); accord, In re Imaging3, 634 Fed. Appx. 172, 177 (9th Cir. 2015) (addressing 11 U.S.C. 554(b)).

Debtors as the parties with the burden of showing that the property is burdensome or of inconsequential value and benefit to the estate have not met this burden as they would have to show that the trustee's adversary proceeding is devoid of merit so that it appears that she is "churning" property worthless to the estate just to increase fees. See, e.g., In re Gill, 574 B.R. at 714.

In their motion, Debtors argue that based on the fair market value of the property at \$2.3 million, the existing liens, encumbrances and interests in the property, including their homestead interest, exceed the value of the property resulting in a negative net equity of about \$60,000. However, as argued by the trustee, it appears that the Daimler Trust judgment lien was not perfected before the petition date as the abstract of judgment was recorded after the petition date, and is thus probably not secured. Thus, based on Debtors' computations, the net negative equity in the property would be about \$22,000, and they would add statutory Chapter 7 trustee fees of about \$76,000 to

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT...

Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

show that there is no benefit to the estate and unsecured creditors with administration of the property as an asset of the estate, and thus, administration of the property would thus be "churning" for fees. (The trustee says that she has preliminary information that the property is worth \$100,000 to \$200,000 more than the debtors' valuation at \$2.3 million, which if assuming arguendo, the trustee is correct based on a competent appraisal would more than more up the difference asserted by debtors for existing liens, encumbrances and interests and trustee fees, but the court believes that it would be more practical at this time to allow the trustee to prosecute her adversary proceeding to avoid and recover lien, which would realize more value to the estate than battling out valuation over a potential \$200,000 difference.)

The trustee argues in her opposition that the motion is premature as she has not been able to conduct and conclude the meeting of creditors on grounds that debtors have not responded to her questions and requests for information to administer the case and the estate because debtors upon advice of counsel. have not provided answers to her questions and the information she requested, so that she can make a determination to exercise her discretion or not to abandon assets, including the subject property. The initial meeting of creditors was scheduled for 1/4/24, but was continued by the trustee at the request of counsel for debtors to 1/31/24 because he was traveling. At the continued meeting of creditors on 1/31/24, the trustee continued the meeting to 2/27/24 because debtors objected to questions from her special litigation counsel on grounds that his employment has not been authorized, though the application for his employment has been pending, and she felt that she has not been able to conclude the meeting of creditors without their full cooperation. Debtors in their reply to the trustee's response dispute her characterization of the meetings of creditors, arguing that she adequately examined them, so that the business of the meetings of creditors is complete.

The trustee asserts that based on the preliminary analysis of her accountants as recited in the Falco declaration and her initiation of an adversary proceeding to avoid and recover the Antebi lien, if the adversary proceeding succeeds, the estate would have about \$1.2 million in net equity from the

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 7

property to pay creditors (or \$1.075 million based on debtors' figures). Thus, it would appear that such net equity would be also sufficient to pay any Chapter 7 trustee fees estimated by debtors to be about \$60,000.

Debtors in their reply to the trustee's opposition argue that her fraudulent transfer claim as to the Antebi lien is time-barred under the California state and federal fraudulent transfer statutes of limitations under California Civil Code 3439.09(a)-(c) and 11 U.S.C. 546. However, there are two problems with this argument. First, debtors raise this new argument for the first time in their reply, and pursuant to Local Bankruptcy Rule 9013-1(g), new arguments raised for the first time in reply documents will not be considered. Second, debtors' argument that the trustee's claims cannot be maintained as time-barred is not supported by legal analysis explaining how this argument works, that is, in their reply, the argument is set forth in one paragraph on page 5 of the reply, which lists two dates, the transfer date and the petition date, and cites the statutes, but do not explain or analyze how the statutes apply to the facts in this case.

The court takes judicial notice that the adversary proceeding was commenced in January 2024 and the defendant, Antebi, the alleged fraudulent transferee, has not yet appeared. At this time, it is unknown whether he will defend in the adversary proceeding. Debtors are not parties to the adversary proceeding and really cannot speak as to the merits of whether it will succeed or not. The court should not make a determination of how the adversary proceeding will come out in this collateral proceeding as the adversary proceeding in which they are not parties needs to run its course. Based on this record, it appears that the trustee has taken action to avoid and recover an alleged fraudulent transfer which could result in realization of net equity in the property of about \$1.2 million, which in turn indicates that taking action to administer the property as an asset of the estate, including initiating an adversary proceeding to avoid and recover a fraudulent transfer, is not burdensome to the estate or is not of inconsequential value or benefit to the estate.

Based on the circumstances of this case as reflected in the moving, opposing and reply papers, the court determines that the motion is premature and should be denied without prejudice to allow the trustee to conduct and

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... **Shahriar Joseph Zargar and Shabnam Mesachi** **Chapter 7**

conclude the meeting of creditors and complete her investigation of debtors' assets and financial affairs and to prosecute the adversary proceeding. If the adversary proceeding is not successful, then it may well be that the property is not worth administering, and would be burdensome to the estate and/or of inconsequential value and benefit to the estate to justify abandonment. As previously noted, abandonment is the exception, not the rule, and at this time, this does not appear to be the rare case when abandonment should be ordered on grounds that the trustee is churning the case to generate fees, particularly in this early stage of the trustee's administration of this case in Chapter 7 as the case was only converted on 12/13/23 and the trustee was appointed on 12/14/23 only just over two months ago. Debtors have not at this time met their burden to show that the adversary proceeding is of inconsequential value or benefit to the estate on grounds that it is devoid of merit.

Appearances are required on 2/27/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

Movant(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver
Raymond H. Aver

Trustee(s):

Carolyn A Dye (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT...

Shahriar Joseph Zargar and Shabnam Mesachi

Rosendo Gonzalez

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

#11.00 Objection to Trustee Application for an order to employ Gonzalez & Gonzalez Law, P.C. as general counsel and Debtors' objection thereto

fr, 2/20/24

Docket 514

Tentative Ruling:

Updated tentative ruling as of 2/23/24.

Having considered the application to employ Gonzalez & Gonzalez Law P.C. as special litigation counsel, debtors' objection thereto, the trustee's response to the objection, and debtors' reply to the trustee's response, the court will approve the application for the reasons stated in the application as the trustee has shown that it is reasonably necessary to employ proposed counsel to prosecute an adversary proceeding to avoid and recover a lien on debtor's residence as a fraudulent transfer and related matters.

The court has considered debtors' arguments in their objection to the employment application and their reply to the trustee's response to their objection and find such arguments unavailing. Debtors make the following arguments in support of their objection: (1) the application improperly seeks nunc pro tunc employment of counsel; (2) employment of special litigation counsel is not reasonably necessary because all assets are encumbered or exempt; (3) employment of special litigation counsel is not reasonably necessary because the trustee herself could undertake the services that proposed special litigation counsel is taking; and (4) proposed special litigation counsel has a conflict of interest, having represented creditor Michael Zargar, who has allegedly continued to take action to harass debtors.

Regarding nunc pro tunc employment, the court notes that the employment application was filed on 1/17/24 and seeks authorization of employment effective on 1/5/24, 12 days before the filing of the application. The trustee

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT...

Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

has adequately articulated the reasonable necessity for retention of proposed special litigation counsel, and the 12 day delay is very short, and appears to be de minimis, and does not warrant total denial of employment. See *In re Hunanyan*, 631 B.R. 904, 907-912 (Bankr. C.D. Cal. 2021). The court will take into account the reasonableness of this short delay when the court reviews counsel's application for compensation under 11 U.S.C. 330 seeking fees for the period before the employment application was filed. See *In re Atkins*, 69 F.3d 970, 973 (9th Cir. 1995); accord, *In re Hunanyan*, 631 B.R. at 912.

Regarding reasonable necessity of employment in light of encumbrances or exemptions on assets, apparently, debtors are referring to the issue of whether there is equity to recover in the adversary proceeding to avoid and recover lien on their residence as a fraudulent transfer filed by proposed special litigation counsel. Debtors argue in their objection that "[i]ndeed, the evidence is that there is no need for special counsel given that all assets are encumbered or exempt," Objection at 8, but do not cite what that evidence is. Apparently, debtors mean the debtor Shahriar Zargar's declaration which asserts that there is no equity based on the fair market value of the residence and encumbrances and exemptions on the residence, but his declaration is not supported by corroborating admissible evidence. Debtors also argue that the adversary proceeding against alleged transferee, Antebi, is time-barred, Objection at 6 and n. 3, but provide no analysis supporting this argument. In their reply to the trustee's response to their objection, debtors list two dates, the transfer date of 4/11/14 and the petition date of 2/18/18 and federal and state statutes of limitations for bringing fraudulent transfer actions under 11 U.S.C. 546 and California Civil Code 3439.09(a)-(c), but provided no analysis as how these statutes apply to the facts of the case. Reply at 2-3 and n. 1. The court should not make a determination of how the adversary proceeding will come out in this collateral proceeding as the adversary proceeding in which they are not parties needs to run its course. Based on this record, debtors have not shown that there is no reasonable necessity for special litigation counsel on grounds that the adversary proceeding he has filed for the trustee has no merit and will not succeed in realizing value to the estate.

Regarding reasonable necessity when the trustee herself perform the

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT...

Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

services of proposed special litigation counsel, the court finds that this argument lacks merit because 11 U.S.C. 327 specifically authorizes a trustee to employ counsel to assist him or her in carrying out the duties of a trustee, and as indicated in her response to debtor's objection, the trustee is requesting that special litigation counsel be employed to assist her in carrying out her duties. The trustee does not have to disprove that she does not reasonably need special litigation counsel because she could render the services herself, which raises another issue of her being employed and compensated as an attorney for services not duplicative of her duties as a trustee. See 11 U.S.C. 327(d). The trustee articulated a sufficient reason under 11 U.S.C. 327 that she is requesting the assistance of special litigation counsel to litigate the estate's fraudulent transfer claims as proposed counsel is familiar with the debtors and their financial affairs, having experience successfully litigating matters involving them on behalf of some of the creditors.

Regarding conflict of interest in representing a creditor, 11 U.S.C. 327(c) specifically recognizes that a professional is not disqualified solely for the reason of that person's employment by or representation of a creditor unless there is objection by another creditor or the United States trustee, in which case the court must disapprove employment if there is an actual conflict. While proposed special litigation counsel was previously employed by creditors of the estate, there is no objection by another creditor or the United States trustee, but rather by the debtors, who are not recognized to as objecting parties in 11 U.S.C. 327(c). Debtors argue that proposed special litigation counsel has a conflict of interest in having represented a creditor, Michael Zargar, but as noted previously, 11 U.S.C. 327(c) recognizes that a professional person can be employed by the estate unless there is an objection by another creditor and the United States trustee and there is an actual conflict of interest. First, there is no objection by another creditor or the United States trustee. Second, debtors have not explained or shown why there is an actual conflict of interest, that is, between proposed counsel and the trustee and the estate. In their papers, both the objection and the reply to the trustee's response, debtors only complain that proposed counsel had represented creditor Michael Zargar who had continued to "harass" them, but do not explain what specific actions that proposed counsel did or why these

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT...

Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

unspecified actions would constitute an actual conflict of interest with the trustee or the estate. Objection at 8; Reply at 3. Nothing in the "Pertinent Background Facts" stated in the objection indicates harassment of debtors by proposed counsel, Objection at 3-6, just legal advocacy by counsel for his clients, and debtor Shahriar Zargar in his declaration in support of the objection referred to the state court's finding in its final statement of decision that the state court litigation was controlled in part by Michael Zargar in an effort to obtain information against him or to humiliate his family, Objection at 13, but as debtors acknowledge in the objection, Michael Zargar's state court counsel in that litigation, was not proposed counsel, but another attorney, Robert Gentino, Objection at 12. Debtors do not explain what acts proposed counsel took in the state court litigation that "harassed" them as he did not handle that litigation. Just debtors' saying that proposed counsel harassed them does not make it so. Moreover, the court does not see how proposed counsel's representation of the estate in the adversary proceeding filed by proposed counsel to avoid and recover a fraudulent transfer constitutes a form of harassment of debtors or some kind of conflict of interest with the estate as that action is directed at a third party transferee and not at debtors as they are not defendants in that lawsuit and the purpose of that lawsuit is to recover value of an asset on behalf of the estate. Thus, the court determines that debtors' conflict of interest arguments against proposed counsel lack merit.

Appearances are required on 2/27/24, but counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

1:30 PM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 7

Movant(s):

Carolyn A Dye (TR)

Represented By
Rosendo Gonzalez

Trustee(s):

Carolyn A Dye (TR)

Represented By
Rosendo Gonzalez

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:00 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

Adv#: 2:23-01464 Zacky et al v. Great Rock Capital Partners Management, LLC et al

#12.00 Motion for Abstention and Remand

fr. 2/13/24

Docket 33

***** VACATED *** REASON: Continued to 3/5/24 at 2 p.m. per ord ent
2/21/24**

Tentative Ruling:

Updated tentative ruling as of 2/21/24. Off calendar. Continued on the court's own motion to 3/5/24 at 2:00 p.m. by written order to provide defendant sufficient time to prepare and file a sur-reply to plaintiff's reply brief addressing equitable remand. No appearances are required on 2/27/24.

Revised and updated tentative ruling as of 2/7/24.

Off calendar. Continued by stipulation and order to 2/27/24 at 2:00 p.m. (not 1:30 p.m. as requested in the parties' stipulation as there are other matters on the 1:30 p.m., and setting the matter at 2:00 p.m. will minimize the time for counsel to wait for this matter to be called.)

The court modifies the initial tentative ruling on the matter posted on 2/6/24.

Regarding the court's complaint about not receiving a judge's copy of defendant's opposition papers, the court stated that as a preliminary matter, despite the representations on defendant's proof of service of its opposition papers that a judge's copy of such papers were served on the presiding judge on 1/31/24, the presiding judge as of 2/6/24 has not received a judge's copy of the defendant's opposition papers. Defendant is required by Local Bankruptcy Rule (LBR) 5005-1(d) to serve a judge's copy of its opposition papers on the presiding judge. The court notes that the opposition papers consist of a 79 page memorandum of points and authorities and a 161 page counsel declaration, which both well-exceeded the pandemic exclusion from the judge's copy requirement under LBR 5005-2(d) for documents of 25 pages or less in length. In preparing a tentative ruling on the motion, the

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:00 PM

CONT... Zacky & Sons Poultry, LLC

Chapter 11

court has exercised its discretion to review 18 pages of text of defendant's memorandum of points and authorities and the Murray Energy Holdings opinion attached thereto, which is an officially published case opinion. However, the court will not read the 161 page counsel declaration until defendant provides a judge's copy to the presiding judge. Court staff has contacted counsel's office for defendant to serve a judge's copy of the opposition papers before the hearing, and failure of counsel for defendant to serve a judge's copy of the opposition papers before the hearing may result in the imposition of monetary or other sanctions, including disregarding the counsel declaration, for failure to comply with LBR 5005-1(d) based on the court's authority pursuant to LBR 1001(f) and its inherent authority.

Subsequently, counsel for defendant called and notified the presiding judge's courtroom deputy that a judge's copy of the opposition papers will be promptly delivered to the court. If the judge's copy is promptly delivered, the court sees no necessity to act on this preliminary matter further. However, the court cannot explain why it did not receive a judge's copy as represented on the proof of service of the opposition papers, and perhaps counsel needs to review this matter with her legal assistant.

On the merits, the court notes that Plaintiff's motion as set forth in the caption is styled "Motion by Lilian D. Zacky for Abstention Pursuant to 28 USC §§ 1334(C)(1) & (2)." The court agrees with Defendant in its opposition to the motion that the court lacks authority to grant abstention because the adversary proceeding has been removed from state court and is no longer pending there. Settled Ninth Circuit case law provides that the abstention is not possible for a removed state court action because 28 U.S.C. §§ 1334(c) (1) and (2) are inapplicable since there is no pending state court proceeding as such has been removed. *Schuman v. State of California (In re Lazar)*, 227 F.3d 967, 981-982 (9th Cir. 2001), citing, *Security Farms v. International Brotherhood of Teamsters*, 124 F.3d 999, 1009-1010 (9th Cir. 1997); but see, e.g., *Frelin v. Oakwood Homes Corp.* 292 B.R. 369, 380-381 (Bankr. E.D. Ark. 2003) (rejecting the Ninth Circuit's position that abstention is inapplicable to removed state court proceedings, stating the majority rule is contrary to the Ninth Circuit); *In re Scanware, Inc.*, 411 B.R. 889 (Bankr. S.D. Ga. 2009) (also holding abstention applies to removed state court proceedings). (However, whether or not Ninth Circuit precedent on this point is a minority

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:00 PM

CONT... Zacky & Sons Poultry, LLC

Chapter 11

view is debatable, but for purposes of this case, it is controlling on this court, so it must follow the Ninth Circuit rule as set forth in *Lazar and Security Farms.*) Thus, Plaintiff's arguments for abstention in her motion are thus misplaced, and abstention relief cannot be granted on her motion.

Nevertheless, the court observes that Plaintiff in her motion does state in the opening sentence of her motion: "Plaintiff Lillian D. Zacky, individually and as Trustee of the Survivor's Trust Created Under the Robert D. Zacky Trustee ('Plaintiff'), brings this motion for abstention and remand pursuant to 28 U.S.C. §§ 1452(b), 1334(c)(2) and 1334(c)(1) and [sic]." Motion at 1 (there is a hanging "and" at the end of this sentence, and the court was unsure whether there was additional authority that Plaintiff was asserting, or this was a mere proofreading error.). As previously stated, the abstention provisions are inapplicable to a removed state court action under Ninth Circuit case law. Regarding equitable remand, Defendant asserts in its opposition at page 1, footnote 1: "The title of the Motion includes the word 'remand' but the Motion contains arguments only on abstention." (Although this is a small quibble by the court to correct Defendant's assertion, the court at the risk of being hypertechnical points out that the reference to remand in the motion is in the first sentence in the body (or text) of the motion, not in the title of the motion in the caption.). Nonetheless, Defendant is correct in pointing out that Plaintiff in her motion does not set forth any arguments for equitable remand under 28 U.S.C. § 1452(b), that is, there is no analysis of any applicable standard of equitable remand under 28 U.S.C. § 1452(b), though the factors may be similar to permissive abstention under 28 U.S.C. § 1334(c)(1). See, e.g., *Cabana v. Rodriguez* (In re People's Choice Home Loan), Adv. No. 8:07-ap-01239-RK, 2007 WL 9637067, slip op. at *2 (Bankr. C.D. Cal. Oct. 31, 2007); see also, *Murray v. Willkie Farr & Gallagher LLP*, 654 B.R. 469, 494-495 (Bankr. S.D. Ohio 2023).

If Plaintiff seeks an order for equitable remand of the action to the New York state court under 28 U.S.C. § 1452(b), the court has discretion to grant equitable remand, but she will need to set forth her arguments explicitly to demonstrate based on the legal standard under the applicable case law that a court would grant her relief for equitable remand of this case to the New York state court, and Defendant should have an opportunity to respond to such arguments. The case law setting forth the various factors that courts have

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:00 PM

CONT... Zacky & Sons Poultry, LLC

Chapter 11

applied in considering equitable remand under 28 U.S.C. § 1452(b) includes: Federal Home Loan Bank of Chicago v. Bank of America Securities LLC, 448 B.R. 517, 525-526 (C.D. Cal. 2011); Citigroup, Inc. v. Pacific Investment Management Co., LLC (In re Enron Corp.), 296 B.R. 505, 508-509 and n. 2 (C.D. Cal. 2003); Nilsen v. Neilson (In re Cedar Funding, Inc.), 419 B.R. 807, 820-821 and n. 18 (9th Cir. BAP 2009). This court would definitely consider these authorities in considering equitable remand as these authorities are from courts for which an appeal may be taken from the court's ruling on the motion, that is, the United States District Court for the Central District of California and the United States Bankruptcy Appellate Panel of the Ninth Circuit. The court is unaware of published case precedent of the United States Court of Appeals for the Ninth Circuit setting forth the factors that courts should consider in deciding whether to grant or deny equitable remand under 28 U.S.C. 1452(b).

Instead of denying the motion without prejudice for failure to demonstrate that equitable remand should be granted, the court may continue the hearing for further briefing on the equitable remand standard.

The court is posting this tentative ruling before the extended deadline for Plaintiff to file a reply to Defendant's opposition. If Plaintiff in her reply makes arguments addressing equitable remand, which she did not in her original motion, the court will likely afford Defendant the opportunity to file a surreply and continue the hearing.

Prior tentative ruling as of 2/6/24.

As a preliminary matter, despite the representations on defendant's proof of service of its opposition papers that a judge's copy of such papers were served on the presiding judge on 1/31/24, the presiding judge as of 2/6/24 has not received a judge's copy of the defendant's opposition papers. Defendant is required by LBR 5005-1(d) to serve a judge's copy of its opposition papers on the presiding judge. The court notes that the opposition papers consist of a 79 page memorandum of points and authorities and a 161 page counsel declaration, which both well-exceeded the pandemic exclusion from the judge's copy requirement under LBR for documents of 25 pages or less in length. In preparing a tentative ruling on the motion, the court has

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:00 PM

CONT... **Zacky & Sons Poultry, LLC**

Chapter 11

exercised its discretion to review 18 pages of text of defendant's memorandum of points and authorities and the Murray Energy Holdings opinion attached thereto, which is an officially published case. However, the court will not read the 161 page counsel declaration until defendant provides a judge's copy to the presiding judge. Court staff has contacted counsel's office for defendant to serve a judge's copy of the opposition papers before the hearing, and failure of counsel for defendant to serve a judge's copy of the opposition papers before the hearing may result in the imposition of monetary or other sanctions, including disregarding the counsel declaration, for failure to comply with LBR 5005-1(d) and 1001(f), and the court's inherent authority.

On the merits, the court notes that Plaintiff's motion as set forth in the caption is styled "Motion by Lilian D. Zacky for Abstention Pursuant to 28 USC §§ 1334(C)(1) & (2)." The court agrees with Defendant in its opposition to the motion that the court lacks authority to grant abstention because the adversary proceeding has been removed from state court and is no longer pending there. Settled Ninth Circuit case law provides that the abstention is not possible for a removed state court action because 28 U.S.C. §§ 1334(c) (1) and (2) are inapplicable since there is no pending state court proceeding as such has been removed. *Schuman v. State of California (In re Lazar)*, 227 F.3d 967, 981-982 (9th Cir. 2001), citing, *Security Farms v. International Brotherhood of Teamsters*, 124 F.3d 999, 1009-1010 (9th Cir. 1997); but see, e.g., *Frelin v. Oakwood Homes Corp.* 292 B.R. 369, 380-381 (Bankr. E.D. Ark. 2003) (rejecting the Ninth Circuit's position that abstention is inapplicable to removed state court proceedings, stating the majority rule is contrary to the Ninth Circuit); *In re Scanware, Inc.*, 411 B.R. 889 (Bankr. S.D. Ga. 2009) (also holding abstention applies to removed state court proceedings). (However, Ninth Circuit precedent is controlling on this court, so it follows the rule set forth in *Lazar* and *Security Farms*.) Thus, Plaintiff's arguments for abstention in her motion are thus misplaced, and abstention relief cannot be granted.

Nevertheless, the court observes that Plaintiff in her motion does state in the opening sentence of her motion: "Plaintiff Lillian D. Zacky, individually and as Trustee of the Survivor's Trust Created Under the Robert D. Zacky Trustee ('Plaintiff'), brings this motion for abstention and remand pursuant to 28

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:00 PM

CONT... Zacky & Sons Poultry, LLC

Chapter 11

U.S.C. §§ 1452(b), 1334(c)(2) and 1334(c)(1) and [sic]." Motion at 1 (there is a hanging "and" at the end of this sentence, and the court was unsure whether there was additional authority that Plaintiff was asserting, or this was a mere proofreading error.). As previously stated, the abstention provisions are inapplicable to a removed state court action under Ninth Circuit case law. Regarding equitable remand, Defendant asserts in its opposition at page 1, footnote 1: "The title of the Motion includes the word 'remand' but the Motion contains arguments only on abstention." (Although this is a small quibble by the court to correct Defendant's assertion, the court at the risk of being hypertechnical points out that the reference to remand in the motion is in the first sentence in the body (or text) of the motion, not in the title of the motion in the caption.). Nonetheless, Defendant is correct in pointing out that Plaintiff in her motion does not set forth any arguments for equitable remand under 28 U.S.C. § 1452(b), that is, there is no analysis of any applicable standard of equitable remand under 28 U.S.C. § 1452(b), though the factors may be similar to permissive abstention under 28 U.S.C. § 1334(c)(1). See, e.g., *Cabana v. Rodriguez* (In re People's Choice Home Loan), Adv. No. 8:07-ap-01239-RK, 2007 WL 9637067, slip op. at *2 (Bankr. C.D. Cal. Oct. 31, 2007); see also, *Murray v. Willkie Farr & Gallagher LLP*, 654 B.R. 469, 494-495 (Bankr. S.D. Ohio 2023).

If Plaintiff seeks an order for equitable remand of the action to the New York state court under 28 U.S.C. § 1452(b), she will need to set forth her arguments explicitly to show based on the legal standard under the applicable case law that a court would grant equitable remand, and Defendant should have an opportunity to respond to such arguments. The case law setting forth the various factors that courts have applied in considering equitable remand under 28 U.S.C. § 1452(b) includes: *Federal Home Loan Bank of Chicago v. Bank of America Securities LLC*, 448 B.R. 517, 525-526 (C.D. Cal. 2011); *Citigroup, Inc. v. Pacific Investment Management Co., LLC* (In re Enron Corp.), 296 B.R. 505, 508-509 and n. 2 (C.D. Cal. 2003); *Nilsen v. Neilson* (In re Cedar Funding, Inc.), 419 B.R. 807, 820-821 and n. 18 (9th Cir. BAP 2009). If Plaintiff seeks an order for equitable remand of the action to the New York state court under 28 U.S.C. § 1452(b), the court has discretion to grant equitable remand, but she will need to set forth her arguments explicitly to demonstrate based on the legal standard under the applicable case law that a court would grant her relief for equitable remand of this case to the New York

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:00 PM

CONT... **Zacky & Sons Poultry, LLC**

Chapter 11

state court, and Defendant should have an opportunity to respond to such arguments. The case law setting forth the various factors that courts have applied in considering equitable remand under 28 U.S.C. § 1452(b) includes: Federal Home Loan Bank of Chicago v. Bank of America Securities LLC, 448 B.R. 517, 525-526 (C.D. Cal. 2011); Citigroup, Inc. v. Pacific Investment Management Co., LLC (In re Enron Corp.), 296 B.R. 505, 508-509 and n. 2 (C.D. Cal. 2003); Nilsen v. Neilson (In re Cedar Funding, Inc.), 419 B.R. 807, 820-821 and n. 18 (9th Cir. BAP 2009). This court would definitely consider these authorities in considering equitable remand as these authorities are from courts for which an appeal may be taken from the court's ruling on the motion, that is, the United States District Court for the Central District of California and the United States Bankruptcy Appellate Panel of the Ninth Circuit. The court is unaware of published case precedent of the United States Court of Appeals for the Ninth Circuit setting forth the factors that courts should consider in deciding whether to grant or deny equitable remand under 28 U.S.C. 1452(b).

Instead of denying the motion without prejudice for failure to demonstrate that equitable remand should be granted, the court may continue the hearing for further briefing on the equitable remand standard.

Appearances are not required on 2/13/24 as the hearing on the motion has been continued to 2/27/24. Appearances are required on that later date, and counsel and self-represented parties must appear either in person in the courtroom or remotely through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Zacky & Sons Poultry, LLC

Represented By
Ron Bender
Juliet Y. Oh
Todd M Arnold
Lindsey L Smith
Riley C. Walter
E Jay Gotfredson

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:00 PM

CONT... Zacky & Sons Poultry, LLC

Chapter 11

Defendant(s):

Great Rock Capital Partners

Represented By
Cynthia M Cohen

Plaintiff(s):

Lilian D. Zacky

Represented By
Joseph Tripodi
E Jay Gotfredson

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

#13.00 Motion to hold a special meeting due to debtor's former attorney comment, "Court's should note, trustee doesn't approach the court with clean hands" "The Honorable Judge Kwan has the authority to preserve the integrity of the judicial process and to have officers of the court respect it.

fr.8/29/23, 9/26/23, 10/31/23, 12/5/23, 1/30/23

Docket 779

*** VACATED *** REASON: Off Calendar per ord ent. 1/31/24

Tentative Ruling:

Off calendar. By order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Movant(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

#14.00 Motion to hold a special meeting due to debtor's former attorney comment, "Court should note, trustee does not approach the court with clean hands. Judge Kwan has the authority to preserve the integrity of the judicial process and to have officers of the court respect it.

fr 8/29/23, 9/26/23, 10/31/23, 12/5/23, 1/30/24

(might be duplicate motion - will check with judge)

Docket 783

*** VACATED *** REASON: Off Calendar per ord ent. 1/31/24

Tentative Ruling:

Off calendar. By order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Movant(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

#15.00 Motion and Notice of Motion to Vacate
Docket 364 for "Fraud upon the Court"

fr.10/31/23, 12/5/23, 1/30/24

Docket 788

***** VACATED *** REASON: Off Calendar per ord ent. 1/31/24**

Tentative Ruling:

Off calendar. By order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Movant(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

#16.00 Motion and Notice of Motion for: 1. Judge Kwan to recuse himself for demonstrating prejudice towards debtor in all his rulings as they were all "Frauds upon the Court" 2. Removal of Judge Kwan for Contributing to the "Thefts" of Long Beach Realty Corporation and debtor's property. 3.This motion is being made pursuant to 28 U.S. Code 455. 4. Removal of Trustee Wesley H. Avery for fraud and damage to the estate.
fr.12/5/23; 1/30/24

Docket 798

*** VACATED *** REASON: Off Calendar per ord ent. 1/31/24

Tentative Ruling:

Off calendar. As to the motion to recuse the presiding judge, that motion has transferred to Judge Russell, which is now pending before him. As to the motion to remove the trustee, by order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Movant(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

#17.00 Motion and Notice of Motion for: 1. motion for U.S. Trustee to vacate docket 124 because it was a fraudulent asserted exemption when debtor's attorney made the exemption 2. U.S Trustee has the duty and authority to unwind this fraud FRBP Rule 4003(b)(2) Filed by Debtor Arturo Gonzalez (PP) [EDB] Modified on 9/26/2023 (PP).

fr. 12/5/23, 1/30/24

Docket 791

*** VACATED *** REASON: Off Calendar per ord ent. 1/31/24

Tentative Ruling:

Off calendar. By order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Movant(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:16-01037 Avery v. Gonzalez

#18.00 Motion to Reconsider Order Denying
Defendant's Motion to Vacate "Order 18"

fr. 8/8/23, 8/29/23, 9/26/23, 10/31/23, 12/5/23, 1/30/24

Docket 237

*** VACATED *** REASON: Off Calendar per ord ent. 1/31/24

Tentative Ruling:

Off calendar. By order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez Pro Se

Defendant(s):

Arturo Gonzalez Pro Se

Movant(s):

Arturo Gonzalez Pro Se

Plaintiff(s):

Wesley H. Avery Represented By
Brett B Curlee

Trustee(s):

Wesley H Avery (TR) Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:16-01037 Avery v. Gonzalez

#19.00 Motion to vacate docket 124, (1) "Fraud upon the court" pursuant to FRBP 9024. (2) Motion to vacate docket 124 pursuant to FRBP 4003(b)(2). For debtor's attorney "fraudulently asserting" exemptions at the adversary hearing on February 17, 2016

fr. 9/26/23, 10/31/23, 12/5/23, 1/30/24

Docket 247

***** VACATED *** REASON: Off Calendar per ord ent. 1/31/24**

Tentative Ruling:

Off calendar. By order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez Pro Se

Defendant(s):

Arturo Gonzalez Pro Se

Plaintiff(s):

Wesley H. Avery Pro Se

Trustee(s):

Wesley H Avery (TR) Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:16-01037 Avery v. Gonzalez

#20.00 Motion to Revised Docket 124 Adversary Conclusion
Due to the Honorable Judge Kwan Revising Docket.
fr. 12/5/23, 1/30/24

Docket 251

***** VACATED *** REASON: Off Calendar per ord ent. 1/31/24**

Tentative Ruling:

Off calendar. By order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez Pro Se

Defendant(s):

Arturo Gonzalez Pro Se

Plaintiff(s):

Wesley H. Avery Pro Se

Trustee(s):

Wesley H Avery (TR) Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:16-01037 Avery v. Gonzalez

#21.00 Motion to Revise Docket 124 Adversary Conclusion due to the Honorable Judge Kwan revising docket

fr. 12/5/23, 1/30/24

Docket 256

***** VACATED *** REASON: Off Calendar per ord ent. 1/31/24**

Tentative Ruling:

Off calendar. By order entered on 1/31/24, the court is holding the motion in abeyance pending resolution of the presiding judge's claim of judicial immunity in debtor's adversary proceeding before Judge Zurzolo which names the presiding judge as a defendant and has vacated the hearing on 2/27/24. No appearances are required on 2/27/24..

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Defendant(s):

Arturo Gonzalez

Pro Se

Plaintiff(s):

Wesley H. Avery

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Dennis E McGoldrick

**United States Bankruptcy Court
Central District of California
Los Angeles
Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 27, 2024

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:16-01037 Avery v. Gonzalez

#22.00 Motion to Revised Docket 124 Adversary Conclusion due to the Honorable Judge Kwan revising docket.

fr. 9/26/23, 10/31/23, 12/5/23, 1/30/24

Docket 259

***** VACATED *** REASON: Off Calendar per ord ent. 1/31/24**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Gonzalez Pro Se

Defendant(s):

Arturo Gonzalez Pro Se

Movant(s):

Arturo Gonzalez Pro Se

Plaintiff(s):

Wesley H. Avery Pro Se

Trustee(s):

Wesley H Avery (TR) Represented By
Dennis E McGoldrick