

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

**Wednesday, May 21, 2025**

**Hearing Room 1675**

9:00 AM

**2:00-000000**

**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, 16<sup>th</sup> 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

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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

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before the court in open court in-person in the courtroom. Judge Kwan's courtroom is located in Courtroom 1675, 16<sup>th</sup> 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.

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

**Video/audio web address: <https://cacb.zoomgov.com/j/1614311275>**

**ZoomGov meeting number: 161 431 1275**

**Password: 575077**

**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 -

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**2:13-22572 Mushtaq Ahmed and Katia Artemiss Ahmed**

**Chapter 11**

**#1.00** Evidentiary hearing re: Motion in Individual Case for Order  
Imposing a Stay or Continuing the Automatic Stay as the Court  
Deems Appropriate

fr. 1/31/24, 3/6/25, 3/7/25, 4/4/25,4/30/25

Docket 171

**\*\*\* VACATED \*\*\* REASON: Cont'd to 6/25/25 at 9am**

**Tentative Ruling:**

No updated tentative ruling as of 5/15/25. Appearances are required on 5/21/25 as previously ordered, but counsel and witnesses called by the 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 4/23/25. Appearances are required on 4/30/25 as previously ordered, but counsel and witnesses called by the 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 3/4/25. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 3/7/25, but as the court stated in its scheduling order, parties, counsel and witnesses may appear in person in the courtroom or remotely on Zoom for Government in accordance with the court's remote appearance procedures.

Further tentative ruling as of 1/30/25. Regarding lender's opposition to the motion, lender argues that the motion is procedurally improper in that an adversary proceeding is required for Debtor to seek injunctive relief as per Federal Rule of Bankruptcy Procedure 7001(7). However, Rule 7001(7) has an exception for relief provided in the plan, and the plan here contains an injunction against creditors taking action contrary to the plan in Article VI.E. Debtor is proceeding to enforce the plan and confirmation order with this injunction through civil contempt, which is to be done by motion, not adversary proceeding, pursuant to Federal Rule of Bankruptcy Procedure

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**Mushtaq Ahmed and Katia Artemiss Ahmed**

**Chapter 11**

9020, and thus, is not proceeding in a legally incorrect manner. *Barrientos v. Wells Fargo Bank, N.A.*, 633 F.3d 1186 (9th Cir. 2011). Nevertheless, the court is of the view that it lacks authority to reinstate the automatic stay once it has been terminated as stated in *In re Canter*, 299 F.3d 1150, 1155 and n. 1 (9th Cir. 2002).

Regarding Debtor's claim under Federal Rule of Bankruptcy Procedure 3002.1, it appears that the lender is correct that the rule is inapplicable because it relates only to Chapter 13 cases, which this Chapter 11 case is not.

Regarding Debtor's nonbankruptcy claims regarding alleged unlawful lending practices such as "dual tracking," it appears that such claims are outside the purview of the court's civil contempt authority, and the court would abstain from hearing such claims since they do not relate to plan order enforcement.

Debtor will need to address whether the lender acted contrary to the plan and confirmation order as modified by their stipulation and order thereon, which generally incorporates by reference the terms of the note and trust deed by asserting the right to payment of fully amortized mortgage payments pursuant to the terms of the note. Debtor should also address the exhibits attached to the opposition regarding the notice of default issued on behalf of the lender in March 2024 and the correspondence between her bankruptcy counsel and the lender.

Updated tentative ruling as of 1/29/25. It appears that controlling Ninth Circuit case law precludes relief to reinstate the automatic stay which terminated when the subject property was no longer property of the bankruptcy estate as the property of the estate reverted in the reorganized debtors on the plan effective date in 2014 pursuant to the confirmed plan and when the case was closed in 2015. *In re Canter*, 299 F.3d 1150, 1155 and n. 1 (9th Cir. 2002); see also, *In re Wood*, 33 B.R. 320, 321-323 (Bankr. D. Idaho 1983), cited with approval in *In re Dominelli*, 788 F.2d 584, 586 (9th Cir. 1986); 11 U.S.C. 362(c)(1) and (2). In light of controlling circuit precedent, out of circuit case law cited by Debtor for the proposition that the court may reinstate a terminated automatic stay based on 11 U.S.C. 105 absent other express statutory authority is not persuasive. The court will

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**Mushtaq Ahmed and Katia Artemiss Ahmed**

**Chapter 11**

consider Debtor's alternative argument that she may seek preliminary injunctive relief under traditional standards of irreparable injury and lack of adequate remedy at law pursuant to Federal Rule of Civil Procedure 65 on grounds that the lender is acting in civil contempt of the plan confirmation order pursuant to Federal Rules of Bankruptcy Procedure 9014 and 9020. See *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-1132 (9th Cir. 2011). That is, the court would consider whether or not Debtor is entitled to a temporary restraining order for 14 or 28 days depending whether notice was given, and if granted, set an evidentiary hearing on the motion for preliminary injunction on an expedited basis. In order for the court to grant preliminary injunctive relief, Debtor must satisfy the standard four element test (likelihood of success on the merits, irreparable injury, balance of the equities, and the public interest) as set forth in the applicable case law. *Alliance for the Wild Rockies v. Cottrell*, supra.

In this regard, Debtor must show that the lender is willfully acting in contravention of the court's plan confirmation orders, which include the confirmation order itself, the confirmed plan as modified by the stipulation with the lender for plan treatment and order thereon, which generally incorporates by reference the loan documents (i.e., note and trust deed). According to the email dated March 4, 2024 from the lender's prior counsel, Todd Garan, to Debtor's bankruptcy counsel, Larry Webb, Debtor may be in default of the loan because she has not been making fully amortized mortgage payments starting in 2017 as provided in the loan documents. Debtor will need to address this argument because the mortgage payments specified in the plan only covered the interest only payments before 2017 while the loan documents incorporated by reference by the parties' stipulation and order modifying the confirmed plan provided for fully amortized mortgage payments starting in 2017, 10 years after the loan was made. The parties' stipulation and order also specified how notice of default was to be given, and the parties will need to address whether notice of default was given in accordance with the stipulation and order.

Appearances are required on 1/31/25, 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.

<b>Party Information</b>
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**Chapter 11**

**Debtor(s):**

Mushtaq Ahmed

Represented By  
Larry D Webb

**Joint Debtor(s):**

Katia Artemiss Ahmed

Represented By  
Larry D Webb  
Susan Barilich

**Movant(s):**

Katia Artemiss Ahmed

Represented By  
Larry D Webb  
Susan Barilich