

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

Tuesday, July 23, 2024

Hearing Room 1675

11:00 AM
2:00-00000

Chapter 0

#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

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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, 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.

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

Video/audio web address: <https://cacb.zoomgov.com/j/1607207432>

ZoomGov meeting number: 160 720 7432

Password: 925534

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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2:18-10290 People Who Care Youth Center, Inc.

Chapter 11

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

#1.00 Order to Show Cause re: Reconsideration of Proposed Findings of Fact and Conclusions of Law and reopening the record for further argument in the adversary proceeding

Docket 372

Tentative Ruling:

Additional tentative ruling as of 7/19/24.

Regarding Plaintiff's reply to Defendant Curtis's objection to the court's order to show cause regarding reconsideration, the court is of the view that it has jurisdiction over Plaintiff's lien avoidance claim and related claim for declaratory relief, which are core proceedings under 28 U.S.C. §157(b)(2)(K). The court has "related to" jurisdiction over this adversary proceeding under 28 U.S.C. §1334 which is not disputed. Amended Complaint, ¶ 1; Answer thereto. Defendants have been accorded proper due process with respect to Plaintiff's lien avoidance claim and related declaratory relief claim in that Plaintiff's claim to avoid the lien was brought in an adversary proceeding. In re Brawders, 503 F.3d 856 (9th Cir. 2007). It appears to the court that Defendants were able to present a defense to the lien avoidance claim with the evidence that their mechanics lien was not false or malicious in response to Plaintiff's slander of title claim. However, the court does not see it necessary to address Plaintiff's suggestion in its reply that the court should determine that Defendants did file informal proofs of claim for relief on its claim disallowance claim as the court granted it partial summary adjudication on grounds that they did not file a timely proof of claim as reflected in the separate statement of uncontroverted facts and conclusions of law.

Further tentative ruling as of 7/19/24.

The court has reviewed the responses of the parties to its order to show cause regarding reconsideration of its proposed findings of fact and conclusions of law.

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At the hearing, the court requests the parties to address the following concerns it has regarding the proposed findings of fact and conclusions of law.

Defendant Greta Curtis argues that the court should vacate the court's grant of partial summary adjudication in favor of Plaintiff. The court has already partially vacated summary adjudication as to Plaintiff's third claim for relief for lien avoidance and fourth claim for relief for related declaratory relief, but entered a final judgment as to the grant of partial summary adjudication on Plaintiff's second claim for relief for claim disallowance and fourth claim for relief for related declaratory relief, which final judgment is now final and nonappealable. Defendant Curtis does not cite any authority for the court to set aside its final and nonappealable final judgment on these claims.

Defendant Curtis had argued that court could not grant relief for claim disallowance under 11 U.S.C. §502 because Defendants had not filed a proof of claim in the bankruptcy case, and thus, there was no claim to be disallowed, citing *In re Meadowbrook Estates*, 246 B.R. 898 (Bankr. E.D. Cal. 2000). While *Meadowbrook Estates* supports her argument because Plaintiff's second claim for relief was for claim disallowance under 11 U.S.C. §502 and Defendants had not filed a proof of claim in the bankruptcy case, however, Plaintiff in its fourth claim for relief requested related declaratory relief, and the court granted declaratory relief not that Defendants' unfiled claim was disallowed, but that they had no allowed claim in the case, which seems proper. The court in *Meadowbrook Estates* denied the debtor's claim disallowance claim under 11 U.S.C. §502 on grounds that there was no claim to be disallowed because the creditor had not filed a proof of claim, but held that the debtor could pursue declaratory relief relating to the creditor's lien, which is the situation here. Declaratory relief is proper under the Declaratory Judgment Act, 28 U.S.C. §2201.

Thus, technically, if *Meadowbrook Estates* is followed, the judgment should have been to deny Plaintiff's second claim for relief under 11 U.S.C. §502 on grounds that there was no claim to be disallowed as Defendants had not filed a proof of claim in the bankruptcy case, but still to grant declaratory relief on Plaintiff's fourth claim for relief that Defendants had no allowed claim in the

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bankruptcy case, which relief was needed for Plaintiff to proceed with confirmation of its reorganization plan. The result is the same, though technically speaking, there may have been some harmless error.

Nevertheless, there is a jurisdictional issue that may need to be addressed and clarification of the court's ruling. In granting declaratory relief that Defendants had no allowed claim, the court determined that this was a core proceeding under 28 U.S.C. §157(b)(2)(O) applicable to other proceedings affecting the adjustment of the debtor-creditor relationship. The court believes that this determination was correct, but the court later reviewed the pleadings and notes that Plaintiff in its amended complaint alleged that its second claim for relief for claim disallowance was a noncore proceeding (Docket No. 44, ¶ 3), which generally requires entry of final judgment by the district court, 28 U.S.C. §157(c), and which allegation Defendants admitted (Answer, Docket No. 51). Plaintiff alleged that its fourth claim for declaratory relief was a core proceeding, which allegation Defendants denied (Amended Complaint, ¶ 2; Answer).

The court's question is whether it should consider entering a final judgment on Plaintiff's second and fourth claims for relief as a mistake based on core vs. noncore jurisdiction and vacate it on its own motion under Federal Rule of Bankruptcy Procedure 9024 and refer it to the district court for de novo review, which would make for a cleaner record as the court's rulings partially vacating summary adjudication are a little unclear as to what was vacated and what was not, and it may be more efficient just to let the district court consider the whole adversary case in light of the jurisdictional issue. That is, the facts relating to the lack of a timely proof of claim being filed by Defendants in the bankruptcy case are uncontroverted, and the court would recommend to the district court that partial summary adjudication be granted for declaratory relief that Defendants do not have an allowed claim in the bankruptcy case on grounds that they did not file a timely proof of claim, but denied as to Plaintiff's second claim for relief for claim disallowance under 11 U.S.C. §502 as they had not filed a proof of claim to be disallowed. The recommendation on partial summary adjudication would not address the merits of the mechanics lien based on the original ruling on partial summary

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adjudication.

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Regarding Defendant Curtis's objections to partial summary adjudication on the merits of the mechanics lien, the court notes that it did not reach the merits of whether the mechanics lien was valid in granting declaratory relief that Defendants did not have an allowed claim in the bankruptcy case on procedural grounds that they had not filed a timely proof of claim entitling them to a distribution under Plaintiff's reorganization plan, and not on substantive grounds that the lien was invalid.

Defendant Curtis argues that after court's ruling granting partial summary adjudication to Plaintiff, Defendants were precluded and prejudiced from proving they had a valid defense at trial. Defendant Curtis did not provide any details for this contention. Defendants should explain how they were precluded and prejudiced from proving a valid defense at trial. It seems to the court that in defending against Plaintiff's slander of title claim that Defendants' mechanics liens was false and malicious, they presented what evidence they needed to prove that they had a valid defense to Plaintiff's claims for lien avoidance and related declaratory relief, that is, the lien was not false and was otherwise valid. That is, Defendants offered in their defense the testimony of Defendant Curtis that she bought the lumber in dispute, that it was hers alone and that Defendants supplied the lumber to Plaintiff through Eric Radley that they valued at \$40,000 based on Defendant Curtis's valuation opinion as the lay owner of the property to support the lien's valuation.

Regarding lien avoidance, the court wants to make sure it understands the arguments of the parties as to the theory of the claim and the defense. Plaintiff's claim is that the lien is invalid based on testimony of Eric Radley and Barrington Radley because Eric Radley jointly bought the lumber with Defendant Curtis from Habitat for Humanity for \$1,000, giving her the cash for the purchase, and with her agreement inferred through knowledge and acquiescence, he took 5 wood panels out of 50 purchased panels, which he gave to Plaintiff. As reflected in Plaintiff's proposed findings of fact and conclusions of law, Eric Radley owned the 5 wood panels through verbal agreements with Defendant Curtis, first, to jointly purchase the lumber, and

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second, to take from his share of the lumber 5 panels. It would appear that if the lumber was jointly purchased, it was jointly owned personal property by Eric Radley and Defendant Curtis in which they had a joint interest, that is, since there was no prior allocation of the property as to his and hers at the time of purchase. It is not clear how title was taken at the time of purchase under Plaintiff's theory of the claim, i.e., tenants in common, joint tenants, or partnership. However, it appears that Plaintiff is arguing that a partial allocation between the joint owners was made when Eric Radley took the 5 panels out of 50 with Defendant Curtis's knowledge and acquiescence, if not, consent.

Defendants' theory of defense that their lien was valid is based on the testimony of Defendant Curtis that she purchased the lumber by herself, not jointly with Eric Radley, and that the 5 panels were taken by Eric Radley without her consent, and that Plaintiff knew this, and thus, as a matter of equity, Defendants could assert a valid mechanics lien against its property because it knowingly benefited from their supplying the lumber to it. Although the lumber was purchased for \$1,000, Defendant Curtis as the owner of the lumber values it at \$40,000, and Defendants properly asserted a lien based on her valuation opinion admissible as the opinion of a lay owner of property. (The fact of the purchase price of \$1,000 for the lumber purchased from Habitat for Humanity is not disputed as witnesses for both sides, Eric Radley and Defendant Curtis, testified that the purchase price was \$1,000.)

The court may supplement this further tentative ruling.

Prior tentative ruling.

The court's tentative rulings are set forth in the order to show cause issued on 6/24/24. The court does not plan on updating its tentative rulings until the deadline of 7/19/24 for replies to the parties' responses to the order to show cause has passed. Appearances are required on 7/23/24, 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

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

Chapter 11

Debtor(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz
David B Golubchik

Defendant(s):

Ammec, Inc.

Represented By
John Barriage

Greta Curtis

Pro Se

Plaintiff(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz
David B Golubchik

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2:18-10290 People Who Care Youth Center, Inc.

Chapter 11

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

#2.00 Hrg re: Objection to the court's formally receiving
Barrington Radley's trial declaration into the trial record

Docket 376

Tentative Ruling:

No tentative ruling as of 7/17/24. Appearances are required on 7/23/24, 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):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz
David B Golubchik

Defendant(s):

Ammec, Inc.

Represented By
John Barriage

Greta Curtis

Pro Se

Plaintiff(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz
David B Golubchik

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2:18-10290 People Who Care Youth Center, Inc.

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Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

#3.00 Order to Show cause to defendants Greta Curtis to show cause why her objection to the court's order to show cause regarding reconsideration of proposed findings of fact and conclusions of law should not be stricken for lack of holographic signature as required by Federal Rule of Bankruptcy Procedure and Local Rule 9011-1

Docket 379

Tentative Ruling:

Updated tentative ruling as of 7/22/24.

Discharge the order to show cause because defendant Curtis remedied the missing signature deficiency by filing a signed signature page as the court instructed.

For future reference, the court points out that defendant is mistaken in contending that the local rules and court regulations do not require a holographic signature on documents submitted to the Electronic Drop Box (EDB) for filing. EDB is not like other electronic systems where submission is deemed filing. EDB submitted documents are reviewed by the Clerk's office to see if they properly contain a holographic signature for filing.

Every EDB user must sign an acknowledgment that they will submit documents with holographic signatures for filing through the EDB. Defendant has forgotten that she signed such an acknowledgment stating: "I understand that the use of an EDB Link the Court issues to me, together with my holographic signature using an ink pen AND a digital photograph of my actual signature (attached to this Request Form) constitutes my signature under penalty of perjury and for purposes of Fed. R. Bankr. P. 9011-1(a) specifically provides: "Under no circumstances may a reproduction of the same holographic signature be used on multiples pages or in multiple documents. This means a signature stamp does not qualify as a legitimate holographic signature."

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Defendant is also mistaken in believing that the lack of a holographic signature was allowed by the Clerk's Office because it was okay. The Clerk's Office flagged for the court the objection for rejection for noncompliance with the EDB rules, but the court directed the Clerk's Office not to reject the document, but docket it subject to issuance of the order to show cause regarding striking the document from the docket for noncompliance with the court's rules.

Defendant should be mindful that her documents submitted through the EDB will be rejected if they do not contain holographic signatures, and this time her document was docketed by leave of court to allow her to rectify the missing holographic signature. The court is not likely to be so lenient next time.

Appearances are not required on 7/23/24, 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):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz
David B Golubchik

Defendant(s):

Ammec, Inc.

Represented By
John Barriage

Greta Curtis

Pro Se

Plaintiff(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz
David B Golubchik

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2:16-24931 Anthony Roy Martinez

Chapter 7

Adv#: 2:17-01158 Carter et al v. Martinez

#1.00 Status conference re: Complaint to except debt from discharge for willful and malicious injury and as money obtained under false pretenses; fraud
[11 U.S.C. § 523 (a)(2)(A) & (6)]

fr. 3/22/22, 5/24/22, 8/9/22, 11/29/22, 3/28/23, 5/2/23, 8/15/23, 10/17/23, 11/14/23, 1/30/24, 3/26/24, 4/30/24. 5/29/24 6/25/24

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 7/22/24. The court has reviewed the unilateral status report filed by plaintiff on 7/22/24. Appearances are required on 7/23/24, 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 5/24/24. Off calendar. The court has reviewed the joint status report filed by the parties on 5/24/24, reporting that the sentencing hearing in debtor's criminal case was continued from 5/16/24 to 6/7/24 requesting a short continuance of the status conference since the final orders in the criminal case may have an impact on this proceeding. Therefore, the court on its own motion grants the parties' continuance request and continues the status conference to 6/25/24 at 1:30 p.m. Counsel for plaintiffs to notify counsel for defendant of the continuance of the status conference. No appearances are required on 5/28/24.

Prior tentative ruling as of 4/25/24. Off calendar. The court has reviewed the joint status report filed by the parties on 4/22/24, reporting that the trial proceedings in debtor's criminal case will conclude on 5/16/24 with sentencing and restitution orders, and requesting a short continuance of the status conference since the final orders in the criminal case may have an

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Anthony Roy Martinez

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impact on this proceeding. Therefore, the court on its own motion grants the parties' continuance request and continues the status conference to 5/28/24 at 1:30 p.m. Counsel for plaintiffs to notify counsel for defendant of the continuance of the status conference. No appearances are required on 4/30/24.

Prior tentative ruling as of 3/25/24. Off calendar. The court has reviewed the joint status report filed by the parties on 3/25/24, reporting that the trial in debtor's criminal case has concluded, but the jury has not finished its deliberations, and requesting a short continuance of the status conference since the jury verdict in the criminal case will have an impact on this proceeding. Therefore, the court on its own motion grants the parties' continuance request and continues the status conference to 4/30/24 at 1:30 p.m. Counsel for plaintiffs to notify counsel for defendant of the continuance of the status conference. No appearances are required on 3/26/24.

Prior tentative ruling as of 1/26/24. Off calendar. The court has reviewed the parties' joint status report filed on 1/25/24, stating that the trial in defendant's state court criminal case has commenced, but is not yet concluded, and requesting a continuance to a date in March 2024 after the expected conclusion of the criminal trial as the outcome may have an impact on this matter. The court on its own motion continues the status conference on 1/30/24 to 3/26/24 at 1:30 p.m. Counsel for plaintiffs to notify counsel for defendant of the continuance. No appearances are required on 1/30/24.

Prior Revised and updated tentative ruling as of 11/13/23. Off calendar. Having reviewed the joint status report on 11/11/23 reporting that defendant's criminal trial is now set for 12/4/23 and the outcome may affect this matter, the court on its own motion continues the status conference to 1/30/24 at 1:30 p.m. and will issue a written order. No appearances are required on 11/14/23.

Prior tentative ruling as of 10/15/23. Off calendar. Having read the parties' joint status update filed on 10/12/23, the court continues the status conference to 11/14/23 at 1:30 p.m. in light of the continuance of the criminal trial setting hearing to 10/25/23. The court will enter a written order for continuance. No appearances are required on 10/17/23.

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Prior tentative ruling as of 8/9/23. Appearances are required on 8/15/23, 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 5/1/23. Off calendar. Having reviewed the joint status report filed on 5/1/23, the court on its own motion continues the status conference to 8/15/23 at 1:30 p.m. No appearances are required on 5/2/23.

Prior tentative ruling as of 3/27/23. The court has reviewed the joint status report filed on 3/27/23, requesting that the status conference be continued after the preliminary hearing in defendant's state court criminal case scheduled for January 17, 2023, presumably meaning April 20, 2023 which was the date they stated was the new continued date of hth preliminary hearing. 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.

Party Information

Debtor(s):

Anthony Roy Martinez

Represented By
Andrew Edward Smyth

Defendant(s):

Anthony Roy Martinez

Represented By
William J Smyth
Andrew Edward Smyth

Plaintiff(s):

Lance Carter

Represented By
Dana M Douglas

Jean Holmes

Represented By
Dana M Douglas

Carriage Estates LLC

Represented By

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Dana M Douglas

Adamantine Investments LLC

Represented By
Dana M Douglas

Sterling Holdings LLC

Represented By
Dana M Douglas

Lance Carter IRA 419990

Represented By
Dana M Douglas

Trustee(s):

Wesley H Avery (TR)

Represented By
Alan I Nahmias
Stephen F Biegenzahn
Scott H Noskin

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

Chapter 11

#2.00 Status Conference in this Chapter 11 Bankruptcy Case

fr. 12/5/23, 2/27/24, 4/30/24, 5/28/24, 6/25/24

Docket 15

Tentative Ruling:

Updated tentative ruling as of 7/17/24. No tentative ruling on the merits. Appearances are required on 7/23/24, 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 6/12/24. Appearances are required on 6/25/24, 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 5/24/24. The court has reviewed debtor's status report filed on 5/14/24 and creditor Danco, Inc.'s response thereto and Danco's notice of perfection of interests in rents and demand for segregation of cash collateral and accounting for use of cash collateral since case filing, filed on 5/24/24. Debtor represented in its status report that it will be filing a motion for retroactive authorization to use cash collateral, which has not yet been filed, to address its unauthorized use of cash collateral. See 11 U.S.C. 1112(b)(4)(D) (unauthorized use of cash collateral substantially harmful to one or more creditors may constitute cause for dismissal, conversion or trustee appointment). Debtor has not filed its motion for retroactive use of cash collateral as of 5/24/24, and thus, the court and the secured creditor have no meaningful information on debtor's use of cash collateral and adequate protection of the secured creditor's interest. Accordingly, the court is considering ordering debtor to file an accounting of its postpetition use of cash collateral on or before 6/4/24 with a further status conference on use of cash collateral on 6/11/24. Appearances are required on 5/28/24, but counsel and self-represented parties must appear either in person in the

**United States Bankruptcy Court
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Los Angeles
Robert Kwan, Presiding
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CONT... People Who Care Youth Center, Inc.

Chapter 11

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

Prior tentative ruling as of 4/25/24. The court has reviewed debtor's status report filed on 4/17/24. No tentative ruling on the merits. Appearances are required on 4/30/24, 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.

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

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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
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Tuesday, July 23, 2024

Hearing Room 1675

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2:17-15033 Shapphire Resources, LLC

Chapter 11

#3.00 Status conference re: Post confirmation of plan

fr. 7/14/22, 8/30/22, 9/20/22, 11/8/22, 1/24/23, 4/25/23,
6/27/23, 9/19/23, 1/30/24, 3/26/24, 5/28/24, 7/16/24

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/17/24. No tentative ruling on the merits. Appearances are required on 7/23/24, 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):

Shapphire Resources, LLC

Represented By
Raymond H. Aver

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Central District of California
Los Angeles
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Courtroom 1675 Calendar**

Tuesday, July 23, 2024

Hearing Room 1675

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2:17-24737 Advance Specialty Care, LLC

Chapter 11

#4.00 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
2/27/24, 4/30/24, 5/28/24, 7/16/24

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/17/24. No tentative ruling on the merits. Appearances are required on 7/23/24, 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 5/20/24. No tentative ruling on the merits. Appearances are required on 5/28/24, 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 4/25/24. Appearances are required on 4/30/24, 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.

Prior 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

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CONT... Advance Specialty Care, LLC

Chapter 11

Debtor(s):

Advance Specialty Care, LLC

Represented By
Raymond H. Aver