

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

Wednesday, September 10, 2025

Hearing Room 1675

9:00 AM
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

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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/1602214188>

ZoomGov meeting number: 160 221 4188

Password: 101562

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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2:12-16195 David Alan Wilson

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

#1.00 Evidentiary hearing re: Motion for Preliminary Injunction

fr. 9/8/25

Docket 806

Tentative Ruling:

Updated tentative ruling as of 9/9/25 at 5:00 p.m. The hearing on the motion was continued from 9/8/25 to give the plaintiffs and the court an opportunity to review the newly cited decision in *Oliver v. Merlo*, Civil No. 20-00145 WRP, 2022 U.S. Dist. LEXIS 245118, 2022 WL 20656413 (D. Haw. Aug. 30, 2022) argued by counsel for the nonparty respondents at the hearing, but had not been cited in their written opposition. The court notes that the nonparty respondents filed a supplemental brief for the hearing on 9/9/25.

The court in conducting subsequent research believes that the parties should also review some of the cases cited in the *Oliver v. Merlo* opinion including the Supreme Court's opinion in *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308 (1999), *Johnson v. Couturier*, 572 F.3d 1067 (9th Cir. 2009) (which was also cited by the court at the hearing), and *Wowwee Group Ltd. v. Meirly*, No. 18-CV-706 (AJN), 2019 WL 1375470 (S.D.N.Y. Mar. 27, 2019). The court in *Oliver v. Merlo* follows the decision in *Wowwee Group Ltd. v. Meirly* in interpreting the Supreme Court's decision in *Grupo Mexicano* to apply to postjudgment asset freezes. The *Wowwee Group Ltd.* court acknowledged that there is contrary authority in a decision of another judge of that court in *Tiffany (NJ) LLC v. Forbse*, No. 11 CV 4976(NRB), 2015 WL 5638060 (S.D.N.Y. Sept. 23, 2015). This court is not so sure that the reliance of the courts in *Oliver v. Merlo* and *Wowwee Group Ltd.* on *Grupo Mexicano* is correct because the Supreme Court in that case only addressed prejudgment asset freezes, not postjudgment asset freezes where a judgment creditor having a final judgment has the right to a judgment lien on assets of the judgment debtor. In this regard, it appears that there is circuit authority to support allowance of a postjudgment asset freezes in specific assets (i.e., where the plaintiff asserts a cognizable claim to specific assets of

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David Alan Wilson

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the defendant or seeks a remedy involving those assets, a court in the interim may invoke equity to preserve the status quo pending judgment) or in situations involving fraudulent transfers as alleged here since Grupo Mexicano would not apply. In re Focus Media, Inc., 387 F.3d 1077 (9th Cir. 2004), citing, United States v. Oncology Associates, P.C., 198 F.3d 489 (4th Cir. 1999); see also, Johnson v. Couturier, supra. The court is skeptical that a judge-made rule enunciated in Oliver v. Merlo and Wowwee Group Ltd. v. Mierly that Grupo Mexicano specifically applying to prejudgment asset freezes mandates a conclusion that such injunctive relief is not available under FRCP 65 to a postjudgment creditor having the right to assert a judgment lien against a judgment debtor's assets because the remedies of FRCP 69 are exclusive is correct as there is nothing in the express language of the rules that indicates that Rule 65 is inapplicable to postjudgment enforcement proceedings. See Graduation Solutions, LLC v. Acadima, LLC, No. 3:17-CV-1342 (VLB), 2020 WL 1528082 (D. Conn. 2020) ("Rule 65 also provides authority for a court to freeze assets post-judgment. Tiffany (NJ) LLC v. Forbse, No. 11 CIV. 4976 NRB, 2015 WL 5638060, at *4 (S.D.N.Y. Sept. 22, 2015)"). There are multiple post-Grupo Mexicano cases which have issued postjudgment asset freeze preliminary injunctions. Black v. Owen, Case No. 3:14-CV-23 (RNC), 2018 WL 806511 (D. Conn. Feb. 9, 2018); Floodbreak, LLC v. Diego Trust, LLC, No. 3:22-cv-840 (SRU), 2024 WL 897932 (D. Conn. Mar. 1, 2024); Yador v. Mowatt, No. 19-CV-4128 (EK)(RML), 2025 WL 2042432 (E.D.N.Y. July 21, 2025).

Appearances are required on 9/10/25, but counsel and self-represented parties may appear remotely in accordance with the court's remote appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/5/25.

First, several housekeeping matters. Since this hearing will be an evidentiary one, the parties offering exhibits will need to submit two copies of exhibits in binders, separately tagged with the official court tags, with an exhibit register, to the court, and provide copies for the other parties, pursuant to Local Bankruptcy Rule 9070-1. The court only received one of the two copies of the exhibits from movants, and the exhibit tags were not affixed to the exhibits. The court has not received exhibit binders from respondents, though it

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appears they are submitting exhibits, copies of which were filed with their opposition.

Covid precautions: there have been news reports that there is a local surge of new covid cases, and it is recommended (not required) that as a preventative measure participants mask up in public gatherings in a closed setting like the evidentiary hearing in the courtroom.

Whether the adversary proceeding is open or closed really is of no legal consequence because they are like civil actions, that is, they are not closed in any meaningful way, but are terminated or closed only for statistical or housekeeping purposes. In re Woodcock, 301 B.R. 530, 533 (8th Cir. BAP 2003). It is not like the underlying bankruptcy case, which reopening under 11 U.S.C. 350(b) and FRBP 5010 does have some legal consequence. Id.; see also, In re Menk, 241 B.R. 896 (9th Cir. BAP 1999). The court is not considering reopening the bankruptcy case because it does not appear that further administration of the bankruptcy case is required here, and no one has asked for it. In the adversary proceeding, it is just that the plaintiffs as judgment creditors are bringing post-judgment enforcement matters. The court could issue an order reopening the adversary proceeding to make it clear that the post-judgment enforcement proceedings are properly on the record in the adversary proceeding which has again become active on the case docket, but this is really only a matter of administrative convenience, not of any legal significance.

Plaintiffs must address respondents' arguments about lack of personal jurisdiction over nonparty respondents since the complaint and adversary proceeding involved only debtor as a party respondent. The court issued the TRO on the assumption that the nonparty respondents were agents or acting in concert with the party respondent based on allegations in the TRO moving papers. Subsequently, plaintiffs filed their motion for a charging order against Santa Clara LLC, and apparently base personal jurisdiction against that entity based on that motion as a post-judgment enforcement matter.

Otherwise, no tentative ruling on the merits. At the evidentiary hearing, the court will hear the testimony of witnesses who are being called to testify by the parties and the arguments of the parties. Appearances are required on

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9/8/25, and witnesses who are testifying must appear in person to testify in open court. Counsel and self-represented parties should appear in person, but may appear remotely on Zoom for Government in accordance with the court's remote appearance procedures.

Party Information

Debtor(s):

David Alan Wilson

Represented By
Michael N Nicastro
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

Movant(s):

McKnew, Thomas I. IV

Represented By
James Andrew Hinds Jr
Paul R Shankman
Hye Jin Jang
Brian Barouir Yeretizian
Rachel M Sposato
Michael A Wallin

McKnew, Thomas I. IV

Represented By
James Andrew Hinds Jr
Paul R Shankman
Hye Jin Jang
Brian Barouir Yeretizian
Rachel M Sposato
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CONT... **David Alan Wilson**
Lisa A McKnew

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Represented By
James Andrew Hinds Jr
Paul R Shankman
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
Michael A Wallin

Plaintiff(s):

McKnew, Thomas I. IV

Represented By
James Andrew Hinds Jr
Paul R Shankman
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
Michael A Wallin

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Thomas H Casey

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

#2.00 Emergency Motion for (1) Stay Pending Appeal of Temporary Restraining Order and (2) Waiver of the Supersedeas Bond

fr. 9/8/25

Docket 843

Tentative Ruling:

No updated tentative ruling on the merits as of 9/8/25. Appearances are required on 9/10/25, but counsel and self-represented parties may appear remotely in accordance with the court's remote appearance procedures posted online on the court's website.

Prior tentative ruling.

Respondents' emergency motion for stay pending appeal of temporary restraining order has been set for hearing on 9/8/25 at 9:00 a.m. Most likely, the motion will be moot because the TRO by its own terms expires on 9/8/25, but the court would consider the motion if the TRO is extended beyond that date or as grounds for a stay pending appeal of a preliminary injunction if one is granted. See *Service Employees International Union v. National Union of Healthcare Workers*, 598 F.3d 1061, 1067 (9th Cir. 2010) (ordinarily, TROs are not appealable interlocutory orders due to their short duration, but the essence of the order could make it a reviewable interlocutory order).

Otherwise, no tentative ruling on the merits as the court has not ruled on plaintiffs' motion for preliminary injunction, for which they have the burden of proof, and it would be premature to consider a stay pending appeal until a preliminary injunction is issued or the TRO is extended beyond 9/8/25.

Appearances are required on 9/8/25.

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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

Movant(s):

Michelle B. Wilson

Represented By
Eryk R Escobar
Michael Jones
Robert P Goe

Beata E Wilson

Represented By
Eryk R Escobar
Christopher L Blank
Roger Frederickson
Anerio V Altman
Robert P Goe

Santa Clara, LLC

Represented By
Robert P Goe

Plaintiff(s):

McKnew, Thomas I. IV

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

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Michael A Wallin

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Rachel M Sposato

Michael A Wallin

Trustee(s):

Weneta M Kosmala (TR)

Represented By

Thomas H Casey