

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Scott Clarkson, Presiding  
Courtroom 5C Calendar**

**Thursday, March 6, 2025**

**Hearing Room 5C**

10:00 AM

**8:24-11956 LeCat Trinh, LLC**

**Chapter 11**

**#1.00**

CONT'D Hearing RE: Confirmation Of Chapter 11 Plan Of Reorganization  
(Plan filed 11/4/2024)

(Advanced from 12-19-24 at 3:30 PM); 12-19-24

Docket 62

**Tentative Ruling:**

Tentative for 3/6/25 is to CONVERT this case to Chapter 7:

On December 19, 2024, the Court held a hearing on confirmation of Debtor's Plan [Dk. 62], which it denied for the reasons set forth in the below tentative. The Court did, however, permit Debtor to file an amended plan, and issued an order from the bench establishing the deadlines set forth below, which required that an amended plan be filed by no later than January 20, 2025. Debtor's counsel acknowledged the order and agreed to comply:

Court: Are you going to comply with these dates?

A: Of course, your honor.

Court: ...this is the order on the plan confirmation.

Debtor did not file an Amended Plan on January 20, 2025, as directed and did not seek relief from these dates.

Accordingly, the Court is inclined to convert this case to Chapter 7.

Virtual appearances are required. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities. Only the parties, including counsels, their clients, and pro se individuals, may virtually join the hearing. No testimony, however, will be permitted unless specifically authorized by the Court either prior to, or during, the hearing. Parties virtually appearing should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT

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**CONT... LeCat Trinh, LLC**

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CLARKSON'S CASES for specific procedures and further information.

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\*\*\*\*\*

Tentative for 12/19/24:

The Court is inclined to DENY confirmation with leave to file and serve an amended Plan, pursuant to the schedule set forth below.

The proposed Plan does not appear feasible on its face and appears to lack sufficient information for the Court to determine otherwise. Further, it appears that no ballots were served in connection with the Plan as there was no declaration evidencing service filed, Debtor did not file a ballot tabulation, and Arpeja-California, Inc. states in their objection that creditors have not been afforded the opportunity to accept or reject the Plan through balloting.

Furthermore, there are multiple conflicts between the Confirmation Brief and the Plan. For example, the Confirmation Brief addresses the treatment of certain parties who are not listed as creditors of Debtor, such as Toyota Motor Credit Corporation. See Dk. 84, pg. 3: ¶ b. Additionally, the Confirmation Brief provides for estimated costs of fees for certain professionals, but the Plan provides different estimated numbers. There also exists a conflict between the Confirmation Brief and Plan related to the payment of administrative priority claims. The Confirmation Brief further states that the Plan will be funded through the continued operation of Debtor's business, yet the Plan states it will be funded through capital contributions. See Dk. 62, pg. 23.

As noted by the United States Trustee, however, Debtor has no cash on hand

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per the latest Monthly Operating Report [Dk. 76]. The Court also has no evidence of a commitment by Debtor's principal to contribute capital contributions necessary to fund the Plan. Accordingly, the Plan does seem feasible. See *Hamilton v. Curiel (In re Curiel)*, 651 B.R. 548, 560 (B.A.P. 9th Cir. 2023) (discussing section 1129(a)(11) feasibility requirements.

In addition to the foregoing, the Court notes that Debtor appears to be ineligible to be designated as a Subchapter V, an objection raised by Arpeja-California, Inc. and previously the United States Trustee. Although the plan does not provide a history of Debtor (as required), Debtor's principal appears to reside at the residence owned by Debtor. It is therefore unclear as to what "commercial business" Debtor is engaged in within the meaning of 11 U.S.C. § 1182(1)(A). If Debtor is ineligible to be in Subchapter V, the Court, in viewing the totality of the circumstances, will not be able to find that the Plan was proposed in good faith. See *In re Stolrow's, Inc.*, 84 B.R. 167, 172 (B.A.P. 9th Cir. 1988) ("Good faith in proposing a plan of reorganization is assessed by the bankruptcy judge and viewed under the totality of the circumstances.") (citation omitted).

Should the Court permit an amended Plan, it may set the following dates/deadlines:

1. Deadline to file and serve Plan and ballots – January 20, 2025
2. Ballots Due – February 6, 2025
3. Confirmation Brief and Ballot Tabulation Due – February 13, 2025
4. Oppositions to Confirmation Brief due – February 20, 2025
5. Replies due – February 27, 2025
6. Confirmation Hearing & Continued Status Conference – March 6, 2025, at 10:00 a.m. A status report shall be due 14 days in advance.

Virtual appearances are required.

**Party Information**

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10:00 AM

**CONT... LeCat Trinh, LLC**

**Chapter 11**

**Debtor(s):**

LeCat Trinh, LLC

Represented By  
Thomas B Ure

**Trustee(s):**

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court  
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10:00 AM

**8:24-11956 LeCat Trinh, LLC**

**Chapter 11**

**#2.00**

CONT'D STATUS CONFERENCE Hearing RE: Setting Conference On Status Of Subchapter V Case; (2) Requiring Debtor To Appear At Status Conference And File Report On Status Of Subchapter V Case, Or Face Possible (A) Conversion Of Case To Chapter 7 Or (B) Dismissal Of Case; (3) Requiring Subchapter V Trustee To Appear At Status Conference; (4) Establishing Procedure For Motion For Order Confirming Subchapter V Plan; And (5) Setting Date For 11 U.S.C. Section 1111(b) Election

(Petition filed 8/5/2024)

FR: 10-2-24; Advanced from 12-19-24 at 3:30PM; 12-19-24

Docket 11

**Tentative Ruling:**

Tentative for 3/6/25:

If this matter is converted to Chapter 7 per the tentative on related matter #1, this matter will go off calendar. If it is not converted, the Court may set a continued status conference date of May 21, 2025, at 1:30 p.m., with a status report due 14 days in advance.

Virtual appearances are required. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities. Only the parties, including counsels, their clients, and pro se individuals, may virtually join the hearing. No testimony, however, will be permitted unless specifically authorized by the Court either prior to, or during, the hearing. Parties virtually appearing should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

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CONT... LeCat Trinh, LLC

Chapter 11

constitute its official record. **By Order of the Judicial Conference of the United States, members of the general public may only view the hearings from the Courtroom, which will remain open, or access the hearing by audioconference only, as set forth below. This is a nation-wide mandate and is not subject to this Court's discretion. The Court will have monitors on and viewable within the Courtroom for viewing.**

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**CONT... LeCat Trinh, LLC**  
hearing.

**Chapter 11**

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\*\*\*\*\*

Tentative for 12/19/24:

Pursuant to the tentative in related mater #5, this matter may be continued to March 6, 2025, at 10:00 a.m., with a status report due 14 days in advance.

Virtual appearances are required.

\*\*\*\*\*

Tentative for 10/2/24:

The docket does not reflect service of the Scheduling Order [Dk. 11] upon all secured creditors and the largest two unsecured claims, as required by that order [see Dk. 11, pg. 2:7-12]. Debtor is to file an appropriate proof of service reflecting that such service was accomplished as directed.

The Court is inclined to set the following dates/deadlines:

1. Deadline to file and serve Plan – November 4, 2024 (statutory deadline)
2. Ballots Due – November 14, 2024
3. Confirmation Brief Due – November 27, 2024
4. Oppositions to Confirmation Brief Due – December 5, 2024
5. Replies Due – December 12, 2024



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**CONT...**

**LeCat Trinh, LLC**

**Chapter 11**

6. Confirmation Hearing & Continued Status Conference – December 19, 2024, at 3:30 p.m. A status report shall be due 14 days in advance.

Virtual appearances are required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

LeCat Trinh, LLC

Represented By  
Thomas B Ure

**Trustee(s):**

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court  
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**Thursday, March 6, 2025**

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10:00 AM

**8:24-11956 LeCat Trinh, LLC**

**Chapter 11**

**#2.10**

CONT'D Hearing RE: Debtor's Motion For Authority To Incur Debt With LendingXpress, Inc.  
(Motion filed 2/19/2025)

FR: advanced from 3-12-25

Docket 102

**Tentative Ruling:**

Tentative for 3/6/25:

The Court is inclined to DENY this matter for the reasons stated in the Response filed February 27, 2025 [Dk. 109] and in light of the Court's tentative to convert the case, as set forth in the tentative in related matter #1.

Virtual appearances are required. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities. Only the parties, including counsels, their clients, and pro se individuals, may virtually join the hearing. No testimony, however, will be permitted unless specifically authorized by the Court either prior to, or during, the hearing. Parties virtually appearing should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

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**CONT... LeCat Trinh, LLC**

**Chapter 11**

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10:00 AM

**CONT... LeCat Trinh, LLC**

**Chapter 11**

**Debtor(s):**

LeCat Trinh, LLC

Represented By  
Thomas B Ure

**Movant(s):**

LeCat Trinh, LLC

Represented By  
Thomas B Ure

**Trustee(s):**

Robert Paul Goe (TR)

Pro Se

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**Thursday, March 6, 2025**

**Hearing Room 5C**

10:00 AM

**8:25-10535 Eleganza Tiles, Inc.**

**Chapter 11**

**#2.20**

Hearing RE: Motion In Chapter 11 Case For Order Authorizing Debtor-In-Possession To: (1) Pay Prepetition Payroll; (2) Honor Prepetition Employment Procedures; And (3) Continue Paying Taxes  
(Motion filed 3/4/2025)  
(OST Entered 3/5/2025)

Docket 8

**Tentative Ruling:**

Tentative for 3/6/25:

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**CONT... Eleganza Tiles, Inc.**

**Chapter 11**

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<b>Party Information</b>
--------------------------

**Debtor(s):**

Eleganza Tiles, Inc.

Represented By  
Jeffrey B Smith

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**CONT... Eleganza Tiles, Inc.**

**Chapter 11**

**Movant(s):**

Eleganza Tiles, Inc.

Represented By  
Jeffrey B Smith

**United States Bankruptcy Court  
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**8:25-10535 Eleganza Tiles, Inc.**

**Chapter 11**

**#2.30**

Hearing RE: Motion In Chapter 11 Case For Order Approving Stipulation For Use Of Cash Collateral And Adequate Protection Payments (Motion filed 3/4/2025)

Docket 9

**Tentative Ruling:**

Tentative for 3/6/25:

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**CONT... Eleganza Tiles, Inc.**

**Chapter 11**

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**Party Information**

**Debtor(s):**

Eleganza Tiles, Inc.

Represented By  
Jeffrey B Smith

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**CONT... Eleganza Tiles, Inc.**

**Chapter 11**

**Movant(s):**

Eleganza Tiles, Inc.

Represented By  
Jeffrey B Smith

**United States Bankruptcy Court  
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**Thursday, March 6, 2025**

**Hearing Room 5C**

11:00 AM

**8:23-10571 The Litigation Practice Group P.C.**

**Chapter 11**

Adv#: 8:24-01003 Marshack v. Perfect Financial, LLC

**#3.00**

Hearing RE: Plaintiff's Motion For Summary Judgment  
(Motion filed 1/23/2025)

Docket 20

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO APRIL 9, 2025 AT 11:00  
A.M. PER ORDER APPROVING JOINT STIPULATION FOR  
EXTENSION OF DEADLINES ENTERED 2-26-2025 - (DOCKET NO.  
[24])**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

The Litigation Practice Group P.C.

Represented By  
Joon M Khang

**Defendant(s):**

Perfect Financial, LLC

Represented By  
Marc C Forsythe

**Movant(s):**

Richard A. Marshack

Represented By  
Sarah S. Mattingly

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Sarah S. Mattingly

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Christopher Celentino

**United States Bankruptcy Court  
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**CONT... The Litigation Practice Group P.C.**

**Chapter 11**

Laila Masud  
Jonathan Serrano  
Christopher Ghio  
Yosina M Lissebeck  
Peter W Bowie  
Bradford Barnhardt  
Jeremy Freedman  
Sara Johnston  
Tyler Powell  
Kelli Ann Lee  
Jacob Newsum-Bothamley  
Vanessa Rodriguez  
Aaron E. De Leest  
Spencer Keith Gray

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11:00 AM

**8:23-10571 The Litigation Practice Group P.C.**

**Chapter 11**

Adv#: 8:24-01004 Marshack v. Point Break Holdings LLC

**#4.00**

Hearing RE: Plaintiff's Motion For Summary Judgment  
(Motion filed 1/23/2025)

Docket 20

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO APRIL 9, 2025 AT 11:00  
A.M. PER ORDER APPROVING STIPULATION FOR EXTENSION OF  
DEADLINES ENTERED 2-26-2025 - (DOCKET NO. [24])**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

The Litigation Practice Group P.C.

Represented By  
Joon M Khang

**Defendant(s):**

Point Break Holdings LLC

Represented By  
Marc C Forsythe

**Movant(s):**

Richard A. Marshack

Represented By  
Sarah S. Mattingly

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Sarah S. Mattingly

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Christopher Celentino  
Laila Masud

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**CONT...**

**The Litigation Practice Group P.C.**

**Chapter 11**

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Christopher Ghio  
Yosina M Lissebeck  
Peter W Bowie  
Bradford Barnhardt  
Jeremy Freedman  
Sara Johnston  
Tyler Powell  
Kelli Ann Lee  
Jacob Newsum-Bothamley  
Vanessa Rodriguez  
Aaron E. De Leest  
Spencer Keith Gray