

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

Tuesday, April 9, 2024

Hearing Room 5C

10:00 AM

8:23-11603 Reserve Tech Inc.

Chapter 11

#1.00

Hearing RE: First And Final Fee Application For The Allowance Of Fees And Reimbursement Of Expenses For The Period From September 26, 2023 Through March 4, 2024.
(Application filed 3/12/2024)

**[RE: HAHN FIFE & COMPLANY, LLP - Accountant For Debtor-In-Possession]
[Fees: \$12,876.00; Expenses: \$24.50]**

Docket 107

Tentative Ruling:

Tentative for 4/9/24 is to APPROVE as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Movant will be so notified.

Parties wishing to make an appearance must do so by appearing in the Courtroom or by utilizing Zoom for Government, a free service that provides audioconference capabilities, using the following information.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 187 0059

Password: 537826

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing. Parties should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and

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CONT... Reserve Tech Inc.
further information.

Chapter 11

As a reminder, members of the general public wishing to *view* the hearings may do so from the Courtrooms, which remain open and accessible. Any party, however, may *listen* to the hearing by audioconference, as noted above.

Movant to lodge an order within seven (7) days.

Party Information

Debtor(s):

Reserve Tech Inc.

Represented By
Caroline Djang

Movant(s):

Hahn Fife & Co LLP

Pro Se

Trustee(s):

Robert Paul Goe (TR)

Pro Se

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10:00 AM

8:23-11603 Reserve Tech Inc.

Chapter 11

#2.00

Hearing RE: First And Final Fee Application For Compensation And Reimbursement Of Expenses For The Period From August 8, 2023 Through March 15, 2024
(Application filed 3/15/2024)

**[RE: ROBERT P. GOE - Sub Chapter V Trustee]
[Fees: \$31,592.00; Expenses: \$5.99]**

Docket 110

Tentative Ruling:

Tentative for 4/9/24 is to APPROVE as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Movant will be so notified.

Parties wishing to make an appearance must do so by appearing in the Courtroom or by utilizing Zoom for Government, a free service that provides audioconference capabilities, using the following information.

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Meeting ID: 161 187 0059

Password: 537826

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Chapter 11

As a reminder, members of the general public wishing to *view* the hearings may do so from the Courtrooms, which remain open and accessible. Any party, however, may *listen* to the hearing by audioconference, as noted above.

Movant to lodge an order within seven (7) days.

Party Information

Debtor(s):

Reserve Tech Inc.

Represented By
Caroline Djang

Movant(s):

Robert Paul Goe (TR)

Pro Se

Trustee(s):

Robert Paul Goe (TR)

Pro Se

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10:00 AM

8:23-11603 Reserve Tech Inc.

Chapter 11

#3.00

Hearing RE: First And Final Application For Allowance And Payment Of Compensation And Reimbursement Of Expenses For The Period From August 7, 2023 Through March 19, 2024
(Application filed 3/19/2024)

**[RE: BUCHALTER, A PROFESSIONAL CORPORATION - Attorneys For Debtor And Debtor-In-Possession
[Fees: \$117,650.00; Expenses: \$460.91]**

Docket 114

Tentative Ruling:

Tentative for 4/9/24 is to APPROVE as requested, contingent upon the submission of a client declaration in support.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Movant will be so notified.

Parties wishing to make an appearance must do so by appearing in the Courtroom or by utilizing Zoom for Government, a free service that provides audioconference capabilities, using the following information.

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Meeting ID: 161 187 0059

Password: 537826

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing. Parties should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES

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Chapter 11

FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

As a reminder, members of the general public wishing to *view* the hearings may do so from the Courtrooms, which remain open and accessible. Any party, however, may *listen* to the hearing by audioconference, as noted above.

Movant to lodge an order within seven (7) days.

Party Information

Debtor(s):

Reserve Tech Inc.

Represented By
Caroline Djang

Movant(s):

Reserve Tech Inc.

Represented By
Caroline Djang
Caroline Djang

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01059 Marshack v. Eisenhower Carlson PLLC

#4.00

CONT'D Hearing RE: Request For Fees And Costs Per Court's December 26, 2023 Order RE Plaintiff Trustee's Motion For Issuance Of An Order to Show Cause RE Contempt For Violation Of This Court's August 1, 2023 Order (Request filed 1/19/2024)

**[RE: LANDAU LAW - Special Litigation Attorneys For Chapter 7 Trustee]
[Fees: \$38,847.00; Costs: \$1,649.35]**

Docket 179

Tentative Ruling:

Tentative for 4/9/24:

Personal appearances in Courtroom 5C by all counsels are required; no telephonic or virtual appearances will be permitted.

Tentative for 3/12/24, applicable to matters #19-21:

At this hearing, the Court will determine what amounts, if any, the United States of America should be sanctioned for the previous determination (by clear and convincing evidence) that it was in contempt of its Order entered on December 26, 2023. The Court is rather disappointed with the second, redundant, attempt by the Government to re-argue the doctrine of sovereign immunity, as the argument remains frivolous. On the other hand, this inappropriate pro forma "Motion for Reconsideration" filed by the Government, in a continued proceeding set **only** to determine the amounts of sanctions against the government, provides the Chapter 7 Trustee and the Court the opportunity to amplify and assist the District Court (already assigned to hear an appeal on this subject) on what the (4 decades-long) law is on the ability of a bankruptcy court to levy sanctions against the United States Government when it violates the orders of this Court. See footnote 35 of the book "27 Articles for Bankruptcy Judges on Trying to Get It Right" for a

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Chapter 7

discussion regarding the pitfalls of allowing parties "second bites of the apple" with Motions to Reconsider or even superfluous and redundant arguments already dismissed by a trial court. "A Bankruptcy Judge's Insights on Trying to Get It Right", Clarkson, S., page 20, footnote 35. American Bankruptcy Institute, 2024.

Through § 106(a)(1) of the bankruptcy code, Congress abrogated sovereign immunity for actions against "government units" that concern § 105. Section 105(a) gives bankruptcy courts the inherent power to enter civil contempt orders for violations of the court's specific orders and injunctions. *Taggart v. Lorenzen*, 139 S. Ct. 1795 (2019); *Knupfer v. Lindblade (In re Dyer)*, 322 F.3d 1178 (9th Cir. 2003). The Federal Government is not immune from such sanctions; the Federal Government is not permitted to violate specific orders of a bankruptcy court as those orders serve to assist the administration of a bankruptcy estate. Put another way, the Government is not above the law.

The Supreme Court of the United States, as well as the Ninth Circuit, has instructed courts to look at federal statutes to determine if the Congress has specifically reject (or waive) sovereign immunity by the United States of America. For only Congress can restrict the use of sovereign immunity. It does so by statute. Interestingly, even various published instructional opinions issued by the United States Department of Justice, which this Court hopes its attorneys have access to, instructs their own lawyers that sovereign immunity is waived by specific statutes.

The DOJ Justice Manual, Civil Resource Manual, specifically subparts 1 and 4, "section 192. Sovereign immunity – 11 U.S.C. §106(a) reads in pertinent part:

1. Generally. Section 106(a) now lists those sections of Bankruptcy Code with respect to which sovereign immunity is abrogated. This listing effectively allows the assertion of bankruptcy causes of action, but specifically excludes causes of action belonging to the debtor that become property of the estate under § 541.

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Chapter 7

Unlike the old section 106, which (absent a governmental unit's filing a proof of claim) only allowed declaratory or injunctive relief with respect to Bankruptcy Code based causes of action, monetary judgments may now be entered. The legislative history accompanying the Bankruptcy Reform Act of 1994 states that new § 106(a) "effectively overrule[s] two Supreme Court cases [*Hoffman v. Conn. Dep't of Income Maint.*, 492 U.S. 96 (1989) and *United States v. Nordic Village, Inc.*, 503 U.S. 30 (1992)] that had held that the States and Federal Government are not deemed to have waived their sovereign immunity by virtue of enacting [old] section 106(c) of the Bankruptcy Code. . . . This amendment expressly provides for a waiver of sovereign immunity by governmental units with respect to monetary recoveries as well as declaratory and injunctive relief." 140 Cong. Rec. H10766 (daily ed. Oct. 4, 1994).

4. Claims Under the Bankruptcy Rules. Section 106(a) provides a waiver of sovereign immunity for claims under both the Bankruptcy Code and under the Federal Rules of Bankruptcy Procedure. The provisions of Rule 9011 (sanctions) and 9020 (contempt) may prove to be the most affected by this change. Whether this can result in an unconstitutional delegation of legislative power (at least for future rules, which are proposed by the Judicial Conference) remains to be seen."

(See <https://www.justice.gov/jm/civil-resource-manual-192-sovereign-immunity-11-usc-106a#2>)

The District Court can review at its leisure the Government's brief (Doc. 188) and wonder why, in 2024, the Government still relies on *Nordic Village, Inc.*, which was statutorily overruled in 1994, as stated in its own manual.

Returning to the contempt powers of the Court against the Government, Bankruptcy Code Section 106(a)(1) provides, in relevant part, that "sovereign

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immunity is abrogated as to a governmental unit to the extent set forth in this section with respect to... Section [] 105..."

Section 106(a)(3) further provides, in relevant part, that:

The court may issue against a governmental unit an order, process, or judgment... **including an order or judgment awarding a money recovery**, but not including an award of punitive damages. (**emphasis added**). By its plain meaning, §106(a) unequivocally waives sovereign immunity for court-ordered monetary damages under §105, although such damages must not be punitive. (citing to §106(a)(3)).

Id.; *Gordon v. Wells Fargo Bank, N.A. (In re Latira Shayonica Banks)*, No. 19-05172-LRC, 2020 Bankr. LEXIS 843 (Bankr. N.D. Ga. Mar. 31, 2020); *Hunsaker v. United States*, 902 F.3d 963, 966 (9th Cir. 2018) ("Under Section 106(a)(3), a court is authorized to issue against the government an "order, process, or judgment under" the provisions identified in Section 106(a)(1), "including an order or judgment awarding a money recovery, but not including an award of punitive damages." The clause "including . . . a money recovery" expressly broadens the waiver's scope to encompass monetary damages."); see also *In re Boudreau*, No. 04-62410-13, 2005 Bankr. LEXIS 3124, at *42 (Bankr. D. Mont. July 29, 2005); *Burke v. United States*, No. 95-11042, 1995 U.S. Tax Ct. LEXIS 68 (T.C. Nov. 17, 1995) ("The amended provisions of section 106, explicitly waive sovereign immunity for section 105.")

Putting to rest the sovereign immunity arguments once and for all, this Court is pleased that the Government has framed its argument on appeal to the District Court with the correct standard of review for contempt determinations by the Bankruptcy Court. The standard is "abuse of discretion."

District courts review decisions of bankruptcy courts as appellate courts, applying the same standards of review as the federal courts of appeal. *In re Richards*, No. 8:23-cv-00199-SB, 2023 U.S. Dist. LEXIS 135277, at *7 (C.D. Cal. Aug. 1, 2023) (citing *In re Guadarrama*, 284 B.R. 463, 468 (C.D. Cal. 2002)).

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The appellate courts review civil contempt orders for abuse of discretion and factual findings in connection with a contempt order for clear error. *Athena Cosmetics, Inc. v. AMN Distribution*, No. 22-55159, 2023 U.S. App. LEXIS 1734, at *1 (9th Cir. Jan. 24, 2023) (citing *Kelly v. Wengler*, 822 F.3d 1085, 1094 (9th Cir. 2016)).

"An appellate court should not reverse a finding of contempt 'unless [it has] a definite and firm conviction that the district court committed a clear error of judgment after weighing the relevant factors.'" *Peterson v. Highland Music, Inc.*, 140 F.3d 1313, 1323 (9th Cir. 1998) (quoting *In re Dual-Deck Video Cassette Record Antitrust Litig.*, 10 F.3d 693, 695 (9th Cir. 1993)).

With all this in mind, and to recapitulate and amplify this Court's use of its discretion, this Bankruptcy Court has previously (and now again most recently) reviewed the deposition transcript and the conduct of the Government's counsel at that deposition gave rise to this motion for fees and costs by the Chapter 7 Trustee. This Court invites the District Court to read that transcript as well, especially in conjunction with the specific un-appealed, non-stayed, order of this Court commanding the Government to produce the witness and not impede the questions presented to the deponent. ¹

As it happens, someone at the Justice Department also must have reviewed the transcript carefully, since not only did a different AUSA (Ms. Tanner) appear at the last hearing regarding contempt in place of Ms. Shariff, but the U.S. Attorney also sent the Chief of Ethics and Post-Conviction Review and the Chief of the Tax Division on behalf of the Internal Revenue Service as well. They sincerely apologized for the behavior and conduct at the deposition and offered to have a complete re-do of the deposition.

While a good apology and *mea culpa* always goes a long way, this Court is harnessed with the oversight of the actions of the bankruptcy proceedings to recover assets of the estate. The creditors of this bankruptcy estate, in the humble opinion of this Court, should not bear the costs of the government's actions in knowingly and willfully violating this Court's order. This Court has already determined that its order was knowingly and willfully violated by clear and convincing evidence, and the Government has already caused the

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Chapter 7

creditors of this estate unnecessary diminishment of their recoveries. This hearing is to put the parties back to the status quo ante.

This Court is required to use the "but for" sanctions award test. *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 109, 137 S. Ct. 1178, 1187 (2017) ("The complaining party [] may recover 'only the portion of his fees that he would not have paid but for' the misconduct) (citing *Fox v. Vice*, 563 U. S. 826, 836, 131 S. Ct. 2205, 180 L. Ed. 2d 45 (2011)). "But for" the actions by the Government's intransigent counsel who disrupted the deposition, for whom three other government attorneys later appeared, apologized and offered a re-do, the cost of a worthless deposition, the cost of preparing a Motion to Compel and Hold the Government in Contempt, the cost of attending that hearing, the cost of preparing supplemental evidence on (1) conducting and producing a second deposition and (2) brief preparation and attending a hearing on what those sanctions should be, as well as the pending appeal (there would have been no appeal if the Government's counsel had not violated this Court's order and thus no contempt was found), none of this would have been necessary.

For all the aforementioned reasons, the Court will determine at the hearing what amount, if any, of attorneys' fees and costs the government should be sanctioned.

Virtual appearances are required.

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Eisenhower Carlson PLLC

Represented By
Steven Casselberry

Movant(s):

Richard A. Marshack

Represented By
Jack A. Reitman

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CONT... Eagan Avenatti, LLP

Chapter 7

John P. Reitman
Monica Rieder

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman
John P. Reitman
Monica Rieder

Trustee(s):

Richard A Marshack (TR)

Represented By
Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
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8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01060 Marshack v. Gallo Builders, Inc.

#5.00

CONT'D Hearing RE: Request For Fees And Costs Per Court's December 26, 2023 Order RE Plaintiff Trustee's Motion For Issuance Of An Order to Show Cause RE Contempt For Violation Of This Court's August 1, 2023 Order (Request filed 1/19/2024)

**[RE: LANDAU LAW - Special Litigation Attorneys For Chapter 7 Trustee]
[Fees: \$38,847.00; Costs: \$1,649.35]**

Docket 174

Tentative Ruling:

Tentative for 4/9/24:

Personal appearances in Courtroom 5C by all counsels are required; no telephonic or virtual appearances will be permitted.

Tentative for 3/12/24:

See tentative for related matter #19.

Virtual appearances are required.

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Gallo Builders, Inc.

Represented By
Martin B Greenbaum

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CONT... Eagan Avenatti, LLP

Chapter 7

Movant(s):

Richard A. Marshack

Represented By

Jack A. Reitman

John P. Reitman

Monica Rieder

Plaintiff(s):

Richard A. Marshack

Represented By

Jack A. Reitman

John P. Reitman

Monica Rieder

Trustee(s):

Richard A Marshack (TR)

Represented By

Jack A. Reitman

D Edward Hays

David Wood

Judith E Marshack

John P. Reitman

Meghan C Murphey

Tinho Mang

**United States Bankruptcy Court
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11:00 AM

8:19-13560 Eagan Avenatti, LLP

Chapter 7

Adv#: 8:20-01150 Marshack v. Honda Aircraft Company LLC

#6.00

CONT'D Hearing RE: Request For Fees And Costs Per Court's December 26, 2023 Order RE Plaintiff Trustee's Motion For Issuance Of An Order to Show Cause RE Contempt For Violation Of This Court's August 1, 2023 Order (Request filed 1/19/2024)

**[RE: LANDAU LAW - Special Litigation Attorneys For Chapter 7 Trustee]
[Fees: \$38,847.00; Costs: \$1,649.35]**

Docket 183

Tentative Ruling:

Tentative for 4/9/24:

Personal appearances in Courtroom 5C by all counsels are required; no telephonic or virtual appearances will be permitted.

Tentative for 3/12/24:

See tentative for related matter #19.

Virtual appearances are required.

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Honda Aircraft Company LLC

Represented By
Brian A Paino
Robert J Im

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CONT... Eagan Avenatti, LLP

Chapter 7

Movant(s):

Richard A. Marshack

Represented By
Jack A. Reitman
John P. Reitman
Monica Rieder

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman
John P. Reitman
Monica Rieder

Trustee(s):

Richard A Marshack (TR)

Represented By
Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

**United States Bankruptcy Court
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8:21-11662 Jennifer Leigh Hodges

Chapter 7

#7.00

CONT'D Hearing RE: Objection To Claim:
(Motion filed 11/5/2023)

Claim No. 1-2	Department Of Treasury - Internal Revenue Service	\$619,148.87
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FR: 12-12-23; 3-12-24

Docket 292

***** VACATED *** REASON: CONTINUED TO MAY 21, 2024 AT 11:00
A.M. PER ORDER APPROVING THIRD STIPULATION TO CONTINUE
THE HEARING ON DEBTOR'S OBJECTION TO THE INTERNAL
REVENUE SERVICE'S PROOF OF CLAIM ENTERED 4-2-2024 -
(DOCKET NO. [347])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Leigh Hodges

Represented By
Michael F Chekian

Trustee(s):

Mark M Sharf (TR)

Represented By
Arturo Cisneros
Nathan F Smith

**United States Bankruptcy Court
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Hearing Room 5C

11:00 AM

8:21-11886 Haah Automotive Holdings Inc.

Chapter 7

#8.00

Hearing RE: First Interim Application For Compensation And Reimbursement Of Expenses For The Period From August 2, 2021 Through February 29, 2024 (Application filed 3/12/2024)

**[RE: GROBSTEIN TEEPLE, LLP - Accountants For The Chapter 7 Trustee]
[Fees: \$103,304.50; Expenses: \$429.54]**

Docket 153

Tentative Ruling:

Tentative for 4/9/24 is to APPROVE in the amounts set forth in the Declaration filed March 27, 2024 [Dk. 160] (75% of fees and 100% of costs) on an interim basis only.

As this order is without prejudice to Applicant seeking the balance of fees, for future applications, Applicant is reminded that the Court will not approve fees and costs: (a) related to preparation of fee applications, which is normally a trustee's duty, absent an explanation of why it was not routine (*See, In re Garcia*, 335 B.R. 717, 725 (B.A.P. 9th Cir. 2005)) and (b) time for items such as mailing and faxing which appear clerical in nature, absent further explanation. (*See, In re Sonicblue Inc.*, 2006 Bankr. LEXIS 1576 (Bankr. N.D. Cal. July 20, 2006)). The application appears to contain the foregoing, the amounts for which would fall within the remaining 25% of fees and therefore do not prevent approval of this Application on an interim basis as set forth herein, but should be reviewed and addressed, if necessary, for future applications.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Movant will be so notified.

Parties wishing to make an appearance must do so by appearing in the Courtroom or by utilizing Zoom for Government, a free service that provides

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CONT... Haah Automotive Holdings Inc.

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audioconference capabilities, using the following information.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 839 9104

Password: 661206

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing. Parties should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

As a reminder, members of the general public wishing to *view* the hearings may do so from the Courtrooms, which remain open and accessible. Any party, however, may *listen* to the hearing by audioconference, as noted above.

Movant to lodge an order within seven (7) days.

Party Information

Debtor(s):

Haah Automotive Holdings Inc.

Represented By
Todd C. Ringstad

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
Aram Ordubegian
Annie Y Stoops
Dylan J Yamamoto

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8:21-11886 Haah Automotive Holdings Inc.

Chapter 7

#9.00

Hearing RE: First And Interim Fee Application For Allowance Of Compensation And Reimbursement Of Expenses For The Period From September 20, 2021 Through And Including January 31, 2024 (Application Filed 3/18/2024)

**[RE: ARENTFOX SCHIFF LLP - Special Litigation And Automotive Industry Counsel To Chapter 7 Trustee]
[Fees: \$523,108.00; Expenses: \$11,835.06]**

Docket 155

Tentative Ruling:

Tentative for 4/9/24 is to APPROVE in the amounts set forth in the Declaration filed March 27, 2024 [Dk. 160] (50% of fees and 100% of costs) on an interim basis only.

As this order is without prejudice to Applicant seeking the balance of fees, for future applications, Applicant is reminded that the Court will not approve fees and costs:(a) related to preparation of fee applications, which is normally a trustee's duty, absent an explanation of why it was not routine (*See, In re Garcia*, 335 B.R. 717, 725 (B.A.P. 9th Cir. 2005)); (b) which appear duplicate and/or clerical in nature, absent further explanation. (*See, In re Sonicblue Inc.*, 2006 Bankr. LEXIS 1576 (Bankr. N.D. Cal. July 20, 2006)); (c) for time entries which are lumped (*See, Thomas v. Namba (In re Thomas)*, 2009 Bankr. LEXIS 4529, 13-14 (9th Cir. BAP 2009)); and (d) for time entries which are redacted in such as manner as to prevent the Court from determining the reasonableness of the entries.

The application appears to contain the foregoing, the amounts for which would fall within the remaining 50% of fees and therefore do not prevent approval of this Application on an interim basis as set forth herein, but should be reviewed and addressed, if necessary, for future applications.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late

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

Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

CONT... Haah Automotive Holdings Inc. Chapter 7

opposition or appear at the hearing, the Court will determine whether further hearing is required and Movant will be so notified.

Parties wishing to make an appearance must do so by appearing in the Courtroom or by utilizing Zoom for Government, a free service that provides audioconference capabilities, using the following information.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 839 9104

Password: 661206

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing. Parties should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

As a reminder, members of the general public wishing to *view* the hearings may do so from the Courtrooms, which remain open and accessible. Any party, however, may *listen* to the hearing by audioconference, as noted above.

Movant to lodge an order within seven (7) days.

Party Information

Debtor(s):

Haah Automotive Holdings Inc.

Represented By
Todd C. Ringstad

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
Aram Ordubegian
Annie Y Stoops

**United States Bankruptcy Court
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Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

CONT... Haah Automotive Holdings Inc.

Dylan J Yamamoto

Chapter 7

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

Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

8:21-11886 Haah Automotive Holdings Inc.

Chapter 7

#10.00

Hearing RE: First Interim Application For Allowance Of Fees And Costs For The Period From August 11, 2021 Through February 29, 2024
(Application filed 3/19/2024)

**[RE: MARSHACK HAYS WOOD LLP - Attorneys For Chapter 7 Trustee]
[Fees: \$346,149.00; Expenses: \$2,671.42]**

Docket 157

Tentative Ruling:

Tentative for 4/9/24 is to APPROVE in the amounts set forth in the Declaration filed March 27, 2024 [Dk. 160] (75% of fees and 100% of costs) on an interim basis only.

As this order is without prejudice to Applicant seeking the balance of fees, for future applications, Applicant is reminded that the Court will not approve fees and costs: (a) related to preparation of fee applications, which is normally a trustee's duty, absent an explanation of why it was not routine (*See, In re Garcia*, 335 B.R. 717, 725 (B.A.P. 9th Cir. 2005)); and (b) for time entries which are redacted in such as manner as to prevent the Court from determining the reasonableness of the entries. The application appears to contain the foregoing, the amounts for which would fall within the remaining 75% of fees and therefore do not prevent approval of this Application on an interim basis as set forth herein, but should be reviewed and addressed, if necessary, for future applications.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Movant will be so notified.

Parties wishing to make an appearance must do so by appearing in the Courtroom or by utilizing Zoom for Government, a free service that provides audioconference capabilities, using the following information.

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

Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

CONT... Haah Automotive Holdings Inc.

Chapter 7

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 839 9104

Password: 661206

Parties making telephonic appearances are reminded to have all relevant filings/information easily accessible during the hearing. Parties should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

As a reminder, members of the general public wishing to *view* the hearings may do so from the Courtrooms, which remain open and accessible. Any party, however, may *listen* to the hearing by audioconference, as noted above.

Movant to lodge an order within seven (7) days.

Party Information

Debtor(s):

Haah Automotive Holdings Inc.

Represented By
Todd C. Ringstad

Movant(s):

Marshack Hays Wood LLP

Represented By
Chad V Haes

Trustee(s):

Richard A Marshack (TR)

Represented By
Chad V Haes
Aram Ordubegian
Annie Y Stoops
Dylan J Yamamoto

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

8:23-11108 Pierre Jean Jaspard

Chapter 7

#11.00

Hearing RE: Chapter 7 Trustee's Motion For Order Disallowing Claims Pursuant To 11 U.S.C. Section 502:
(Motion filed 3/8/2024)

Claim No. 13-1	Diana Le	\$61,967.83
Claim No. 14-1	Van Tran	\$15,000.00
Claim No. 15-1	Van Tran	\$15,000.00
Claim No. 16-1	Trang Nguyen	\$200,000.00
Claim No. 18-1	Trang Nguyen	\$200,000.00

Docket 25

Tentative Ruling:

Tentative for 4/9/24:

The Court will consider related matters #11, #12, and #13 together as follows:

The Court will treat the Claimants' nonresponse as consent to the sustaining of the objections pursuant to Local Bankruptcy Rules 3007-1(b)(6) and 9013-1(h) and therefore SUSTAINS the objections in their entirety with respect to claim numbers 14-1, 15-1, 16-1, 17-1, and 19-1.

Claim 13-1 is CONTINUED to May 7, 2024, at 11:00 a.m. The Court notes that certain expenses appear to be personal and many of the checks are made payable directly to Debtor. Trustee is to file a supplemental pleading by no later than April 23, 2024, which addresses the foregoing and provides legal authority as to why checks made out to a debtor, who then used them for business purposes, do not constitute a capital infusion, which would render them a personal liability of the debtor.

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11:00 AM

CONT... Pierre Jean Jaspard

Chapter 7

As to Claim 18-1, the Court notes that a writing indicating Debtor's personal liability is attached to the proof of claim. Additionally, a ledger is attached indicating that at least \$68,000 remains outstanding on the loan. Therefore, the Court sustains in-part Trustee's objection, and will allow the claim in the amount of \$68,000.00 and disallow the remainder.

No hearing is required and appearances for the 4/9 hearing are excused.

Party Information

Debtor(s):

Pierre Jean Jaspard

Represented By
Michael D Franco

Movant(s):

Weneta M.A. Kosmala (TR)

Represented By
Ryan W Beall
Jeffrey I Golden

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Ryan W Beall
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
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Scott Clarkson, Presiding
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Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

8:23-11108 Pierre Jean Jaspard

Chapter 7

#12.00

Hearing RE: Chapter 7 Trustee's Motion For Order Disallowing Claim Pursuant To 11 U.S.C. Section 502 (Motion filed 3/8/2024)

Claim No. 17-1

Thong Huynh

\$20,000.00

Docket 27

Tentative Ruling:

Tentative for 4/9/24:

See tentative for related matter #11.

Party Information

Debtor(s):

Pierre Jean Jaspard

Represented By
Michael D Franco

Movant(s):

Weneta M.A. Kosmala (TR)

Represented By
Ryan W Beall
Jeffrey I Golden

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Ryan W Beall
Jeffrey I Golden

**United States Bankruptcy Court
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Santa Ana
Scott Clarkson, Presiding
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Tuesday, April 9, 2024

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5C

11:00 AM

8:23-11108 Pierre Jean Jaspard

Chapter 7

#13.00

Hearing RE: Omnibus Objection To Claims:
(Motion filed 3/9/2024)

Claim No. 14-1	Van Tran aka Tiep Thi Nguyen	\$15,000.00
Claim No. 15-1	Van Tran aka Tiep Thi Nguyen	\$15,000.00
Claim No. 16-1	Trang Nguyen	\$200,000.00
Claim No. 18-1	Trang Nguyen	\$200,000.00
Claim No. 19-1	Marie France Jaspard	\$300,000.00

Docket 29

Tentative Ruling:

Tentative for 4/9/24:

See tentative for related matter #11.

Party Information

Debtor(s):

Pierre Jean Jaspard

Represented By
Michael D Franco

Movant(s):

Boulangerie Pierre & Patisserie,

Represented By
Kevin C Ronk

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Ryan W Beall
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

8:23-12157 Margaret Ann Birardi

Chapter 7

#14.00

CONT'D Hearing RE: Debtor's Amended Motion To Damages Based On Willful Violation Of The Automatic Stay By Creditor The U. S. Internal Revenue Service
(Motion filed 1/28/2024)
(Amended Motion filed 3/14/2024)

FR: 3-12-24

Docket 12

***** VACATED *** REASON: CONTINUED TO JUNE 11, 2024 AT 11:00 A.M. PER ORDER APPROVING STIPULATION TO CONTINUE THE APRIL 9, 2024 HEARING DATE RE: DEBTOR'S MOTION FOR DAMAGES TO JUNE 11, 2024 (DOCKET [24]) ENTERED 3-26-2024 - (DOCKET NO. [26])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margaret Ann Birardi

Represented By
Craig J Beauchamp

Movant(s):

Margaret Ann Birardi

Represented By
Craig J Beauchamp
Craig J Beauchamp
Craig J Beauchamp

Trustee(s):

Karen S Naylor (TR)

Pro Se

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

Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

8:24-10422 Miguel Sanchez

Chapter 7

#15.00

STATUS CONFERENCE Hearing RE: Chapter 7 Involuntary Petition
(Petition filed 2/22/2024)

Docket 1

Tentative Ruling:

Tentative for 4/9/24:

If the Court does not dismiss the Involuntary Petition in related matter #15.10, the Court is inclined to set a continued status conference date of May 7, 2024, at 11:00 a.m., with a status report due 14 days in advance.

Physical appearances in Courtroom 5C are required.

Party Information

Debtor(s):

Miguel Sanchez

Pro Se

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

Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

8:24-10422 Miguel Sanchez

Chapter 7

#15.10

Hearing RE: Order Requiring Petitioning Creditors Or Their Counsel, If Any, Are Hereby Ordered To Personally Appear And Show Cause Why This Involuntary Petition Should Not Be Dismissed
(Set per Order Entered 3-22-2024)

Docket 19

Tentative Ruling:

Tentative for 4/9/24:

The Court is inclined to DISMISS the Involuntary Petition.

The Petitioning Creditors filed this Involuntary Petition on February 22, 2024, and the docket does not reflect any activity by Petitioning Creditors beyond the commencement of the case. On March 22, 2024, the Court entered an Order Requiring Petitioning Creditors to File a Status Report and Personally Appear at Status Conference [Dk. 19]. Petitioning Creditors have failed to comply with this Court's Order as they have not filed the required status report.

Pursuant to the March 22, 2024 Order, should the Petitioning Creditors fail to physically appear at the April 9, 2024, 11:00 a.m. hearing, the Court will dismiss the Involuntary Petition. Should Petitioning Creditors physically appear as ordered, they must be prepared to discuss the basis for their claims, the status of service of the Involuntary Petition and Summons, and the failure to comply with this Court's March 22, 2024 Order.

Physical appearances in Courtroom 5C are required.

Party Information

Debtor(s):

Miguel Sanchez

Pro Se

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

Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

8:24-10675 Maria Hernandez

Chapter 7

#15.20

STATUS CONFERENCE Hearing RE: Order Requiring Petitioning Creditors Or Their Counsel, If Any, Are Hereby Ordered To Personally Appear At A Status Conference And Show Cause Why This Involuntary Petition Should Not Be Dismissed
(Set per Order Entered 3-22-2024)

Docket 5

Tentative Ruling:

Tentative for 4/9/24:

The Court is inclined to DISMISS the Involuntary Petition.

The Petitioning Creditors filed this Involuntary Petition on February 22, 2024, and the docket does not reflect any activity by Petitioning Creditors beyond the commencement of the case. On March 22, 2024, the Court entered an Order Requiring Petition Creditors to File a Status Report and Personally Appear at Status Conference [Dk. 19]. Petitioning Creditors have failed to comply with this Court's Order as they have not filed the required status report.

Pursuant to the March 22, 2024 Order, should the Petitioning Creditors fail to physically appear at the April 9, 2024, 11:00 a.m. hearing, the Court will dismiss the Involuntary Petition. Should Petitioning Creditors physically appear as ordered, they must be prepared to discuss the basis for their claims, the status of service of the Involuntary Petition and Summons, and the failure to comply with this Court's March 22, 2024 Order.

If the Involuntary Petition is not dismissed, the Court is inclined to set a continued status conference date of May 7, 2024, at 11:00 a.m., with a status report due 14 days in advance.

Physical appearances in Courtroom 5C are required.

Party Information

**United States Bankruptcy Court
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Santa Ana
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Tuesday, April 9, 2024

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11:00 AM

CONT... Maria Hernandez

Chapter 7

Debtor(s):

Maria Hernandez

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

8:20-13014 Northern Holding, LLC

Chapter 7

#15.30

CONT'D STATUS CONFERENCE Hearing RE: Compliance With Order
Adjudicating Mr. Codding In Contempt (Docket [424])

[In-Person Hearing]

(OST Entered 10/26/2022)

[Holding Date Only]

FR: 2-16-23; 4-20-23; 5-11-23; 9-13-23 advanced from 6-15-23; 6-14-23;
7-12-23; 9-13-23; 9-27-23; 10-18-23; 11-8-23; 11-16-23; 12-6-23; 1-9-24;
1-30-24; 2-27-24; 3-12-24; 3-14-24; 3-26-24; 3-26-24

Docket 359

Tentative Ruling:

Tentative for 4/9/24:

Mr. Codding is required to be physically present in Courtroom 5C. Trustee may appear physically or virtually, at Trustee's election.

Pursuant to this Court's Order entered March 19, 2024 [Dk. 463], should Mr. Codding fail to appear at the April 9, 2024, 11:00 a.m. hearing, he will be further sanctioned \$1,500.

Appearances are required. The hearing will take place in-person and 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.

The audio portion of each hearing will be recorded electronically by the Court

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, April 9, 2024

Hearing Room 5C

11:00 AM

CONT... Northern Holding, LLC

Chapter 7

and 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 nationwide mandate and is not subject to this Court's discretion. The Court will have monitors on and viewable within the Courtroom for viewing.**

Hearing participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1618399104>

Meeting ID: 161 839 9104

Password: 661206

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the below audio conference information. PLEASE BE ADVISED THAT THE GENERAL PUBLIC AND ALL MEDIA MAY ONLY USE THE AUDIO CONFERENCE SYSTEM BELOW AND MAY NOT UTILIZE THE VIDEO CONFERENCE SYSTEM.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 839 9104

Password: 661206

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference

**United States Bankruptcy Court
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Santa Ana
Scott Clarkson, Presiding
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11:00 AM

CONT... Northern Holding, LLC
hearing.

Chapter 7

As noted in the Court's Zoom Video Hearing Guide, located at <https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

Tentative for 3/26/24:

Mr. Coddington is required to be physically present in Courtroom 5C. Trustee may appear physically or virtually, at Trustee's election.

The hearing will take place in person and by Zoom for Government.

Party Information

Debtor(s):

Northern Holding, LLC

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Tinho Mang
Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, April 9, 2024

Hearing Room 5C

1:30 PM

8:19-13560 Eagan Avenatti, LLP
Adv#: 8:20-01149 Marshack v. Osborn

Chapter 7

#16.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint For Avoidance
And Recovery Of Voidable Transfers
(Complaint filed 10/20/2020)
(PTC set at S/C held 3/3/2021)

FR: 1-6-21; 12-1-21; 3-23-22; 7-12-22; 1-17-23; 7-11-23; 10-24-23; 12-12-23;
2-6-24

Docket 1

***** VACATED *** REASON: CONTINUED TO JULY 16, 2024 AT 1:30
P.M. PER ORDER APPROVING STIPULATION TO EXTEND PRE-
TRIAL CONFERENCE AND RELATED DEADLINES ENTERED 3-29-
2024 - (DOCKET NO. [94])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eagan Avenatti, LLP

Represented By
Jack A. Reitman

Defendant(s):

Simeon Osborn

Represented By
Aaron J Malo

Plaintiff(s):

Richard A. Marshack

Represented By
Jack A. Reitman
John P. Reitman

Trustee(s):

Richard A Marshack (TR)

Represented By

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

Tuesday, April 9, 2024

Hearing Room 5C

1:30 PM

CONT... Eagan Avenatti, LLP

Chapter 7

Jack A. Reitman
D Edward Hays
David Wood
Judith E Marshack
John P. Reitman
Meghan C Murphey
Tinho Mang

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

Tuesday, April 9, 2024

Hearing Room 5C

1:30 PM

8:19-13858 Bruce Elieff

Chapter 7

Adv#: 8:23-01102 Ehrenberg v. United States of America on behalf of the Internal

#17.00

CONT'D STATUS CONFERENCE Hearing RE: Complaint To:
(1) Determine Amount Of Taxes Owed By The Debtor To Internal Revenue Service Pursuant To 11 U.S.C. Section 505(a), And
(2) Determine Amount Of Internal Revenue Service's Allowed Claim
(Complaint filed 9/18/2023)

FR: 12-12-23

Docket 1

Tentative Ruling:

Tentative for 4/9/24:

This matter is CONTINUED to June 11, 2024 at 1:30 p.m., with a status report due 14 days in advance.

Appearances for the 4/9 hearing are excused.

Tentative for 12/12/24:

This matter is CONTINUED to April 9, 2024, at 1:30 p.m., with a status report due 14 days in advance.

Appearances for the 12/12 hearing are excused.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson
Robert P Goe

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, April 9, 2024

Hearing Room 5C

1:30 PM

CONT... Bruce Elieff

Chapter 7

Defendant(s):

United States of America on behalf

Represented By
Najah J Shariff

Plaintiff(s):

Howard M Ehrenberg

Represented By
Jin Soo Lee
A Lavar Taylor

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe
Claire K Wu
Steven Werth

**United States Bankruptcy Court
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Tuesday, April 9, 2024

Hearing Room 5C

1:30 PM

8:20-10174 John Stephen Holmes

Chapter 7

Adv#: 8:22-01097 Naylor v. ShiftPixy, Inc. et al

#18.00

CONT'D STATUS CONFERENCE Hearing RE: Second Amended Complaint:
(1) To Compel Reinstatement Of The Estate's Stock Options Cancelled In
Violation Of 11 U.S.C. Section 362, And For Related Damages;
(2) For Declaratory Relief;
(3) Negligence; And
(4) Negligent Misrepresentation
(Amended Complaint filed 8/17/2023)
(S/C set per Order Entered 9/20/2023 - dk. 50)

FR: 11-14-23; 2-27-24

Docket 42

Tentative Ruling:

Tentative 4/8/24:

This matter is CONTINUED to June 18, 2024, at 1:30 p.m., with a status report due 14 days in advance.

The parties' request in the Status Report to extend the response deadline of the Individual Defendants to the Second Amended Complaint is GRANTED and is continued from April 22, 2024, to May 30, 2024.

Trustee is to submit an order within 7 days.

Appearances for the 4/9 hearing are excused.

Tentative for 2/27/24:

Noting the representations in the Status Report filed February 13, 2024 [Dk. 64] pertaining to a global settlement, this matter is CONTINUED to April 9, 2024, at 1:30 p.m., with a status report due 14 days in advance.

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1:30 PM

CONT... John Stephen Holmes

Chapter 7

Appearances for the 2/27 hearing are excused.

Party Information

Debtor(s):

John Stephen Holmes

Represented By
Joseph M Tosti

Defendant(s):

Robert Gans

Pro Se

Mark Absher

Pro Se

Domonic Carney

Pro Se

Amanda Murphy

Pro Se

Kenneth W. Weaver

Pro Se

Christopher Sebes

Pro Se

Whitney White

Pro Se

Scott W. Absher

Pro Se

ShiftPixy, Inc.

Represented By
James C Bastian Jr
Ryan D O'Dea

Plaintiff(s):

Karen Sue Naylor

Represented By
Nanette D Sanders

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders

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

1:30 PM

8:21-11710 Jamie Lynn Gallian

Chapter 7

Adv#: 8:21-01096 Jasso v. Gallian et al

#19.00

CONT'D STATUS CONFERENCE Hearing RE: Second Amended Complaint
For Determination Of Dischargeability And Objecting To Debtor's Discharge
Pursuant To Sections 523 And 727 Of The Bankruptcy Code

(Complaint filed 10/18/2021)

(First Amended Complaint filed 11/16/2021)

[Case Transferred From ES On 9/1/2022]

(Another Summons Issued 11/19/21)

(S/C set at hearing held 9/27/2022)

(Second Amended Complaint filed 1/28/2023)

(S/C set at PTC held 5/16/2023)

FR:2-10-22; 6-30-22; 9-22-22; 9-22-22; 9-27-22; 11-15-22; 2-14-23; 5-16-23;
7-18-23; 1-16-24

Docket 107

***** VACATED *** REASON: CONTINUED TO APRIL 9, 2024 AT 1:30
P.M. PER ORDER GRANTING MOTION TO CONTINUE STATUS
CONFERENCE TO CONSERVE COURT RESOURCES ENTERED 3-19-
2024 - (DOCKET NO. [134])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamie Lynn Gallian	Pro Se
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Defendant(s):

Jamie Lynn Gallian	Pro Se
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J-Pad, LLC	Pro Se
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J-Sandcastle Co LLC	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, April 9, 2024

Hearing Room 5C

1:30 PM

CONT... Jamie Lynn Gallian

Chapter 7

Plaintiff(s):

Janine Jasso

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Aaron E. DE Leest
Eric P Israel

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

Tuesday, April 9, 2024

Hearing Room 5C

1:30 PM

8:22-10960 Shaun D. Etchegoyen

Chapter 7

Adv#: 8:22-01077 Dabbah et al v. Etchegoyen

#20.00

CONT'D Hearing RE: Plaintiff's Motion For Default Judgment Against Shaun D. Etchegoyen Under LBR 7055-1 (Motion filed 11/6/2023)

FR: 12-5-23; 2-13-24

Docket 31

Tentative Ruling:

Tentative for 4/9/24:

The Court notes that a settlement agreement was approved in the main case by an order entered February 13, 2024 [Dk. 105] which provides that Plaintiffs may proceed, at their election, to prosecute and liquidate their claim in Superior Court, and once so liquidated, that claim will be deemed non-dischargeable pursuant to § 523(a)(2). This matter is CONTINUED to June 18, 2024, at 1:30 p.m. as a holding date pending dismissal of the main case pursuant to the terms of the approved settlement agreement.

Appearances for the 4/9 hearing will not be permitted.

Tentative for 12/5/23:

This matter is CONTINUED to February 13, 2024, at 1:30 p.m. to allow Plaintiffs to submit supplemental evidence, addressing the following:

Plaintiffs fail to provide authenticated evidence of all damages which clearly demonstrates what injury or damages Defendant caused by the misrepresentation concerning his licensed status, how and why Defendant is liable for additional remodeling completed, and why California Business & Professions Code § 7031(b) would provide, in the context of a §523 action, for the total amount of compensation paid to an unlicensed contractor for

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performance of any act or contract to be excepted from discharge.

The supplemental evidence must be filed by no later than January 23, 2024.

Appearances for the 12/5 hearing are excused.

Party Information

Debtor(s):

Shaun D. Etchegoyen

Represented By
Joseph A Weber

Defendant(s):

Shaun D. Etchegoyen

Represented By
Fritz J Firman

Movant(s):

Gary Dabbah

Represented By
Donald W Reid

Tina Dabbah

Represented By
Donald W Reid

Plaintiff(s):

Gary Dabbah

Represented By
Donald W Reid

Tina Dabbah

Represented By
Donald W Reid

Trustee(s):

Richard A Marshack (TR)

Represented By
Thomas J Polis

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8:22-10960 Shaun D. Etchegoyen

Chapter 7

Adv#: 8:22-01077 Dabbah et al v. Etchegoyen

#21.00

CONT'D STATUS CONFERENCE Hearing RE: Complaint To Determine Non-Dischargeability Of Debt Pursuant To 11 U.S.C. Section 523(a)(2), (4), And (6) (Complaint filed 9/8/2022) (PTC set at S/C held 12/8/2022) (S/C set at Hearing Held 8/28/2023)

FR: Advanced from 12-13-22; 12-8-22; 6-14-23; 8-28-23; 11-7-23; 12-5-23; 2-13-24

Docket 1

Tentative Ruling:

Tentative for 4/9/24:

The Court notes that a settlement agreement was approved in the main case by an order entered February 13, 2024 [Dk. 105] which provides that Plaintiffs may proceed, at their election, to prosecute and liquidate their claim in Superior Court, and once so liquidated, that claim will be deemed non-dischargeable pursuant to § 523(a)(2). This matter is CONTINUED to June 18, 2024, at 1:30 p.m. as a holding date pending dismissal of the main case pursuant to the terms of the approved settlement agreement.

Appearances for the 4/9 hearing will not be permitted.

Tentative for 2/13/24:

This matter is CONTINUED to April 9, 2024 at 1:30 p.m. to coincide with the hearing on Plaintiff's motion for default judgment. A status report is due 14 days in advance.

Appearances for the 2/13 hearing are excused.

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CONT... Shaun D. Etchegoyen

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Tentative for 12/5/23:

In light of the tentative in related matter #16, this matter is CONTINUED to February 13, 2024, at 1:30 p.m. No status report is required.

Appearances for the 12/5 hearing are excused.

Tentative for 11/7/23:

This matter is CONTINUED to December 5, 2023, at 1:30 p.m. to be heard concurrently with the anticipated motion for default judgment.

Appearances for the 11/7 hearing are excused.

Tentative for 12/8/22:

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

1. Discovery cutoff: May 31, 2023. Note: this is the date by which all discovery motions must be heard and resolved.
2. Motion cutoff: June 30, 2023. Note: this is the date by which all non-discovery motions must be heard and resolved.
3. Pretrial conference: July 18, 2023, at 1:30 p.m.

The parties are specifically advised to cooperate and follow all local and federal rules. The failure to do so may result in the imposition of monetary and non-monetary sanctions, including the striking of the answer and dismissal of the complaint.

Plaintiff is to lodge a scheduling order within seven (7) days.

Virtual appearances are required.

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CONT... Shaun D. Etchegoyen

Chapter 7

Debtor(s):

Shaun D. Etchegoyen

Represented By
Joseph A Weber

Defendant(s):

Shaun D. Etchegoyen

Represented By
Fritz J Firman

Plaintiff(s):

Gary Dabbah

Represented By
Donald W Reid

Tina Dabbah

Represented By
Donald W Reid

Trustee(s):

Richard A Marshack (TR)

Represented By
Thomas J Polis

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8:22-10960 Shaun D. Etchegoyen
Adv#: 8:22-01082 Story v. Etchegoyen

Chapter 7

#22.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint To Determine
Nondischargeability Of Debt Pursuant To 11 U.S.C. Section 523(a)(2), (4), And
(6)
(Complaint filed 9/19/2022)
(Another Summons issued 9/29/2022)
(PTC set at S/C held 12/8/2022)

FR: advanced from 12-13-22; 12-8-22; 7-18-23; 9-26-23; 1-9-24

Docket 1

***** VACATED *** REASON: OFF CALENDAR PER JUDGMENT
ENTERED 4-5-2024 - (DOCKET NO. [37])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shaun D. Etchegoyen

Represented By
Joseph A Weber

Defendant(s):

Shaun D. Etchegoyen

Represented By
Fritz J Firman

Plaintiff(s):

Louise Story

Represented By
Donald W Reid

Trustee(s):

Richard A Marshack (TR)

Represented By
Thomas J Polis

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8:22-11373 Integrated Energy Systems CA, Inc.

Chapter 7

Adv#: 8:24-01009 Karen Sue Naylor v. Rexel USA, Inc.

#23.00

STATUS CONFERENCE Hearing RE: Complaint:

- (1) To Avoid Preferential Transfers Pursuant To 11 U.S.C. Section 547; And
- (2) To Recover And Preserve Preferential Transfers Pursuant To 11 U.S.C. Sections 550 And 551
(Complaint filed 1/18/2024)

Docket 1

Tentative Ruling:

Tentative for 4/9/24:

The Court notes that the Joint Status Report was filed 11 days before the status conference, as opposed to 14 days, in contravention of Local Bankruptcy Rule 7016-1. The Court will excuse the late filing in this instance but will require compliance in the future.

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

1. Discovery cutoff: September 26, 2024. Note: this is the date by which all discovery motions must be heard and resolved.
2. Motion cutoff: November 14, 2024. Note: this is the date by which all non-discovery motions must be heard and resolved.
3. Pretrial conference: December 17, 2024, at 1:30 p.m.

Virtual appearances are required. The hearing will take place in person and 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

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CONT... **Integrated Energy Systems CA, Inc.**
further information.

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The audio portion of each hearing will be recorded electronically by the Court and 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 nationwide mandate and is not subject to this Court's discretion. The Court will have monitors on and viewable within the Courtroom for viewing.**

Hearing participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1611664351>

Meeting ID: 161 166 4351

Password: 759344

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the below audio conference information. **PLEASE BE ADVISED THAT THE GENERAL PUBLIC AND ALL MEDIA MAY ONLY USE THE AUDIO CONFERENCE SYSTEM BELOW AND MAY NOT UTILIZE THE VIDEO CONFERENCE SYSTEM.**

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 166 4351

Password: 759344

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

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CONT... Integrated Energy Systems CA, Inc.

Chapter 7

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

As noted in the Court's Zoom Video Hearing Guide, located at <https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

Party Information

Debtor(s):

Integrated Energy Systems CA, Inc.

Represented By
Kevin Hahn

Defendant(s):

Rexel USA, Inc.

Pro Se

Plaintiff(s):

Karen Sue Naylor

Represented By
Nathan F Smith

Trustee(s):

Karen S Naylor (TR)

Represented By
Arturo Cisneros

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8:22-11909 Bruce W Carter

Chapter 7

#24.00

CONT'D Hearing RE: Status Of Civil Contempt
[In-Person Hearing]

FR: 3-12-24

Docket 62

Tentative Ruling:

Tentative for 4/9/24:

Pursuant to this Court's order entered March 13, 2024 [Dk. 62], Bruce W. Carter is required to be physically present in Courtroom 5C and bring the required Documents related to the Property and the Trust, if not provided to the Trustee's counsel prior to the hearing, or shall provide an explanation and evidence as to why he cannot provide the Documents.

All other parties may appear virtually.

Appearances are required. The hearing will take place in person and 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...

Bruce W Carter

Chapter 7

wide mandate and is not subject to this Court's discretion. The Court will have monitors on and viewable within the Courtroom for viewing.

Hearing participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1611664351>

Meeting ID: 161 166 4351

Password: 759344

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the below audio conference information. PLEASE BE ADVISED THAT THE GENERAL PUBLIC AND ALL MEDIA MAY ONLY USE THE AUDIO CONFERENCE SYSTEM BELOW AND MAY NOT UTILIZE THE VIDEO CONFERENCE SYSTEM.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 161 166 4351

Password: 759344

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

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CONT... Bruce W Carter

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from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

Tentative for 3/12/24:

Bruce W. Carter is required to be physically present in Courtroom 5C. All other parties may appear virtually.

Party Information

Debtor(s):

Bruce W Carter

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe

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Tuesday, April 9, 2024

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8:23-10373 Leonel Antonio Ulloa

Chapter 7

Adv#: 8:24-01007 Karen Sue Naylor v. Ha

#25.00

STATUS CONFERENCE Hearing RE: Complaint:

(1) Breach Of Contract;

(2) Unjust Enrichment;

(3) Turnover; And

(4) Fraud

(Complaint filed 1/16/2024)

Docket 1

Tentative Ruling:

Tentative for 4/9/24:

This matter is CONTINUED to April 30, 2024, at 1:30 p.m. to be heard concurrently with Trustee's Motion for Default Judgment. No status report is required for the continued status conference.

Appearances for the 4/9 hearing are excused

Party Information

Debtor(s):

Leonel Antonio Ulloa

Represented By

Christopher J Langley

Michael Smith

Defendant(s):

Billy Ha

Pro Se

Plaintiff(s):

Karen Sue Naylor

Represented By

Nathan F Smith

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CONT... Leonel Antonio Ulloa

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Represented By
Arturo Cisneros
Nathan F Smith