

**United States Bankruptcy Court
Central District of California
Riverside
Scott Clarkson, Presiding
Courtroom 126 Calendar**

Tuesday, November 14, 2023

Hearing Room 126

10:00 AM

6:19-13708 SIF Services, LLC

Chapter 7

#1.00

Hrg. on Trustee's Final Report and Applications for Compensation

EH__

Docket 204

Tentative Ruling:

Tentative for 11/14/23 is to APPROVE as requested, except that the amount paid to LEA Accountancy LLP shall be \$16,140.50, which is the amount set forth in the order approving the stipulated fee reduction entered September 27, 2023 [Dk. 198].

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee 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 Trustee 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: 161 151 6255

Password: 620136

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

**United States Bankruptcy Court
Central District of California
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10:00 AM

CONT... SIF Services, LLC

Chapter 7

party, however, may *listen* to the hearing by audioconference, as noted above.

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

Party Information

Debtor(s):

SIF Services, LLC

Represented By
Steven R Fox
W. Sloan Youkstetter
Janis G Abrams
Michael B Lubic

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Scott Clarkson, Presiding
Courtroom 126 Calendar**

Tuesday, November 14, 2023

Hearing Room 126

10:00 AM

6:21-14326 Jose Cardona and Cecilia Cardona

Chapter 7

#2.00

Hrg. on Trustee's Final Report and Applications for Compensation

EH__

Docket 99

Tentative Ruling:

Tentative for 11/14/23 is to APPROVE as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee 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 Trustee 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: 161 151 6255

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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.

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

**United States Bankruptcy Court
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CONT... Jose Cardona and Cecilia Cardona

Chapter 7

Party Information

Debtor(s):

Jose Cardona

Represented By
Michael H Colmenares

Joint Debtor(s):

Cecilia Cardona

Represented By
Michael H Colmenares

Trustee(s):

Howard B Grobstein (TR)

Represented By
Nancy H Zamora

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

Tuesday, November 14, 2023

Hearing Room 5C

11:00 AM

8:22-11915 Manzella Properties, LLC

Chapter 7

#3.00

Hearing RE: Motion Of Chapter 7 Trustee For Order:

- (1) Confirming Termination Of Lease Between The Debtor And South County Concepts, LLC; Or, In The Alternative, Authorizing Rejection Of The Lease Pursuant To 11 U.S.C. Section 365;
 - (2) Approving Sale Of Commercial Real Property Of The Estate, Free And Clear Of Liens, Claims And Encumbrances, Including The South County Lease, Pursuant To 11 U.S.C. Sections 363(b); 363(f); And 363(m);
 - (3) Approving Overbid Procedures;
 - (4) Authorizing Trustee To Pay Allowed Secured Claims, Broker Commissions, And Field Agent in Full From Net Sale Proceeds; And
 - (5) Waiving The Stay Of Rule 6004(h)
- (Motion filed 10/24/2023)

Docket 278

Tentative Ruling:

Tentative for 11/14/23 is to overrule the objections, approve the overbid procedures, and permit Trustee to conduct an auction.

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.

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**

**United States Bankruptcy Court
Central District of California
Santa Ana
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5C

11:00 AM

CONT... **Manzella Properties, LLC**

Chapter 7

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/1616053083>

Meeting ID: 161 605 3083

Password: 690423

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: 161 605 3083

Password: 690423

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.

As noted in the Court's Zoom Video Hearing Guide, located at

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Central District of California
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11:00 AM

CONT... Manzella Properties, LLC

Chapter 7

<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):

Manzella Properties, LLC

Represented By
Tracy Green
Anthony W. Austin

Movant(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Ashley M Teesdale
William Malcolm

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Ashley M Teesdale
William Malcolm

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

Tuesday, November 14, 2023

Hearing Room 5C

11:00 AM

8:23-11817 Cecelia Estelle Lane

Chapter 7

#4.00

Hearing RE: Order To Show Cause RE Dismissal For Failure To Comply With Rule 1006(b)

[RE: Final Installment Was Due On 10/16/2023 - Amount: \$138.00]

Docket 15

Tentative Ruling:

Tentative for 11/14/23 is to DISMISS for the failure to pay the third and final fee installment as required by the Order Granting Application to Pay in Installments entered September 5, 2023 [Dk. 8].

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.

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.**

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11:00 AM

CONT... Cecelia Estelle Lane

Chapter 7

Videoconference URL: <https://cacb.zoomgov.com/j/1616053083>

Meeting ID: 161 605 3083

Password: 690423

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: 161 605 3083

Password: 690423

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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Party Information

**United States Bankruptcy Court
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Santa Ana
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Tuesday, November 14, 2023

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11:00 AM

CONT... Cecelia Estelle Lane

Chapter 7

Debtor(s):

Cecelia Estelle Lane

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

8:19-13858 Bruce Elieff

Chapter 7

Adv#: 8:20-01046 Ehrenberg (TR) v. Benice et al

#5.00

CONT'D STATUS CONFERENCE RE: Complaint For Injunctive Relief
(Complaint filed 4/10/2020)
[Case Transferred From ES On 9/1/2022]
(PTC set at S/C held 1/17/2023)
(PTC converted to S/C per Order Entered 6/15/2023 - Dk. No. [82])

FR: 7-16-20; 9-17-20; 11-19-20; 2-18-21; 5-20-21; 8-19-21; 12-2-21; 3-3-22;
6-2-22; 10-6-22; 10-11-22; 1-17-23; advanced from 8-29-23; 8-28-23

Docket 1

Tentative Ruling:

Tentative for 11/14/23:

The Court notes that no status report was filed for this hearing and that while the settlement was approved in the main case on November 1, 2023 [Dk. 1537], such approval does not eliminate the parties' requirement to file a joint status report while this adversary is pending. The Court will excuse the non-compliance in this instance, but the parties are cautioned that it may issue sanctions for future violations.

This matter is CONTINUED to January 16, 2024, at 1:30 p.m. as a holding date, with a status report due 14 days in advance if the matter has not otherwise been resolved.

Appearances for the 11/14 hearing are excused.

Tentative for 8/28/23:

In light of the representations contained in the Unilateral Status Report filed 8/17/23 [Dk. 84] that a settlement has been reached, this matter is CONTINUED to November 14, 2023, at 1:30 p.m., with a status report due 14

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CONT...

Bruce Elieff

Chapter 7

days in advance. Plaintiff must file a motion to approve the settlement by no later than September 30, 2023.

Appearances for the 8/28 matter are excused.

Tentative for 1/17/23:

The Court has reviewed the unilateral status reports filed by both parties [Dks. 70 and 71] and notes that neither conform to LBR 7016-1(a)(3). Specifically, neither party included a declaration setting forth attempts made by the party to obtain cooperation toward the filing of a joint status report or utilized the mandatory court form.

Notwithstanding the foregoing, the Court is inclined to set the following dates/deadlines:

1. Discovery cutoff: June 1, 2023. Note: this is the date by which all discovery motions must be heard and resolved.
2. Motion cutoff: July 21, 2023. Note: this is the date by which all non-discovery motions must be heard and resolved.
3. Pretrial conference: August 29, 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.

Tentative for 10/11/22:

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1:30 PM

CONT... **Bruce Elieff**

Chapter 7

This matter is CONTINUED to January 17, 2023, at 11:00 a.m. A status report is due 14 days in advance.

Appearances for the 10/11 hearing are excused.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson
Robert P Goe

Defendant(s):

Jeffrey S. Benice

Represented By
Jeffrey S Benice

Benice Law

Represented By
Jeffrey S Benice

Plaintiff(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
David V Sack
Steven Werth

Trustee(s):

Howard M Ehrenberg (TR)

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

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

8:20-10174 John Stephen Holmes

Chapter 7

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

#6.00

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)

Docket 44

***** VACATED *** REASON: CONTINUED TO FEBRUARY 27, 2024 AT 1:30 P.M. PER ORDER APPROVING STIPULATION TO EXTEND DEADLINE FOR INDIVIDUAL DEFENDANTS TO: (1) FILE A RESPONSE TO THE SECOND AMENDED COMPLAINT; AND, (2) CONTINUE OR TAKE OFF CALENDAR STATUS CONFERENCE, PRETRIAL CONFERENCE, AND CASE DEADLINES ENTERED 9-20-2023 - (DOCKET NO. [50])**

Tentative Ruling:

- NONE LISTED -

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

**United States Bankruptcy Court
Central District of California
Santa Ana
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1:30 PM

CONT... John Stephen Holmes Chapter 7

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
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Trustee(s):

Karen S Naylor (TR)	Represented By Nanette D Sanders
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United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar

Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

8:20-11493 Kourosh Baniassad

Chapter 7

Adv#: 8:20-01111 Razaghi v. Baniassad et al

#7.00

CONT'D PRE-TRIAL CONFERENCE RE: Complaint To Determine
Dischargeability
[11 U.S.C. Section 523(a)(6)]
(Complaint filed 7/29/2022)
[Case Transferred From ES On 9/1/2022]

FR: 10-22-20; 8-12-21; 1-13-22; 3-31-22; 5-5-22; 9-8-22; 11-2-22 -(ES); 2-7-23);
5-2-23; 7-11-23; 8-14-23; 9-26-23

Docket 1

***** VACATED *** REASON: OFF CALENDAR PER ORDER
GRANTING STIPULATION FOR DISMISSAL WITH PREJUDICE
ENTERED 10-11-2023 - (DOCKET NO. [65])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kourosh Baniassad

Represented By
Kaveh Ardalan

Defendant(s):

Kourosh Baniassad

Represented By
Kaveh Ardalan

Ida Baniassad

Represented By
Kaveh Ardalan

Joint Debtor(s):

Ida Baniassad

Represented By
Kaveh Ardalan

**United States Bankruptcy Court
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1:30 PM

CONT... Kourosh Baniassad

Chapter 7

Plaintiff(s):

Kamran Razaghi

Represented By
Peter R Afrasiabi

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

8:21-10635 Alicia Marie Richards

Chapter 7

Adv#: 8:23-01001 Marshack v. SchoolsFirst Federal Credit Union et al

#8.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint For Turnover Of
Property Of The Estate
(Complaint filed 1/4/2023)
(PTC set at S/C held 4/11/2023)

FR: 4-11-23

Docket 1

***** VACATED *** REASON: OFF CALENDAR PER ORDER
APPROVING STIPULATION FOR DISMISSAL OF ADVERSARY
PROCEEDING AND DISMISSING ADVERSARY PROCEEDING
ENTERED 10-31-2023 - (DOCKET NO. [42])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards

Represented By
Bruce A Boice

Defendant(s):

SchoolsFirst Federal Credit Union

Represented By
Paul V Reza

Alicia Marie Richards

Represented By
Bruce A Boice

Plaintiff(s):

Richard A Marshack

Represented By
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
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Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

CONT... Alicia Marie Richards

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard G. Heston
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
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Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

8:21-11886 Haah Automotive Holdings Inc.

Chapter 7

Adv#: 8:22-01099 Marshack v. Leaders for Christ, Inc.

#9.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Complaint For:
(1) Avoidance, Preservation, And Recovery Of Actual Fraudulent Transfer
[11 U.S.C. Sections 544, 550, 551; Cal. Civ. Code Sections 3439.04, 3439.07]
(2) Avoidance, Preservation, And Recovery Of Constructive Fraudulent Transfer
[11 U.S.C. Sections 544, 550, 551; Cal. Civ. Code Sections 3439.05; And
3439.07]
(3) Avoidance, Preservation, And Recovery Of Actual Fraudulent Transfer
[11 U.S.C. Sections 548(a)(1)(A), 550, And 551]
(4) Avoidance, Preservation, And Recovery Of Constructive Fraudulent Transfer
[11 U.S.C. Sections 548(a)(1)(B), 550, And 551]
(Complaint filed 11/16/2022)
(PTC set at S/C held 3/21/2023)

FR: 2-7-22; 3-21-23

Docket 1

***** VACATED *** REASON: CONTINUED TO JANUARY 16, 2024 AT
1:30 P.M. PER ORDER APPROVING STIPULATION: (1) GRANTING
DEFENDANT LEAVE TO WITHDRAW DEEMED ADMISSIONS [FED. R.
CIV. P. 36(B)]' (2) PROVIDING RESPONSES TO PLAINTIFF'S
WRITTEN DISCOVERY; AND (3) EXTENDING PRETRIAL
DEADLINES ENTERED 7-5-2023 - (DOCKET NO. [19])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Haah Automotive Holdings Inc.

Represented By
Christopher Minier

Defendant(s):

Leaders for Christ, Inc.

Represented By
Raoul J Severo

**United States Bankruptcy Court
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1:30 PM

CONT... Haah Automotive Holdings Inc.

Chapter 7

Lawrence La Rocca

Plaintiff(s):

Richard A. Marshack

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
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Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

8:21-12176 Scott Warren Cohen

Chapter 7

Adv#: 8:21-01106 Akyuz et al v. Cohen

#10.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: Plaintiffs' Complaint To Determine Non-Dischargeability Of Debt Pursuant To 11 USC 523(a)(2)(A) & (6) (Complaint filed 12/6/2021) (Another Summons Issued 12-22-21) **[Case Transferred From ES On 9/1/2022]**

FR: 3-31-22; 4-7-22; 10-13-22; 10-25-22; 4-11-23 at 11:00 a.m.; 4-11-23; 9-12-23

Docket 1

***** VACATED *** REASON: CONTINUED TO JANUARY 16, 2024 AT 1:30 P.M. PER ORDER GRANTING STIPULATION TO CONTINUE PRE-TRIAL CONFERENCE ENTERED 11-13-2023 - (DOCKET NO. [40])**

Tentative Ruling:

Tentative for 11/14/23:

This matter is VACATED and continued to January 9, 2024, at 1:30 p.m., with a status report due 14 days in advance.

Party Information

Debtor(s):

Scott Warren Cohen

Represented By
Leonard M Shulman
Ryan D O'Dea
Max Casal

Defendant(s):

Scott Warren Cohen

Represented By
Franklin J Contreras

Plaintiff(s):

Rebecca Akyuz

Represented By

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1:30 PM

CONT... Scott Warren Cohen

Chapter 7

Paul J Kurtzhall

Linda Akyuz

Represented By
Paul J Kurtzhall

Trustee(s):

Richard A Marshack (TR)

Represented By
William J Wall

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

8:22-10494 Eric Vaughn Zwigart

Chapter 7

Adv#: 8:22-01111 NW Logistics LLC v. Zwigart et al

#11.00

CONT'D STATUS CONFERENCE Hearing RE: Second Amended Complaint
To Determine Dischargeability Or Denial Of Debt Owed To NW Logistics, LLC
Pursuant To 11 U.S.C. Section 523(a)
(Complaint filed 12/23/2022 - Dismissed 2-23-2023)
(First Amended Complaint filed 3/4/2023)
(Second Amended complaint filed 6/26/2023)

FR: 3-21-23; 6-13-23; 9-12-23

Docket 50

***** VACATED *** REASON: CONTINUED TO DECEMBER 12, 2023
AT 1:30 P.M. PER ORDER CONTINUING HEARINGS ON (1) MOTION
FOR ORDER COMPELLING DISCLOSURE PURSUANT TO FRCP 37
(DOKCET [75]) AND (2) STATUS CONFERENCE ENTERED 10-20-2023 -
(DOCKET NO. [78])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Vaughn Zwigart

Represented By
Michael G Spector
Vicki L Schennum

Defendant(s):

Eric Vaughn Zwigart

Represented By
Michael G Spector

Luz Amparo Zwigart

Represented By
Michael G Spector

Joint Debtor(s):

Luz Amparo Zwigart

Represented By

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1:30 PM

CONT... Eric Vaughn Zwigart

Chapter 7

Michael G Spector
Vicki L Schenum

Plaintiff(s):

NW Logistics LLC

Represented By
Xai McDonald

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
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Tuesday, November 14, 2023

Hearing Room 5C

1:30 PM

8:22-11618 Basilio Cerrillo

Chapter 7

Adv#: 8:22-01113 Doe v. Cerrillo

#12.00

CONT'D PRE-TRIAL CONFERENCE Hearing RE: First Amended Complaint For Non-Dischargeability For: (2) For Willful And Malicious Injury To Property [11 U.S.C. Section 523(a)(6) (Complaint filed 12/29/2022) (First Amended Complaint filed 3/21/2023) (PTC set at S/C held 5-2-23)

FR: 3-21-23; 5-2-23

Docket 16

Tentative Ruling:

Tentative for 11/14/23:

As of the posting of this tentative, no proposed joint pretrial statement has been filed, in contravention of Local Rule 7016-1(b). If this Court continues the pretrial hearing, it may set a continued date of January 9, 2024, at 1:30 p.m.

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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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/1615479939>

Meeting ID: 161 547 9939

Password: 406568

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.

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Password: 406568

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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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 5/2/23:

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

1. Discovery cutoff: September 1, 2023. Note: this is the date by which all discovery motions must be heard and resolved.
2. Motion cutoff: October 20, 2023. Note: this is the date by which all non-discovery motions must be heard and resolved.
3. Pretrial conference: November 14, 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.

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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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):

Basilio Cerrillo

Represented By
Steven A. Alexander

Defendant(s):

Basilio Cerrillo

Represented By
Steven A. Alexander

Plaintiff(s):

Jane Doe

Represented By
Jonathan N Vaknin

Trustee(s):

Thomas H Casey (TR)

Pro Se

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8:23-10065 Khushwant Sean Singh

Chapter 7

Adv#: 8:23-01032 Rakower v. Singh

#13.00

Hearing RE: Plaintiff's Motion For Default Judgment Under LBR 7055-1
Against Khushwant Sean Singh
(Motion filed 10/19/2023)

Docket 27

Tentative Ruling:

Tentative for 11/14/23 is to DENY without prejudice:

Plaintiff seeks entry of a default judgment pursuant to § 523(a)(6).

Default judgment is not to be granted as a matter of right merely because a party fails to answer or defend such suit. Although the general rule is that on default, facts alleged in the complaint are taken as true, except with respect to damages, entry of default does not automatically entitle the Plaintiff to a default judgment. *In re Villegas*, 132 B.R. 742, 746 (B.A.P. 9th Cir. 1991). ("[E]ntry of default does not automatically entitle the nondefaulting party to entry of a default judgment regardless of the fact that the effect of entry of a default is to deem allegations admitted.") Moreover, the Bankruptcy Court has wide discretion to require that Plaintiff submit sufficient proof of facts to make out a prima facie case before granting its motion for default judgment. *In re Beltran*, 182 B.R. 820, 823 (B.A.P. 9th Cir. 1995).

Plaintiff possesses a state court judgment against Defendant for malicious prosecution. In awarding such judgment in Plaintiff's favor, the state court jury found that Defendant acted with "malice, oppression, or fraud." Such finding, without more, however, is insufficient for purposes of § 523(a)(6).

The elements to establish a malicious prosecution action under California law are not necessarily identical to those required to establish nondischargeability under § 523(a)(6). As noted by the Bankruptcy Appellate Panel in *Dekhtyar v. Chernyavsky* (*In re Dekhtyar*), 2019 Bankr. Lexis 853 (9th Cir. BAP 2019):

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In the context of malicious prosecution, "malice" refers to an improper motive for bringing the prior action; malice is present when a suit is actuated by hostility, ill will, or for some other purpose than to secure relief, or where a plaintiff asserts a claim with knowledge of its falsity. *Nunez v. Pennisi*, 241 Cal. App. 4th 861, 877 (2015). The "initiated with malice" element of malicious prosecution is not limited to actual hostility or ill will toward the plaintiff but exists when the proceedings are instituted primarily for an improper purpose. *Arden v. Silas (In re Arden)*, No. CC-14-1186-DTaKu, 2015 WL 4068962, at *9 (9th Cir. BAP July 2, 2015) (citing *Albertson v. Raboff*, 46 Cal. 2d 375, 383 (1956)). An "improper purpose" may include situations where: (1) the person instituting the lawsuit does not believe that the claim is valid; (2) the proceedings are begun primarily because of hostility or ill will; (3) the proceedings are initiated solely to deprive the person against whom they are instituted of a beneficial use of his property; or (4) the proceedings are initiated for the purpose of forcing a settlement which has no relation to the merits of the claim. *Albertson*, 46 Cal. 2d at 411. As such, a finding of malice in a malicious prosecution action does not always establish a willful intent to injure under § 523(a)(6). See *In re Arden*, 2015 WL 4068962, at *10 ("[I]n a malicious prosecution action, the proof may or may not establish a willful intent to injure on the part of the defendant." (emphasis in original)).

Dekhtyar v. Chernyavsky (In re Dekhtyar), 2019 Bankr. Lexis 853 (9th Cir. BAP 2019).

The findings in support of Plaintiff's judgment are silent as to Defendant's willful intent to injure. And, Plaintiff submits no other evidence from which the Court may make such a finding. Accordingly, the motion for a default judgment is denied without prejudice.

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

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Party Information

Debtor(s):

Khushwant Sean Singh	Pro Se
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Defendant(s):

Khushwant Sean Singh	Pro Se
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Movant(s):

Stephen R. Rakower	Represented By William K Crowe
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Plaintiff(s):

Stephen R. Rakower	Represented By William K Crowe
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Trustee(s):

Karen S Naylor (TR)	Pro Se
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8:23-11037 Thomas Allen Windham

Chapter 7

Adv#: 8:23-01091 Palm Springs Village-309, LLC v. Windham

#14.00

STATUS CONFERENCE Hearing RE: Complaint To Determine
Nondischargeability Of Debt Pursuant To 11 U.S.C. Section 523
(Complaint filed 8/23/2023)

Docket 1

Tentative Ruling:

Tentative for 11/14/23:

This matter is CONTINUED to January 16, 2024, at 1:30 p.m., with a status report due 14 days in advance.

Plaintiff is to file its motion for default judgment by no later than December 15, 2023, which may be determined with or without a hearing, as per applicable local rules.

Appearances for the 11/14 hearing are excused.

Party Information

Debtor(s):

Thomas Allen Windham

Represented By
Richard G. Heston

Defendant(s):

Thomas Allen Windham

Pro Se

Plaintiff(s):

Palm Springs Village-309, LLC

Represented By
Michael A Wallin

Trustee(s):

Richard A Marshack (TR)

Pro Se

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8:23-11047 Andrew A. Sandoval

Chapter 7

Adv#: 8:23-01092 Gonzalez et al v. Sandoval

#15.00

STATUS CONFERENCE Hearing RE: Complaint Objecting To Discharge Of Debtor
(Complaint filed 8/24/2023)

Docket 1

Tentative Ruling:

Tentative for 11/14/23:

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

Appearances for the 11/14 hearing are excused.

Party Information

Debtor(s):

Andrew A. Sandoval

Represented By
Joseph A Weber

Defendant(s):

Andrew A Sandoval

Pro Se

Plaintiff(s):

Christian Gonzalez

Represented By
Stephen Hicklin

Enrique Gonzalez

Represented By
Stephen Hicklin

Jorge Gonzalez

Represented By
Stephen Hicklin

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Trustee(s):

Richard A Marshack (TR)

Pro Se

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8:23-11047 Andrew A. Sandoval

Chapter 7

Adv#: 8:23-01093 Sergio Mellado v. Sandoval

#16.00

STATUS CONFERENCE Hearing RE: Complaint Objecting To Discharge Of Debtor
(Complaint filed 8/24/2023)

Docket 1

Tentative Ruling:

Tentative for 11/14/23:

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

Appearances for the 11/14 hearing are excused.

Party Information

Debtor(s):

Andrew A. Sandoval

Represented By
Joseph A Weber

Defendant(s):

Andrew A Sandoval

Pro Se

Plaintiff(s):

Sergio Mellado

Represented By
Stephen Hicklin

Trustee(s):

Richard A Marshack (TR)

Pro Se