

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

**Thursday, December 12, 2024**

**Hearing Room 5C**

3:30 PM

**8:23-12645 Dathao Phung**

**Chapter 11**

**#1.00**

CONT'D Hearing RE: Confirmation Of First Amended Chapter 11 Plan Of Reorganization  
(D.S. filed 4/12/2024)  
(Plan Confirmation hearing set at D.S. held 6/20/24)  
(First Amended Plan filed 7/10/2024)

FR: 6-2024; 10-17-24

Docket 48

**Tentative Ruling:**

Tentative for 12/12/24:

This matter is CONTINUED to January 16, 2025, at 11:00 a.m. per Debtor's request contained in its Reply filed December 5, 2024 [Dk. 102].

If Debtor intends on filing a further amended plan, it must be filed with a redline by no later than December 26, 2024. Any objection is due by no later than January 2, 2025, and Replies by January 9, 2025.

Appearances for the 12/12 hearing are excused.

\*\*\*\*\*

Tentative for 10/17/24:

This matter is CONTINUED to December 12, 2024, at 3:30 p.m., to permit Debtor to file an amended plan by no later than November 14, 2024.

Creditor U.S. Millenium must file a supplemental pleading by no later than November 28, 2024, detailing whether the amended plan addresses all of their objections. Any further or renewed opposition must be filed by no later than

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**CONT... Dathao Phung**  
November 28, 2024.

**Chapter 11**

Appearances for the 10/17 hearing are excused.

\*\*\*\*\*

Tentative for 6/20/24:

The Court is inclined to deny approval of the proposed first amended disclosure statement (FADS) attached to Dk. 65 and continue to August 14, 2024, at 1:30 p.m. for the purposes of submitting a proposed second amended disclosure statement and first an amended plan by no later than July 3, 2024.

The Court has the following issues/concerns:

1. The Liquidation Analysis to the FADS indicates 11.43% (Ch 7) vs. 12% (Plan) and includes estimates on costs of sale and Trustee's fees, without further description. Given the narrow margins and the lack of information, it is therefore questionable that creditors would in fact receive more in a Chapter 11. The liquidation analysis indicates that upon liquidation, \$2,321,865.22 would be realized for the estate with \$437,658.31 attributable to 8% cost of liquidation plus compensation for Trustee's fees and funds for his professional (but no breakdown is provided).
2. Debtor is deeming the deed of trust of Loc Van Le (who is in class #6) as voided under the Plan, who will then be unsecured. The Plan provides that payments will commence to this creditor after US Millenium has been paid in full. It is not clear why this creditor is treated differently than other unsecured creditors. Note, however, this is impermissible as, under *In re Commercial W. Fin. Corp.*, 761 F.2d 1329, 1331 (9th Cir. 1985), a bankruptcy court errs in approving a plan seeking to avoid liens under §544 because an adversary proceeding (with all the procedural protections) is required to do so.
3. The FADS is unclear as to when exactly US Millenium will be paid. The FADS states that US Millenium will be paid \$1,000 per month for 36 months but will list one of the properties at 18 months sufficient to pay it off in full, but doesn't state a date certain when it actually needs to be sold. Presumably, Debtor is to

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use best efforts to sell at market conditions, but this is not specified.

4. Ex. G (list of all creditors) contains a statement that: "Creditors in Classes 6 and 7 will be paid only if a timely-filed proof of claim was filed. Creditors who did not file a timely-filed proof of claim will not receive a distribution." Not all of Debtor's unsecured creditors were disputed; thus, this statement is incorrect. Also, the language regarding claim objections is unclear. It includes the statement: "Unless a creditor's claim has been expressly allowed by order of the bankruptcy court, no creditor should rely or expect that his/her claim will be allowed in full when voting on the Plan." It is unknown what legal effect this statement is intended to impart.

5. Discharge: The FADS states that discharge will be entered "Upon substantial consummation of Plan or as otherwise provided by law". This should be altered to provide upon completion of plan payments (a period of 96 months) as it is contrary to discharge provisions for an individual debtor under § 1141(d) (5).

6. More information is required as to feasibility and risk factors. The Plan proposes to last for 96 months. The terms of the 3 rentals should be included.

7. Debtor references the "Purchaser Litigation" in the disclosure statement, but there is no information on payment of fees and costs associated with such litigation and whether it will impact Debtor's projections.

Virtual appearances are required.

<b>Party Information</b>
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**Debtor(s):**

Dathao Phung

Represented By  
Giovanni Orantes

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**#2.00**

CONT'D STATUS CONFERENCE Hearing RE: (1) Case Management Conference And (2) Requiring Status Report (Petition filed 12/14/ 2023)

FR: 1-31-24; 5-1-24; 6-12-24; 6-20-24; 10-17-24

Docket 5

**Tentative Ruling:**

Tentative for 12/12/24:

This matter is CONTINUED to January 16, 2025, at 11:00 a.m. per Debtor's request contained in its Reply filed December 5, 2024 [Dk. 102].

A status report is due 14 days in advance.

Appearances for the 12/12 hearing are excused.

\*\*\*\*\*

Tentative for 10/17/24:

This matter is CONTINUED to December 12, 2024, at 3:30 p.m., with a status report due 14 days in advance. The status report must address the status of the avoidance of the consensual liens as well as the status of hiring a broker for the sale of Debtor's property.

Appearances for the 10/17 hearing are excused.

\*\*\*\*\*

Tentative for 6/20/24:

Given the tentative for related matter #14, the Court is inclined to continue this matter to August 14, 2024, at 1:30 p.m., with a status report due 14 days in

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**CONT...**      **Dathao Phung**  
advance.

**Chapter 11**

Virtual appearances are required.

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Tentative for 6/12/24:

This matter is CONTINUED to June 20, 2024, at 1:30 p.m. to be heard concurrently with the hearing regarding approval of the disclosure statement describing the Chapter 11 plan of reorganization.

Appearances for the 6/12 hearing are excused.

\*\*\*\*\*

Tentative for 5/1/24:

By no later than May 3, 2024, Debtor is to obtain a hearing on the adequacy of the disclosure statement by utilizing the Court's self-set calendar and then file and serve an appropriate notice of hearing. Once set for hearing, the Court will review.

This matter is CONTINUED to June 12, 2024, at 1:30 p.m., with a status report due 14 days in advance.

Appearances for the 5/1 hearing are excused.

\*\*\*\*\*

Tentative for 1/31/24:

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

1.      Deadline to file a Plan and Disclosure Statement: April 12, 2023 (statutory deadline).
2.      Deadline to file proofs of claim: March 29, 2024, with notice to be filed and served by no later than February 5, 2024.
3.      Continued status conference date: May 1, 2024, at 1:30 p.m., with a

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status report due 14 days in advance.

4. With respect to the removed state court action, the Court notes that the notice of removal indicates that it was originally commenced on March 5, 2020, consists solely of state claims, and involves non-debtor third parties. Accordingly, the Court is inclined to set an order to show cause why the matter should not be remanded on February 28, 2024, at 11:00 a.m., with responses due 14 days in advance.

Virtual appearances are required.

<b>Party Information</b>
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**Debtor(s):**

Dathao Phung

Represented By  
Giovanni Orantes

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**8:21-10635 Alicia Marie Richards**

**Chapter 7**

**#3.00**

Hearing RE: First Interim Report And Account Of Chapter 7 Trustee And Request For Allowance Of Fees And Reimbursement Of Expenses For The Period Of March 12, 2021 To October 31, 2024  
(Motion filed 11/14/2024)  
(Motion refiled on 11/15/2024)

**[RE: Richard A. Marshack, Chapter 7 Trustee]  
[Fees: \$81,081.65; Expenses: \$550.91]**

Docket 1730

**Tentative Ruling:**

Tentative for 12/12/24:

Virtual appearances required.

The Court is inclined to continue this matter to January 9, 2025, at 10:00 a.m. to permit Trustee to file, by no later than December 19, 2024, supplemental evidence in support of his First Interim Report and Account of Chapter 7 Trustee and Request for Allowance of Fees and Reimbursement of Expenses as detailed below.

In the absence of having this request submitted to the United States Trustee, Trustee must provide further evidence to the Court to support the legitimacy of the inclusion of the challenged disbursements when calculating his fee under 11 U.S.C. § 326(a). Therefore, Trustee must also comply with the following:

1. Trustee must file his timesheets, redacted if necessary. If Trustee files his timesheets with any portion thereof redacted, an unredacted version must be provided to the Court for in-camera review.
2. Trustee must provide the calculation of his disbursements.
3. Trustee must specifically address whether the "disbursement" related to a refund of an earnest money deposit to a backup bidder was included in the

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**Alicia Marie Richards**

**Chapter 7**

calculation of his fees for purposes of 11 USC § 326(a) and if so, provide legal authority that permits such an inclusion.

4. Trustee should address why there are over \$7,000 in bank charges, which on its face appears to be excessive.

Any further opposition must be filed by no later than December 30, 2024, with any reply due January 6, 2025.

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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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/1607628782>

Meeting ID: 160 762 8782

Password: 888668



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

**Debtor(s):**

Alicia Marie Richards

Pro Se

**Movant(s):**

Richard A Marshack (TR)

Represented By  
Richard G. Heston  
D Edward Hays  
Tinho Mang

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**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Richard G. Heston  
D Edward Hays  
Tinho Mang

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8:21-10635 Alicia Marie Richards

Chapter 7

#4.00

Hearing RE: Chapter 7 Trustee's Motion To Approve Interim Distributions  
(Motion filed 11/14/24)

Docket 1731

**Tentative Ruling:**

Tentative for 12/12/24:

Trustee should be prepared to address the following:

1. The existence and amount of other accrued administrative obligations of the same or higher priority that might exhaust available funds.
2. Whether future necessary administrative expenses are likely to be incurred in completing administration of the case and if so whether the reserve of \$100,000 is sufficient.
3. What further administration of the Estate is required.
4. Whether there is an inability to file a final fee application in the near future.

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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**on and viewable within the Courtroom for viewing.**

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"screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

**Party Information**

**Debtor(s):**

Alicia Marie Richards

Pro Se

**Movant(s):**

Richard A Marshack (TR)

Represented By  
Richard G. Heston  
D Edward Hays  
Tinho Mang

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Richard G. Heston  
D Edward Hays  
Tinho Mang

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8:24-11703 Drip More LLC

Chapter 11

#5.00

Hearing RE: Motion Of Harper Advance, LLC To Appoint Examiner  
(Motion Filed 11/14/24)

Docket 155

**Tentative Ruling:**

Tentative for 12/12/24:

The parties should appear and be prepared to address why the Court should not *sua sponte* appoint a Chapter 11 Trustee in lieu of an examiner. See *Fukutomi v. United States Tr. (In re Bibo, Inc.)*, 76 F.3d 256, 258 (9th Cir. 1996); see also *In re PG&E Corp.*, 2020 Bankr. LEXIS 1754, \*5-6.

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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meeting ID and password, when prompted.

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Meeting ID: 160 762 8782

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**CONT... Drip More LLC**

**Chapter 11**

**Debtor(s):**

Drip More LLC

Represented By  
Roksana D. Moradi-Brovia  
Matthew D. Resnik  
Nina Z Javan

**Movant(s):**

Harper Advance LLC

Represented By  
Leib M Lerner  
Gillian Clow



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**8:24-11703 Drip More LLC**

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**#6.00**

CONT'D Hearing RE: Motion In Chapter 11 Case For Order Authorizing Debtor In Possession To Employ Professional (Chris Yau, CPA Of Lighthouse Consulting, Inc.)  
(Motion Filed 10-21-2024)

FR: 12-5-24

Docket 129

**Tentative Ruling:**

Tentative for 12/12/24:

Virtual appearances are required by the Counsel and the proposed CPA. If the Court does not appoint a Chapter 11 Trustee in related matter #5, the tentative is to grant the Application and overrule the objection, with conditions.

The efforts of the CPA, and all of them, will be conducted as an independent party (from the Debtor or affiliates or any principal of these parties). The entire financial information obtained by the CPA and the work prepared by the CPA, including notes, emails or other communications to any parties in interest and affiliates, principals of the Debtor or affiliates, will not be subject to attorney work-product privilege, attorney-client privilege, or any other privilege that could otherwise be afforded the work performed by the CPA, or the materials used in the work created or used in preparing the "clean up," as described in the Application.

The CPA shall also make contemporaneous, uniform and complete notes on the matters that she discovers and the reforms she makes to the books and records. The CPA shall create a formal report ("Report") to be filed with the Court and served on all parties in interest, including the United States Trustee and the examiner, if any, with respect to the "clean up" as it is described. The Report shall be accompanied by her sworn declaration that all of the matters stated in the report are true and complete (i.e. not "to the best of her

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knowledge.")

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The Report shall state with particularity any concerns she has regarding any financial irregularities she observes, what missing information was retrieved, what missing information remains unretrieved, what explanations and non-explanations (and from whom) she obtained in the efforts to "clean up" the books and records of the Debtor and its affiliates, and most particularly, what questions the CPA asked and responses received. The Report will describe what changes or alterations to the books, or later to her report, were requested by any party in interest, the Debtor, an affiliate of the Debtor, or any principal of those parties. The CPA will describe what changes were made to her Report or her bookkeeping based on requests.

Further, the CPA shall be responsible for the accuracy of the information in the prepared "clean up" of the books and records, and shall appear to provide testimony under oath regarding her activities, when and if requested.

Finally, if the Court appoints an examiner in related matter #5, the proposed CPA must fully cooperate with the examiner and promptly comply with any requests from examiner.

The proposed CPA will report to the examiner, if any, as well as to the Debtor, on a contemporaneous basis.

The proposed payment of ½ of the fee retainer is approved and may be paid; however, no remaining portion of the payment may be made without further court approval and certainly not prior to the Court and parties having the opportunity to review the above-described report and declaration required to be filed. The Court is inclined to approve compensation under § 330 and not § 328.

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

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

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

**Debtor(s):**

Drip More LLC

Represented By  
Roksana D. Moradi-Brovia  
Matthew D. Resnik  
Nina Z Javan

**Movant(s):**

Drip More LLC

Represented By  
Roksana D. Moradi-Brovia  
Matthew D. Resnik  
Nina Z Javan

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**8:24-11703 Drip More LLC**

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**#7.00**

CONT'D Hearing RE: Motion for Approval Of Compromise Between the Amended And Restated David R. Eshelman Revocable Trust Dated 1/28/21 And Debtor (Motion filed 10-28-2024) (Opposition filed 11-8-2024) (Notice filed 11-12-2024)

FR: 12-5-24

Docket 143

**Tentative Ruling:**

Tentative for 12/12/24:

This matter is CONTINUED to January 15, 2025, at 1:30 p.m.

Debtor, by no later than December 24, 2024, must file supplemental briefing, with supporting evidence, addressing the standards under 11 U.S.C. § 365 and detail why the assumption of the Lease is beneficial to the Estate. *See Official Creditors' Comm. v. X10 Wireless Tech., Inc. (In re X10 Wireless Tech.)*, 2005 Bankr. LEXIS 3376, \*6-9 (9th Cir. BAP 2005).

Any further opposition must be filed by no later than January 2, 2025, with replies due January 8, 2025.

Appearances for the 12/12 hearing are excused.

**Party Information**

**Debtor(s):**

Drip More LLC

Represented By  
Roksana D. Moradi-Brovia  
Matthew D. Resnik  
Nina Z Javan

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

**Thursday, December 12, 2024**

**Hearing Room 5C**

3:30 PM

**CONT... Drip More LLC**

**Chapter 11**

**Movant(s):**

Drip More LLC

Represented By

Roksana D. Moradi-Brovia

Matthew D. Resnik

Nina Z Javan

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

Thursday, December 12, 2024

Hearing Room 5C

3:30 PM

8:24-11238 CKM Shining Stars, LLC

Chapter 11

#8.00

Hearing RE: Motion for relief from stay [Real Property]

Robert Coffey And Terri Coffey vs. DEBTOR  
(Motion filed 11/21/2024)

**[RE: 3929 S. El Camino Real, San Clemente, CA 92672]**

Docket 89

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO JANUARY 15, 2025 AT 1:30 P.M. PER ORDER GRANTING EX-PARTE MOTION TO CONTINUE HEARING ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. SECTION 362 FILED BY ROBERT COFFEY AND TERRI COFFEY PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1 (m) ENTERED 11-27-2024 - (DOCKET NO. [95])**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

CKM Shining Stars, LLC

Represented By  
Robert P Goe  
Reem J Bello

**Movant(s):**

Terri Coffey

Represented By  
D Edward Hays  
Laila Masud

Robert Coffey

Represented By  
D Edward Hays  
Laila Masud