

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, January 10, 2024

Hearing Room

5B

10:00 AM

8:00-00000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

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ZoomGov meeting number: 160 048 4224

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- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
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completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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8:23-11855 Anne K Hoang

Chapter 11

**#1.00 STATUS CONFERENCE RE: Chapter 11 Subchapter V Voluntary Petition
Individual
(cont'd from 10-25-23)**

Docket 1

Tentative Ruling:

Tentative for January 10, 2024
Confirmation hearing March 13, 2024 at 10:00 a.m. Debtor to provide notice of deadline to file ballots which shall be latest February 29, 2024 by 5 p.m. via facsimile or email to counsel. Confirmation brief with tally is due March 6, 2024 and any opposition by March 9, 2024. Debtor to submit scheduling order. *Appearance required.*

Tentative for October 25, 2023
The court has read the status report and asks that updates be supplied, as needed, from either of the debtor or Subchapter V trustee. Appearance required.

Party Information

Debtor(s):

Anne K Hoang

Represented By
Andy C Warshaw

Trustee(s):

Mark M Sharf (TR)

Pro Se

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8:23-11905 Tuffstuff Fitness International, Inc.

Chapter 11

**#2.00 STATUS CONFERENCE RE: Chapter 11 Subchapter V Voluntary Petition Non-Individual. Inc.
(cont'd from 10-25-23)**

Docket 1

Tentative Ruling:

Tentative for January 10, 2024
Is a disclosure statement needed?
Are we ready to set confirmation deadlines?
Appearance required.

Tentative for October 25, 2023
The court has read the status report. Updates? Appearance required.

Party Information

Debtor(s):

Tuffstuff Fitness International, Inc.

Represented By
John-Patrick M Fritz

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
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8:23-12551 Maria E Sanchez

Chapter 11

#3.00 STATUS CONFERENCE RE: Voluntary Petition Individual

Docket 1

Tentative Ruling:

Tentative for January 10, 2024

This appears to be straightforward 100% case. Should a Disclosure Statement be required? In either event April 1, 2024 is a deadline for filing a plan of reorganization, and we should discuss whether a confirmation hearing ought to be scheduled now. *Appearance required.*

Party Information

Debtor(s):

Maria E Sanchez

Represented By
John H Bauer

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8:23-12551 Maria E Sanchez

Chapter 11

#4.00 Application To Employ Financial Relief Legal Advocates, Inc. And Attorney
John Bauer As General Bankruptcy Counsel

Docket 23

Tentative Ruling:

Tentative for January 10, 2024

Grant. Appearance is recommended in conjunction with #3.

Party Information

Debtor(s):

Maria E Sanchez

Represented By
John H Bauer

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8:23-12551 Maria E Sanchez

Chapter 11

#5.00 Debtor's Motion Pursuant To Section 363(C) Of The Bankruptcy Code And Rule 4001(B) Of The Federal Rules Of Bankruptcy Procedure For An Order Authorizing The Use Of Cash Collateral For The Residential Home Located At 7 Star Catcher, Newport Coast, CA; Request To Commence Monthly Adequate Protection Payments To Secured 1st Lender, Select Portfolio Servcing ("SPC"), Pursuant To Section 361

Docket 29

Tentative Ruling:

Tentative for January 10, 2024
Grant as unopposed. Appearance is optional.

Party Information

Debtor(s):

Maria E Sanchez

Represented By
John H Bauer

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8:22-10175 Rita Ramos Curiel

Chapter 11

#6.00 Second Final Application for Allowance of Fees and Reimbursement of Costs for the Period January 18, 2023 through November 8, 2023

RHM LAW LLP, GENERAL BANKRUPTCY COUNSEL FOR THE DEBTOR:

FEE: \$49,226.00

EXPENSES: \$237.36

Docket 284

Tentative Ruling:

Tentative for January 10, 2024

Was notice given to other professionals? SubChapter V. Trustee?

Appearance required.

Party Information

Debtor(s):

Rita Ramos Curiel

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Robert Paul Goe (TR)

Represented By

Robert P Goe

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8:23-12372 Tarzana Plaza Condominiums Association

Chapter 11

**#7.00 Consider Post-Petition Retainer
(set from order entered on 12-19-23)**

Docket 18

Tentative Ruling:

Tentative for January 10, 2024

Was nothing further filed in support of a post-petition retainer? Appearance required.

Party Information

Debtor(s):

Tarzana Plaza Condominiums

Represented By
Michael R Totaro
David Wood

Trustee(s):

Arturo Cisneros (TR)

Pro Se

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8:17-14351 Freda Philomena D'Souza

Chapter 11

#8.00 POST-CONFIRMATION STATUS CONFERENCE RE: Chapter 11 Voluntary
Petition
(put on calender per order entered 4-05-22)
(cont'd from 11-02-22)
(cont'd from 12-06-23)

Docket 1

Tentative Ruling:

Tentative for January 10, 2024
Continue to coincide with hearing on final decree 2/7/24 at 10:00 a.m.
Appearance is optional.

Tentative for December 6, 2023
A motion to administratively close was discussed last time. Status?
Appearance required.

Tentative for October 4, 2023
It seems the debtor favors an administrative closing of the case pending
conclusion of litigation on one claim, projected to occur sometime in 2024, but
otherwise the reorganized debtor claims the plan is being performed as
agreed. The court is not adverse to this approach but believes the
administrative closing should be the subject of its own motion with a
continued status conference as a holding date.

Schedule administrative closing date and continued status conference.

Appearance required.

Tentative for 4/12/23:
Continue for final(?) post confirmation status conference approximately 6
months hence.

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CONT... Freda Philomena D'Souza

Chapter 11

Appearance: optional

Tentative for 11/2/22:

It looks like the case is going according to plan, mostly. When is the final fee application/ motion for final decree expected?

Appearance: required

Tentative for 5/4/22:

Continued to a holding date approximately 90 days with the anticipation that a final fee application and/or a final decree and/or a motion to administratively close will be filed in meantime.

Party Information

Debtor(s):

Freda Philomena D'Souza

Represented By
Michael Jones
Sara Tidd

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10:00 AM

8:20-10269 Rafik Youssef Kamell

Chapter 11

#9.00 POST-CONFIRMATION STATUS CONFERENCE
(Set per Order entered 7-13-2023)

Docket 1

*** VACATED *** REASON: OFF CALENDAR - FINAL DECREE -
BANKRUPTCY CASE CLOSED 11-29-23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rafik Youssef Kamell

Represented By
Robert P Goe
Lisa Nelson
James C Bastian Jr

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8:23-11012 Judith Ann Hirou

Chapter 11

**#10.00 Confirmation Of Chapter 11 Subchapter V Plan
(set from s/c hrg held on 8-09-23)
(cont'd from 11-29-23)**

Docket 1

Tentative Ruling:

Tentative for January 10, 2024

A structure dismissal was promised, but where is it? Appearance required.

Tentative for November 29, 2023

This is the hearing on confirmation of debtor's Subchapter V plan. The only opposition filed is from Flagstar Bank which apparently holds the second mortgage against debtor's residence. Flagstar objects because of the confusing and vague description of debtor's treatment of this mortgage claim. The court agrees. Is the claim secured or not? If even one dollar is secured then debtor must treat the claim as a fully secured claim and, because its secured by the principal residence, cannot modify it except as to arrearages. See *Nobleman v. American Savings Bank*, 503 U.S. 324 (1993) interpreting 11 U.S.C. §1322(b)(2). Moreover, this factual question of value would require a hearing under §506, not merely an oblique reference in the plan.

Appearance required.

Tentative for 8/9/23:

Status of reported ongoing discussions. How will lien priority affect payment to unsecured? Set confirmation?

Tentative for 6/28/23:

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CONT... **Judith Ann Hirou**
Status?

Chapter 11

Appearance: required

Party Information

Debtor(s):

Judith Ann Hirou

Represented By
James E Till

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
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8:22-10442 Cloud Mountain, Inc., a California corporation

Chapter 11

**#11.00 Motion For Approval Of Administrative Expense Claim
(cont'd from 11 -29-23)**

Docket 250

***** VACATED *** REASON: OFF CALENDAR - ORDER APPROVING
STIPULATION REGARDING MOTION FOR APPROVAL OF
ADMINISTRATIVE EXPENSE CLAIM ENTERED 12-20-23**

Tentative Ruling:

Tentative for November 29, 2023

This is Kearnow Corporation's ("Movant") motion for order approving Movant's administrative expense claims in the amount of no less than \$20,207.27 from the Debtor Cloud Mountain, Inc. ("Debtor"). Movant alleges it has provided such services to the Debtor after the petition date for the benefit of the estate, but it has not been paid yet. Movant has provided necessary customs clearing services to Debtor pre-petition and post-petition. From March 18, 2022 through June 30, 2022, Movant provided customs clearing services to the Debtor with a stated value of \$20,207.27.

Pursuant to Section 503(b)(1), "after notice and a hearing, there shall be allowed administrative expenses... including "actual, necessary costs and expenses of preserving the estate." In the Ninth Circuit, to qualify as an "actual and necessary" cost and expense of preserving the estate, the claim (1) "must have arisen from a transaction with the debtor in possession" and (2) "must directly and substantially benefit the estate." In re Abercrombie, 139 F.3d 755, 757 (9th Cir. 1998). Administrative expense claim priority is given to those creditors that provide post-petition goods and services to a debtor-in-possession to, among other things, encourage third parties to continue to transact with a bankrupt debtor. In re BCE West, L.P., 319 F.3d 1166, 1172 (9th Cir. 2003).

Under the two Abercrombie factors the Ninth Circuit has provided, the claim

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CONT... Cloud Mountain, Inc., a California corporation

Chapter 11

for \$20,207.27 would be allowable as they arose from necessary customs clearing services to Debtor after the bankruptcy filing, and it directly and substantially benefited the estate because Debtor was able to conduct business in the ordinary course and profit from the goods Movant enabled it to get. The issue here is that Debtor disputes the amount of the administrative claim.

First, Debtor argues that the “disbursement fees” in the amount of \$2,100 should not be included because it was not informed of these fees when entering into the contract. Movant responds that these “disbursement fees” equate to processing fees that merchants pay for payments with credit cards, and the disbursement fee is a 3% fee on the funds Movant advanced to Debtor for the transactions. If the disbursement fees are in fact the equivalent of a processing fee, the court does not see reason why it should not be included in the administrative expense claim. However, the court lacks background on what is customary in this industry, so it will hear further argument regarding this issues, specifically if it is included in the contract and to what extent these disbursement fees are industry standard.

Debtor also takes issue with the Movant’s request for \$6,576.51, as the Debtor reportedly already directly paid Customs \$4,385.51 plus penalties for duties on container that Movant charged for. Movant responds that although this amount was paid, it does not negate the fact that Movant also paid the \$6,576.51. The court does not know what to make of this; was this a double payment for which someone is entitled to a refund? Perhaps the parties can come to an arrangement with Customs as to transferring any excess amount already paid back to Movant. The court encourages the parties to work together, as these issues can be resolved through mere discussion with one another and with Customs to determine the correct amount owed on the administrative claim, and the amounts in question are sufficiently small such that litigation (which is the alternative) hardly seems cost efficient.

No tentative. Appearance required.

Party Information

Debtor(s):

Cloud Mountain, Inc., a California

Represented By

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CONT...

Cloud Mountain, Inc., a California corporation

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Beth Gaschen

David M Goodrich

Trustee(s):

Mark M Sharf (TR)

Pro Se

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10:00 AM

8:22-11918 Advanced Gas Products Inc

Chapter 11

**#12.00 Creditor's Motion To Compel Production Of Documents By Debtor
(OST Signed 10-12-23)
(cont'd from 11-29-23)**

Docket 175

***** VACATED *** REASON: CONTINUED TO 2-07-24 AT 10:00 A.M.
PER ORDER APPROVING STIPULATION TO CONTINUE HEARING
RELATED TO MOTION TO COMPEL PRODUCTION OF DOCUMENTS
BY DEBTOR ENTERED 1-04-24**

Tentative Ruling:

Tentative for November 29, 2023
Is this relevant in view of confirmation? Status?
Appearance required.

Tentative for October 19, 2023

The court does not understand why we are here. Clearly copies of bank statements would be important as part of any disclosure preliminary to voting on a plan. Whether Mr. Allen should get statements, or the creditor should subpoena the statements from the banks is a point of little practical difference, but the court is surprised to learn that he cannot access accounts, closed or open, on which he was the signatory. The debtor is advised to assist with all energy getting the documents in question, so that a plan can be confirmed, if confirmation is possible. The reorganization is challenged enough without artificial barriers/squabbles.

No tentative. Appearance required.

Party Information

Debtor(s):

Advanced Gas Products Inc

Represented By
Richard L. Sturdevant
Andy C Warshaw

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CONT... Advanced Gas Products Inc

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Trustee(s):

Mark M Sharf (TR)

Pro Se

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8:23-11905 Tuffstuff Fitness International, Inc.

Chapter 11

#13.00 Motion to Use Cash Collateral Motion For Order: (I) Authorizing Use Of Cash Collateral On An Interim Basis And Providing Adequate Protection Pursuant To Sections 361 And 363 Of The Bankruptcy Code; And (II) Setting A Final Hearing **(OST Signed 12-27-23)**

Docket 127

Tentative Ruling:

Tentative for January 10, 2024
Grant as unopposed. Appearance is optional.

Party Information

Debtor(s):

Tuffstuff Fitness International, Inc.

Represented By
John-Patrick M Fritz
Carmela Pagay

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

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11:00 AM

8:23-12077 Juice Roll Upz, Inc.

Chapter 11

**#14.00 STATUS CONFERENCE RE: Chapter 11 Subchapter V Voluntary Petition Non-Individual. Inc.
(cont'd from 11-08-23)**

Docket 1

Tentative Ruling:

Tentative for January 10, 2024

Is a disclosure statement needed? Plan is promised but was it only recently filed? A continuance of about 45 days would seem in order. *Appearance recommended.*

Tentative for November 8, 2023

Should a confirmation date be set in anticipation of a plan filing before the deadline? Appearance required.

Party Information

Debtor(s):

Juice Roll Upz, Inc.

Represented By
Anerio V Altman

Trustee(s):

Mark M Sharf (TR)

Pro Se

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8:23-12077 Juice Roll Upz, Inc.

Chapter 11

**#15.00 Motion To Use Cash Collateral
(OST Signed 10-17-23)
(cont'd from 12-06-23 per order on stipulation to cont. hrg on mtn to utilize
cash collateral entered 12-05-23)**

Docket 15

Tentative Ruling:

Tentative for January 10, 2024
The court is inclined to allow continued use on same basis pending a revised
status conference date. See #3. *Appearance required.*

Tentative for December 6, 2023
Continued to January 10, 2024 at 10:00 a.m. per request and stipulation.
Appearance is optional.

Tentative for October 20, 2023
Opposition if any is due at hearing. Appearance required.

Party Information

Debtor(s):

Juice Roll Upz, Inc.

Represented By
Anerio V Altman

Trustee(s):

Mark M Sharf (TR)

Pro Se