

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

**Thursday, March 14, 2024**

**Hearing Room**

**5B**

10:00 AM

**8:00-000000**

**Chapter**

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

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**Chapter**

**ZoomGov meeting number:** 160 926 3439

**Password:** 807436

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- 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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- Disconnect from the meeting by clicking "Leave" when you have

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completed your appearance(s).

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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**8:09-22699 Cheri Fu**

**Chapter 7**

Adv#: 8:13-01255 BANK OF AMERICA, N.A. v. Fu et al

**#1.00 Application And Order For Appearance And Examination Of Georgia Fu - Third Party  
[Appearing In Person]**

Docket 0

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - NOTICE OF  
INABILITY TO SERVE THIRD PARTY EXAMINEE GEORGIA FU AND  
TAKING APPEARANCE AND EXAMINATION OF THIRD PARTY OF  
GEORGIA FU OFF CALENDAR FILED 3-12-24 - SEE DOCUMENT #408**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Cheri Fu

Represented By  
Evan D Smiley  
John T. Madden  
Beth Gaschen  
Susann K Narholm - SUSPENDED -  
Mark Anchor Albert

**Defendant(s):**

Cheri Fu

Represented By  
Mark Anchor Albert

Thomas Fu (Deceased)

Represented By  
Mark Anchor Albert

**Joint Debtor(s):**

Thomas Fu (Deceased)

Pro Se

**Plaintiff(s):**

BANK OF AMERICA, N.A.

Represented By  
William S Brody

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**CONT... Cheri Fu**

**Chapter 7**

**Trustee(s):**

James J Joseph (TR)

Represented By

James J Joseph (TR)

Lisa Nelson

James Andrew Hinds Jr

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**8:22-11556 Stonebridge Ventures, LLC**

**Chapter 11**

Adv#: 8:22-01093      Lewis et al v. Stonebridge Ventures, LLC et al

**#2.00      STATUS CONFERENCE RE: Complaint For Removal Of State Court Action  
(cont'd from 9-07-23)  
(cont'd from 11-02-23 per court's own mtn)  
[Stonebridge Ventures, LLC is dismissed from adversary see document #  
31]  
(cont'd from 2-15-24)**

Docket      1

**Tentative Ruling:**

Tentative for March 14, 2024  
Order dismissing case is expected. Appearance is optional.

-----

Tentative for February 15, 2024  
The court needs an order closing adversary proceeding per the settlement.  
Appearance suggested or at least contact chambers as when order can be  
expected.

-----

Tentative for January 11, 2024  
Settlement status? Appearance required.

-----

Tentative for November 9, 2023  
Has the 9019 motion granted 10/31 resolved this case? Appearance is  
suggested.

-----

Tentative for September 7, 2023  
Continue to November 2, 2023 at 10:00 a.m.  
Appearance is only required if date does not work.

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**CONT... Stonebridge Ventures, LLC**

**Chapter 11**

-----  
Tentative for 6/29/23:  
Settlement still pending? How long a continuance?

-----  
Tentative for 5/25/23:  
Paragraph G in the status report suggests that settlement discussions are underway, but no timeline is given. While the court encourages settlement sometimes arbitrary deadlines help focus the discussions, and continuances are not unlimited. Are those necessary or advisable here?

Appearance: required

-----  
Tentative for 3/16/23:  
Parties are still discussing the lien claim issue? Do the parties prefer the setting of discovery deadlines and scheduling of a pretrial conference at this time? Or is another continuance preferred?

Appearance: required

-----  
Tentative for 1/12/23:  
It is not clear to the court why this matter should be tried in bankruptcy court instead of its original jurisdiction, the Riverside County Superior Court. Although title of estate property might be affected, adjudication of any legal issue affecting title and as to non-debtor parties could as well be determined there; no unique Title 11 issue appears. There is, however, the possibility of a §544 strongarm question regarding any "special lien" claim; but that is only hypothetical at this point. Moreover, the title issues may be at the threshold of mootness as the Trustee has moved to sell the subject property free of liens. There was no reply filed to this court's OSC re Remand/Abstention.

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**CONT... Stonebridge Ventures, LLC**

**Chapter 11**

Therefore, this court abstains from these issues and remands to Riverside Superior Court, but with the admonitions as described above. Mr. Polis is to submit an order.

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

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw

**Defendant(s):**

Stonebridge Ventures, LLC

Pro Se

Joshua Raymond Pukini

Pro Se

Ryan Justin Young

Pro Se

Calpac Management, Inc

Pro Se

Edmund Valasquez, Jr.

Pro Se

Luna Construction Management,

Pro Se

**Plaintiff(s):**

Darryl Lewis

Represented By  
Thomas J Polis

Sanna Akhtanova

Represented By  
Thomas J Polis

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Arturo Cisneros  
Nathan F Smith  
William Malcolm



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**8:22-11556 Stonebridge Ventures, LLC**

**Chapter 11**

Adv#: 8:23-01013 A. Cisneros v. Colangelo et al

**#3.00 STATUS CONFERENCE RE: Complaint: (1) Turnover; and (2) Unjust  
Enrichment  
(set from s/c hrg held on 4-27-23)  
(set from p/t hrg held on 12-14-23)**

Docket 1

**Tentative Ruling:**

Tentative for March 14, 2024

Continue status conference about thirty days until after the mediation which is  
shceduled near end of this month. Appearance is optional.

-----  
Tentative for December 14, 2023

Continue to February 1, 2024 at 10:00 a.m. per request. Appearance  
required.

-----  
Tentative for October 12, 2023

See #26. Continue status conference about 60 days. Appearance is optional.

-----  
Tentative for 4/27/23:

Deadline for completing discovery: Sept. 1, 2023

Last date for filing pre-trial motions: Sept. 22, 2023

Pre-trial conference on: Oct.12, 2023 at 10:00AM

Joint pre-trial stipulation and/or order due per local rules.

Appearance: required

<b>Party Information</b>
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**CONT... Stonebridge Ventures, LLC**

**Chapter 11**

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw

**Defendant(s):**

Joe Colangelo

Pro Se

Monika Jensen

Pro Se

**Plaintiff(s):**

A. Cisneros

Represented By  
Nathan F Smith

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Arturo Cisneros  
Nathan F Smith  
William Malcolm

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**8:22-11556 Stonebridge Ventures, LLC**

**Chapter 7**

Adv#: 8:23-01013 A. Cisneros v. Colangelo et al

**#4.00 STATUS CONFERENCE RE: Counterclaim  
(cont'd from 2-01-24)**

Docket 41

**Tentative Ruling:**

Tentative for March 14, 2024

Order granting Jensen's motion for leave to amend was entered on March 1, 2024. See #3. Appearance is optional.

-----  
Tentative for February 1, 2024

No status report? Continue to coincide with Motion to Dismiss counterclaim scheduled 2/15/24. *Appearance required.*

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

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw  
Diana Torres-Brito

**Defendant(s):**

Joe Colangelo

Represented By  
Christopher Hewitt

Monika Jensen

Represented By  
Nicholas W Gebelt  
Robert M. Aronson  
Robert M Aronson

**Plaintiff(s):**

A. Cisneros

Represented By

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**CONT... Stonebridge Ventures, LLC**

**Chapter 7**

Nathan F Smith

**Trustee(s):**

Arturo Cisneros (TR)

Represented By

Arturo Cisneros

Nathan F Smith

William Malcolm

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**8:18-10486 Ron S Arad**

**Chapter 7**

Adv#: 8:23-01108 Kosmala v. Brownstein et al

**#5.00** STATUS CONFERENCE RE: Complaint For: (1) Legal Malpractice (Professional Negligence), (2) Breach Of Fiduciary Duty; (3) Breach Of Contract; (4) Actual Fraud; (5) Constructive Fraud; (6) Conversion; (7) Unjust Enrichment; (8) Breach Of The Implied Covenant Of Good Faith And Fair Dealing  
**(cont'd from 1-04-24)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3-28-24 AT 10:00 A.M.  
PER ORDER APPROVING STIPULATION TO CONTINUE STATUS  
CONFERENCE ENTERED 2-22-24**

**Tentative Ruling:**

Tentative for January 4, 2024  
The deadline for completing discovery is May 1, 2024.  
The last date for filing pre-trial motions is May 24, 2024.  
The pre-trial conference is on June 6, 2024 at 10:00 a.m.  
Joint pre-trial stipulation and/or order due per local rules.  
*Appearance required.*

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

**Debtor(s):**

Ron S Arad

Represented By  
G Bryan Brannan

**Defendant(s):**

William H Brownstein

Pro Se

G Bryan Brannan

Pro Se

William H Brownstein & Associates,

Pro Se

Brannan Law Offices

Pro Se

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**CONT... Ron S Arad**

**Chapter 7**

**Plaintiff(s):**

Weneta M A Kosmala

Represented By  
Jeffrey I Golden

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Represented By  
Ryan W Beall  
Jeffrey I Golden

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**8:23-10028 Young Yol Byeon**

**Chapter 13**

Adv#: 8:23-01113 OH v. Bank of New York Mellon Corporation et al

**#6.00 STATUS CONFERENCE RE: Verified Complaint (1) For Declaratory Relief; (2) To Vacate Orders For Confirmation And Dismissal For Fraud Upon The Court (cont'd from 1-04-24)**

Docket 2

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - ORDERS  
DISMISSING ALL OF THE DEFENDANTS WITH PREJUDICE HAVE  
BEEN ENTERED**

**Tentative Ruling:**

Tentative for January 4, 2024

Status of service/default on all defendants? Continue until after dismissal motions, about 60 days. *Appearance required.*

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

**Debtor(s):**

Young Yol Byeon

Represented By  
Rex Tran

**Defendant(s):**

Bank of New York Mellon

Pro Se

BAYVIEW LOAN SERVICING,

Pro Se

MTC Financial, Inc

Pro Se

Auction.Com, Inc.

Pro Se

McCalla Raymer Leibert Pierce,

Pro Se

Wright, Finlay & Zak, LLP

Pro Se

Klinedinst, PC

Pro Se

Locke Lord LLP

Pro Se

NewRez LLC

Pro Se

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**CONT... Young Yol Byeon**

**Chapter 13**

Dane Exnowski

Pro Se

**Plaintiff(s):**

MYONG Suk OH

Represented By  
Yi Y Oh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



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**8:23-11546 Marie Salanga**

**Chapter 7**

Adv#: 8:23-01128 Roth v. Salanga

**#7.00 STATUS CONFERENCE RE: Adversary Complaint To Determine  
Dischargeability Of Debt, And Objection To Discharge  
(cont'd from 2-01-24)**

Docket 1

**Tentative Ruling:**

Tentative for March 14, 2024  
See #19. No status report filed. Appearance required.

-----  
Tentative for February 1, 2024

Deadline for completing discovery is July 1, 2024.  
Last date for filing pre-trial motions is July 19, 2024.  
Pre-trial conference is on August 1, 2024 at 10:00 a.m.  
Joint pre-trial stipulation and/or order due per local rules.  
Appearance required.

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

**Debtor(s):**

Marie Salanga

Represented By  
Richard G. Heston

**Defendant(s):**

Marie Salanga

Pro Se

**Plaintiff(s):**

Ivar Roth

Represented By  
David B Lally

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**CONT... Marie Salanga**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

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**8:23-11370 Steven Michael Sawitz**

**Chapter 7**

Adv#: 8:23-01147 Kosmala v. Valenzuela et al

**#8.00** STATUS CONFERENCE RE: Complaint for Judgment: (1) Avoiding Fraudulent Transfer Pursuant to 11 U.S.C. §§ 544(b) and 550 and Cal. Civ. Code §§ 3439.04(a)(1), 3439.07 and 3439.09; (2) Avoiding Fraudulent Transfer Pursuant to 11 U.S.C. §544 and Cal. Civ Code §§ 3439.04(a)(2), 3439.07 and 3439.09; (3) Recovery of Transfer Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550; (4) Recovery of Transfer Pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; and (5) Preserving Transfer Pursuant to 11 U.S.C. §551

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4-25-24 AT 10:00 A.M.  
PER ORDER APPROVING STIPULATION TO EXTEND DEADLINE  
FOR RESPONSE TO COMPLAINT AND TO CONTINUE STATUS  
CONFERENCE ENTERED 1-16-24**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Steven Michael Sawitz

Represented By  
Julie J Villalobos

**Defendant(s):**

Luis C. Valenzuela

Pro Se

Christine L. Valenzuela

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Jeffrey I Golden

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Represented By  
Ryan W Beall

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**8:21-11558 Parks Diversified, LP**

**Chapter 11**

Adv#: 8:23-01030 Talon Diversified Holdings, Inc. et al v. Klein et al

**#9.00 STATUS CONFERENCE RE: Complaint  
(cont'd from 11-09-23)  
[Gregory Emdee, Attorney for Todd Becker - Appearing on All the Talon  
Matters]  
(cont'd from 1-17-24)**

Docket 1

**Tentative Ruling:**

Tentative for March 14, 2024  
See #10. Appearance suggested.

-----  
Tentative for January 11, 2024  
No status report? Status of Wong response? *Appearance required.*

-----  
Tentative for November 9, 2023  
Orders dismissing the second amended complaint without leave to amend as to several of the defendants have been entered. The dismissal of the second complaint re Todd Becker was with leave to amend. One defendant, Linda Wong, has not responded. The court will hear argument as to where this case is going, particularly as to Wong and Becker parties. Appearance required.

-----  
Tentative for September 22, 2023  
Given the results in #2-10, further status conference is not indicated, but there is confusion as to the conversion theory on the Kimura London & White LLP, William London, Maxx Sharp, and Darrell P. White claim in light of all the other matters. The court sees no reason for a difference here, but a ruling has been made and an order lodged. The court is disposed to correct its own error by changing the order from what has been lodged to what the court

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**CONT... Parks Diversified, LP**

**Chapter 11**

thinks the proper ruling is. If anyone is aggrieved by this the matter will be set for a separate hearing.

-----  
Tentative for September 14, 2023

No good deed goes unpunished. This has grown unruly. In a moment of weakness the court allowed the scheduling of additional matters, but this piling on is outrageous. The court is overwhelmed by the number of motions that have been filed and set for hearing on this date, all seemingly raising different arguments. To give these matters their due the court needs more time. Except for numbers 12, 13, and 23, these hearings will go forward as status conferences. The court would like to discuss what is going on here and whether mediation can be helpful.

Appearance required.

-----  
Tentative for 6/8/23:  
See ##20 and 21 @ 11:00AM.

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

Parks Diversified, LP

Represented By  
Marc C Forsythe  
Charity J Manee

**Defendant(s):**

Todd B. Becker

Represented By  
Greg Emdee

Linda Wong

Pro Se

Kimura London & White LLP

Represented By  
Paul Grammatico

William London

Represented By  
Paul Grammatico

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**CONT... Parks Diversified, LP**

**Chapter 11**

Darrell P. White

Represented By  
Paul Grammatico

Maxx Sharp

Represented By  
Paul Grammatico

Michael S. Leboff

Represented By  
James R Lance

Goe Forsythe & Hodges LLP

Represented By  
Holly M. Carnes  
Douglas A Pettit  
Matthew C Smith

Marc Forsythe

Represented By  
Holly M. Carnes  
Douglas A Pettit  
Matthew C Smith

David Klein

Represented By  
David A Berkley

Klein & Wilson

Represented By  
James R Lance

**Plaintiff(s):**

Lucia Parks

Represented By  
Michael G Dawe

Talon Diversified Holdings, Inc.

Represented By  
Tom Roddy Normandin  
Michael G Dawe

North Valley Mall II, LLC

Represented By  
Michael G Dawe

Parks Diversified L.P.

Represented By  
Michael G Dawe

Richard Parks

Represented By  
Michael G Dawe

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**Parks Diversified, LP**

North Valley Regional Center LLC

Represented By  
Michael G Dawe

**Chapter 11**

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**8:21-11558 Parks Diversified, LP**

**Chapter 11**

Adv#: 8:23-01030 Talon Diversified Holdings, Inc. et al v. Klein et al

**#10.00** Order To Appear And Show Cause Why The Entire Case Should Not Be  
Dismissed With Prejudice As To Any Remaining Defendants Based On Lack Of  
Prosecution  
**(Set from order entered on 1-23-24 see document #462)**

Docket 462

**Tentative Ruling:**

Tentative for March 14, 2024  
Dismiss. Appearance suggested.

**Party Information**

**Debtor(s):**

Parks Diversified, LP

Represented By  
Marc C Forsythe  
Charity J Manee

**Defendant(s):**

David Klein

Pro Se

Todd B. Becker

Represented By  
Greg Emdee  
James J Kjar

Linda Wong

Represented By  
John J Immordino

Maxx Sharp

Represented By  
Paul A. Grammatico

William London

Represented By  
Paul A. Grammatico

Kimura London & White LLP

Represented By  
Paul A. Grammatico



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**CONT...**      **Parks Diversified, LP**  
Klein & Wilson

**Chapter 11**

Represented By  
James R Lance  
Kyra E Andrassy  
Timothy W Evanston  
David A Berkley  
Genevieve M. Sauter  
Ethan T Boyer

Michael S. Leboff

Represented By  
James R Lance  
Kyra E Andrassy  
Timothy W Evanston  
Genevieve M. Sauter  
Ethan T Boyer

Goe Forsythe & Hodges LLP

Represented By  
Holly M. Carnes  
Kathryn M.S. Catherwood

Marc Forsythe

Represented By  
Holly M. Carnes  
Kathryn M.S. Catherwood

David Klein

Pro Se

Darrell P. White

Represented By  
Paul A. Grammatico

**Plaintiff(s):**

Lucia Parks

Represented By  
Michael G Dawe  
Tom Roddy Normandin

Talon Diversified Holdings, Inc.

Represented By  
Tom Roddy Normandin  
Michael G Dawe

North Valley Mall II, LLC

Represented By  
Michael G Dawe  
Tom Roddy Normandin

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**CONT... Parks Diversified, LP**

**Chapter 11**

Parks Diversified L.P.

Represented By  
Michael G Dawe  
Tom Roddy Normandin

Richard Parks

Represented By  
Michael G Dawe  
Tom Roddy Normandin

North Valley Regional Center LLC

Represented By  
Michael G Dawe  
Tom Roddy Normandin

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

**Thursday, March 14, 2024**

**Hearing Room**

**5B**

10:00 AM

**8:20-10545 Katie Ki Sook Kim**

**Chapter 7**

Adv#: 8:20-01141 East West Bank v. Kim et al

**#11.00** PRE-TRIAL CONFERENCE RE: Complaint to determine nondischargeability of debt, in objection to debtor's discharge pursuant to 11 U.S.C. Section 523(a)(2) (A) and (B), and 727(a)(2)(A; or alternatively for: (1) Avoidance and recovery of preferential transfers [11 U.S.C. Section 547(b), and 550]; (2) Avoidance and recovery of fraudulent transfers [11 U.S.C. Section 548, and 550]; (3) Preservation of avoided transfers [11 U.S.C. Section 551]; (4) Disallowance of any claims held by defendants [11 U.S.C. Section 502(d); and (5) California voidable transactions act [Civil Code Section 3439-3439.14]  
**(set from s/c hrg held on 12-17-20)**  
**(cont'd from 7-6-23)**  
**(cont'd from 2-15-24)**

Docket 1

**Tentative Ruling:**

Tentative for March 14, 2024

A settlement has been approved. The court needs an order dismissing the adversary proceeding. Appearance required.

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Tentative for February 15, 2024

See #5.2. Appearance required.

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Tentative for February 1, 2024

See #8. Appearance required.

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Tentative for November 30, 2023

See 3.1. Appearance required.

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10:00 AM

**CONT...**

**Katie Ki Sook Kim**

**Chapter 7**

Tentative for October 12, 2023

Order approving settlement is in process. Continue to November 20, 2023 at 10:00 a.m. as a holding date. Appearance is optional.

-----

Tentative for 7/6/23:

Settled? Status?

Appearance: required

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Tentative for 4/27/23:

Set a continued pretrial conference in view of ongoing settlement discussions?

Appearance: required

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Tentative for 1/12/23:

Status? Still no pre-trial stipulation but notes indicate parties were discussing settlement.

Appearance: required

-----

Tentative for 10/27/22:

Set trial date approximately 90 days out. Week of March 20?

Appearance: required

-----

Tentative for 12/17/20:

Deadline for completing discovery: November 23, 2021

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**CONT... Katie Ki Sook Kim**

**Chapter 7**

Last date for filing pre-trial motions: December 2, 2021  
Pre-trial conference on: December 16, 2021@ 10:00AM  
Joint pre-trial order due per local rules.

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

**Debtor(s):**

Katie Ki Sook Kim

Represented By  
Joon M Khang

**Defendant(s):**

Katie Ki Sook Kim

Pro Se

Kiddo's E3, Inc.

Pro Se

Chrysanthemum by Eileen LLC

Pro Se

SMT Apparel, Inc.

Pro Se

Verna Fashion, Inc.

Pro Se

**Plaintiff(s):**

East West Bank

Represented By  
Clifford P Jung

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Anerio V Altman

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**Thursday, March 14, 2024**

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**5B**

10:00 AM

**8:21-12313 John A. Rudy**

**Chapter 7**

Adv#: 8:21-01115 Pre-Banc Business Credit, Inc., a California corpo v. Rudy

**#12.00** PRE-TRIAL CONFERENCE Hearing RE: Complaint for Denial of Discharge as to All Debts [11 U.S.C. §§ 727(a)(4); 727(a)(2); 727(a)(3); 727(a)(5)] Exception to Discharge of Certain Debts [11 U.S.C. §§ 523(a)(2)(B); 523(a)(2)(A); 523(a)(4); 523(a)(6)]  
(Complaint filed 12-29-21)  
**(set from s/c hrg held on 6-23-22)**  
**(cont'd from 1-26-23 per order granting creditor pre-banc business credit, inc.'s request to cont. the pre-trial conference entered 1-17-23)**  
**(cont'd from 8-24-23)**

Docket 1

**Tentative Ruling:**

Tentative for March 14, 2024  
Continue to April 28 at 10:00 a.m. pending settlement. Appearance is optional.

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Tentative for August 24, 2023  
It appears that further meet and confer is required as perhaps the underlying matter has already been resolved(?), or at the very least the court needs a useable joint stipulation governing this case. Based on Defendant's declaration it would seem counsel is amenable. Continue about 30 days to afford this opportunity, but the parties are cautioned that the deadlines under the local rules are not to be ignored. Appearance required.

-----  
Tentative for 4/27/23:  
Status? The pre-trial conference was continued twice on the motion of plaintiff because plaintiff retained new counsel, and counsel needed time to catch up. But nothing filed? Lack of prosecution?

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10:00 AM

**CONT...**      **John A. Rudy**  
Appearance: required

**Chapter 7**

-----  
Tentative for 6/23/22:  
Deadline for completing discovery: December 31, 2022  
Last date for filing pre-trial motions: January 13, 2023  
Pre-trial conference on: January 26, 2023 @ 10:00AM  
Joint pre-trial order due per local rules.

Appearance: required

-----  
Tentative for 3/24/22:  
Continue status conference to June 23 per plaintiff's request.  
Appearance: optional

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

**Debtor(s):**

John A. Rudy

Represented By  
J.D. Cuzzolina

**Defendant(s):**

John A. Rudy

Pro Se

**Plaintiff(s):**

Pre-Banc Business Credit, Inc., a

Represented By  
Steven N Kurtz

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
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**Thursday, March 14, 2024**

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**5B**

10:00 AM

**8:22-12090 Vincent J Sweeney, III**

**Chapter 7**

Adv#: 8:23-01024 Cox-Novak Construction, Inc. v. Sweeney, III

**#13.00** Plaintiff's Motion For Order Substituting Deceased Defendant In Adversary Proceeding

Docket 28

**Tentative Ruling:**

Tentative for March 14, 2024  
Grant as unopposed. Appearance is optional.

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

**Debtor(s):**

Vincent J Sweeney III

Represented By  
Julie J Villalobos

**Defendant(s):**

Vincent J Sweeney III

Represented By  
Julie J Villalobos

**Plaintiff(s):**

Cox-Novak Construction, Inc.

Represented By  
Timothy J Silverman

**Trustee(s):**

Karen S Naylor (TR)

Pro Se



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**5B**

10:00 AM

**8:22-12090 Vincent J Sweeney, III**

**Chapter 7**

Adv#: 8:23-01024 Cox-Novak Construction, Inc. v. Sweeney, III

**#13.10** PRE-TRIAL CONFERENCE RE: Complaint by Cox-Novak Construction, Inc. against Vincent J Sweeney III. false pretenses, false representation, actual fraud)  
**(set from s/c hrg held on 7-13-23)**  
**(cont'd from 2-15-24)**

Docket 1

**Tentative Ruling:**

Tentative for March 14, 2024

See #13. Awaiting settlement documentation. Appearance suggested.

-----

Tentative for February 15, 2024

Is there a Joint Pre Trial Statement? Is one expected as is usual?

Appearance required.

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Tentative for December 7, 2023

In view of Defendant's passing will this case be dismissed? Appearance required.

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

Vincent J Sweeney III

Represented By  
Julie J Villalobos

**Defendant(s):**

Vincent J Sweeney III

Represented By  
Julie J Villalobos

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10:00 AM

**CONT... Vincent J Sweeney, III**

**Chapter 7**

**Plaintiff(s):**

Cox-Novak Construction, Inc.

Represented By  
Timothy J Silverman

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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**5B**

10:00 AM

**8:23-10433 Patricia C. Pham**

**Chapter 7**

Adv#: 8:23-01049 Pham v. Pham

**#14.00 PRE-TRIAL CONFERENCE RE: Complaint To Determine Dischargeability Of Debt Pursuant To 11 USC Sections 523(a)(2), 523(a)(4) And 523(a)(6)  
(cont'd from s/c hrg held on 8-31-23)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5-23-24 AT 10:00 A.M.  
PER ORDER APPROVING STIPULATION FOR CONTINUANCE OF  
PRE-TRIAL ENTERED 3-13-24**

**Tentative Ruling:**

Tentative for August 31, 2023  
Deadline for completing discovery is February 1, 2024.  
Last date for filing pre-trial motions is March 1, 2024.  
Pre-trial conference is on March 14, 2023 at 10:00 a.m.  
Joint pre-trial stipulation and/or order due per local rules.

Appearance required.

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

**Debtor(s):**

Patricia C. Pham

Represented By  
Thomas J Polis

**Defendant(s):**

Patricia C. Pham

Pro Se

**Plaintiff(s):**

Chuong Pham

Represented By  
Edward T Weber

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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11:00 AM

**8:22-10046 Janet Ann Lutz**

**Chapter 7**

Adv#: 8:22-01038 Litovsky v. Lutz

**#15.00** Plaintiff's Motion For Default Judgment Against Defendant Janet Ann Lutz

Docket 65

**Tentative Ruling:**

Tentative for March 14, 2024

Motion to Set Aside Default Judgment was filed on March 11, 2024 by Ms. Lutz. However, she was informed that notice was short/not provided.

Continue for a combined hearing? Appearance required.

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

**Debtor(s):**

Janet Ann Lutz

Represented By  
Kevin J Kunde

**Defendant(s):**

Janet Ann Lutz

Pro Se

**Plaintiff(s):**

Allan Litovsky

Represented By  
Allan Litovsky

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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11:00 AM

**8:22-11556 Stonebridge Ventures, LLC**

**Chapter 7**

Adv#: 8:23-01013 A. Cisneros v. Colangelo et al

**#16.00** Defendant Joe Colangelo's Motion For Order Re: Set Aside Plaintiffs Default Judgment Per FRCP 55(c) Or In The Alternative Set Aside Entry Of Default Judgment Per FRCP 60(b)

Docket 91

**Tentative Ruling:**

Tentative for March 14, 2024

Defendant argues that the court should exercise its discretion and set aside the presently pending default judgment because (1) he did not understand the effect of Plaintiff's amended complaint, (2) nothing was said in Trustee's amended complaint that any of the \$300,000 loan was used for the property that was not complete; and (3) the estimated monthly rent of \$12,500 relied on by Plaintiff has not been shown to compare comparable properties that were allegedly uninhabitable.

Regarding Defendant's failure to understand the effect of the amended complaint, while most people are not experts in the procedural requirements of litigation, and at the time, Defendant was in between lawyers, this argument can be made by anyone with or without a lawyer or at least an effort could have been made to obtain an extension. If the court were to set aside default judgments under circumstances like these, there would be no purpose for a default judgment process at all. Further, the court agrees with Plaintiff that it is peculiar what Defendant did not understand about the complaint or how his new counsel failed to note the status of the case when reviewing his client's docket. Unfortunately, Plaintiff must be bound by his attorney's actions or inactions in this case, as this is an amended complaint where an answer to the original was filed previously. Defendant should have had some indication or taken this lawsuit seriously enough to know that a response was required.

"Where a defendant seeks relief under Rule 60(b)(1) based upon 'excusable neglect,' the court applies the same three factors governing the inquiry into

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**CONT... Stonebridge Ventures, LLC**

**Chapter 7**

'good cause' under Rule 55(c)." Brandt v. Am. Bankers Ins. Co., 653 F.3d 1108, 1111 (9th Cir. 2011). Those factors are: "(1) whether the plaintiff will be prejudiced by the reopening of the default judgment, (2) whether the defendant has a meritorious defense to the default judgment, and (3) whether the culpable conduct of the defendant led to the default." Falk v. Allen, 739 F.2d 461, 463 (9th Cir. 1984). As a general rule, parties are bound by the actions of their lawyers, and alleged attorney malpractice does not usually provide a basis to set aside a judgment pursuant to Rule 60(b)(1). See Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 397, 113 S. Ct. 1489, 123 L.Ed.2d 74 (1993) (parties are "held responsible for the acts and omissions of their chosen counsel"); Allmerica Fin. Life Ins. & Annuity Co. v. Llewellyn, 139 F.3d 664, 666 (9th Cir.1997) ("attorney error is insufficient grounds for relief under ... Rule 60(b)(1)").

A district court may deny relief under Rule 60(b)(1) when the moving party has failed to show that she has a "meritorious defense." In order to establish a meritorious defense, the moving party must allege sufficient facts that, if true, would constitute a defense: 'the question whether the factual allegation [i]s true' is not to be determined by the court when it decides the motion to set aside the default. Rather, that question 'would be the subject of the later litigation.'" United States v. Aguilar, 782 F.3d 1101, 1107 (9th Cir. 2015).

Defendant's "meritorious defenses" also fall short of the standard laid out by case law. Defendant's defenses are that Plaintiff failed to provide evidence showing that the \$300,000 loan was used for the subject property and that the rental value accounted for the unfinished state of the Property. But Defendant fails to understand that at the complaint stage of litigation, Plaintiff is not required to provide evidence to support his claims. All that is required is that there are sufficient facts to plausibly support a claim under the Iqbal and Twombly standard. The court determined that Plaintiff satisfied that standard, and now it is Defendant's burden to show that there is a meritorious defense. Defendant has not alleged any facts or an alternative story of what happened, but simply points out that Plaintiff's complaint lacks merit for absence of evidence. Defendant has not persuaded the court that setting aside the default judgment would be appropriate here based on these arguments. Accordingly, the motion is denied.

Appearance required.

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11:00 AM

**CONT... Stonebridge Ventures, LLC**

**Chapter 7**

**Party Information**

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw  
Diana Torres-Brito

**Defendant(s):**

Joe Colangelo

Represented By  
Thomas J Polis

Monika Jensen

Represented By  
Nicholas W Gebelt  
Robert M. Aronson  
Robert M Aronson

**Plaintiff(s):**

A. Cisneros

Represented By  
Nathan F Smith

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Arturo Cisneros  
Nathan F Smith  
William Malcolm

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11:00 AM

**8:18-10486 Ron S Arad**

**Chapter 7**

Adv#: 8:18-01080 Arad v. DEPARTMENT OF THE TREASURY, INTERNAL REVENUE

**#17.00** Trustee's Motion For Order Authorizing The Joinder Of Citizens Financial Group  
As Defendant

Docket 301

**Tentative Ruling:**

Tentative for March 14, 2024

This is Chapter 7 Trustee Weneta Kosmala's ("Trustee" or "Plaintiff") motion for order authorizing Joinder of Citizens Financial Group ("Citizens") as a Defendant in this adversary.

There are two subject properties in this adversary: (1) 841 N. Orange Street, La Habra, California 29631 ("La Habra Property") and (2) 27850 Aleutia Way, Yorba Linda, California, 92880 ("Yorba Linda Property") (collectively, the "Properties"). Both Properties were sold and a dispute currently exists regarding distribution of remaining funds in Trustee's possession from the proceeds of the Yorba Linda Property. Debtor had a 75% interest in the Yorba Linda sales proceeds and Reuven Arad and Sara Arad had an undivided 25% interest upon which Citizens held a first position lien and the IRS held a second position lien. The IRS obtained a summary judgment that ultimately stated that Debtor's Estate, Citizens, and the IRS had interests in the Yorba Linda sale proceeds. Prior orders of this court indicate that from the \$679,824.03 in sales proceeds, all but \$169,956.01 was property of the estate and the remaining amount was to be held on behalf of Citizens and the IRS pending adjudication of those two parties' right against each other. The IRS is a party, but Citizens is not currently.

Rule 20 is to be construed liberally in order to promote trial convenience and to expedite the final determination of disputes, thereby preventing multiple lawsuits. *League to Save Lake Tahoe v. Tahoe Regional Planning Agency*, 558 F.2d 914 (9th Cir.1977). Rule 20 contains a two-part requirement for joinder: (1) the right to relief asserted against each defendant must relate to or arise out of the same transaction or series of transactions, and (2) some



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**CONT... Ron S Arad**

**Chapter 7**

question of law or fact common to all parties will arise in the action. FRCP 20.

Here, the first requirement is satisfied because the dispute in this case is whether Citizens or IRS are entitled to the remaining funds from the sale of the Yorba Linda Property. As Trustee asserts, the transaction that gives rise to any dispute between the IRS and the estate is identical to any dispute between Citizens and any other parties. The second requirement is also met because the dispute is identical to the IRS and the estate's dispute, and the same transaction has given rise to the same causes of action or issues to be resolved. It is evident to the court that Citizens is an appropriate and necessary party here. There also does not appear to be any opposition to the motion. Accordingly, the motion is granted and Citizens can be joined as a defendant in the adversary proceeding.

Would a mediation assist? Appearance required.

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

**Debtor(s):**

Ron S Arad

Represented By  
G Bryan Brannan

**Defendant(s):**

DEPARTMENT OF THE

Represented By  
Jolene Tanner  
Angela Gill

UNITED STATES OF AMERICA

Represented By  
Jolene Tanner  
Angela Gill

**Plaintiff(s):**

Ron S Arad

Represented By  
G Bryan Brannan

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Represented By  
Ryan W Beall

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**CONT...**

**Ron S Arad**

Jeffrey I Golden

**Chapter 7**

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11:00 AM

**8:19-10158 BP Fisher Law Group, LLP**

**Chapter 7**

Adv#: 8:24-01005 Marshack v. Browndorf

**#18.00** Defendant's Motion To Stay These Proceedings And Appoint Me Counsel

Docket 6

**Tentative Ruling:**

Tentative for March 14, 2024

This is Defendant Matthew Browndorf's ("Defendant") motion to stay the adversary proceeding and appoint counsel. Defendant is pro se in this action and is currently incarcerated and unable to attend hearings.

Defendant was sentenced on November 30, 2024 and expects to serve at least 28 months. Defendant would like to defend himself in this case. Defendant argues that Plaintiff/Trustee Richard A. Marshack ("Trustee") could have filed the action any time prior to his incarceration, a time period spanning over four years, but waited until immediately after his incarceration. According to Trustee, immediately upon his appointment, Marshack Hays LLP ("Firm") and Grobstein Teeple LLP ("GT") aided Trustee in gathering information relating to Debtor BP Fisher's ("Debtor") financial affairs. They conducted a series of meetings and interviews with Defendant as Debtor's principal and former employees of Debtor. There were many delays in accessing Debtor's records as several challenges arose along the way that required Trustee, the Firm, and GP to coordinate and negotiate opportunities to access computers and download a large number of hard drives. To date, Trustee asserts that his professionals have reconstructed Debtor's historical financials but require additional time to complete due diligence, including, but not limited to comparing Debtor's business records (including cross records) to determine whether certain transfers were legitimate business expenses versus potentially avoidable transfers, draft complaints, and explore potential settlements prior to filing such complaints.

In January 2022, Trustee reached out to Defendant to discuss the transfers that have been discovered and an explanation from Defendant as to

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**CONT... BP Fisher Law Group, LLP**

**Chapter 7**

the nature of the transactions. A full explanation was not provided by Defendant, and ongoing negotiations culminated in the circulation of the global settlement documents for comment and/or executed on or about January 2023. Because of these ongoing negotiations, the parties entered into several tolling agreements, approved by this court. From the entry of these tolling orders and up to January 12, 2024, there was constant inquiry regarding the status of comment/execution of the Settlement Documents. Trustee was soon informed that Defendant would likely not be signing the Settlement Documents prior to the January 12, 2024 deadline. Thus, Trustee had no choice but to file the underlying complaint. Trustee contends that ample time and opportunity was given to Defendant to resolve the matters prior to his incarceration, but Defendant never took it.

Defendant now requests a stay pending his release from incarceration, a stay pending the completion of the October 31, 2024 Maryland trial and a stay pending the conclusion of Sarina Browndorf's bankruptcy. Defendant also requests that all parties ensure personal service of documents on Defendant given his temporary housing. In the alternative, Defendant requests appointment of counsel.

**A. Legal Standard**

The Constitution does not ordinarily require a stay of civil proceedings pending the outcome of criminal proceedings. *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324 (9th Cir. 1995). In the absence of "substantial prejudice to the rights of the parties involved," simultaneous parallel civil and criminal proceedings are "unobjectionable under our jurisprudence." *Id.* Nevertheless, a court may decide in its discretion to stay civil proceedings "when the interests of justice seem to require such action." *Id.* (internal brackets omitted). The court generally considers the following factors: (1) the interest of the plaintiff in proceeding expeditiously with this litigation or any particular aspect of it, and the potential prejudice to plaintiffs of a delay; (2) the burden which any particular aspect of the proceedings may impose on defendants; (3) the convenience of the court in the management of its cases, and the efficient use of judicial resources; (4) the interests of persons not parties to the civil litigation; and (5) the interest of the public in the pending

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**CONT...**      **BP Fisher Law Group, LLP**  
civil and criminal litigation. *Id.* at 324-25.

**Chapter 7**

**1. Interest of the Plaintiff in Proceeding Expeditiously with Litigation**

For the first factor, Trustee argues that he has a duty to collect and reduce to money the property of the estate for which such trustee serves and close such estate as expeditiously as possible. He was diligent in investigating Debtor's financial affairs and gave Defendant over two years to answer inquiries, and comment and/or execute the Settlement Documents. Defendant does not present much argument regarding this factor other than speaking to his burden which is discussed below under the second factor, other than Trustee's intentional delay in the litigation. However, the court is persuaded that while there may have been some delay, Defendant failed to take earlier opportunities to settle or at least more completely assist in the trustee's inquiries. Accordingly, the court does find in favor of Trustee on the first factor.

**2. Burden on Defendants**

Regarding the second factor, Defendant's burden here is that he is currently incarcerated and has limited access to documents and/or information to defend himself. Trustee contends that the Defendant has not set forth any evidentiary basis or argument to satisfy this factor. However, the court finds that the burden is obvious here. The court is sympathetic to Defendant's circumstances and understands that Defendant is at more of a disadvantage to defend himself in this lawsuit than is the Trustee. This factor does weigh in favor of Defendant, but whether it is outweighed by the other factors will be discussed further below.

**3. Convenience of the Court/Efficient Use of Judicial Resources**

Defendant asserts that the stay is convenient because the issues will be narrowed upon completion of the Maryland trial, the Sarina Browndorf bankruptcy, and thereafter he will be able to provide a streamlined defense once he is no longer in prison. Trustee argues in rebuttal that the court has an interest in clearing its docket, which weighs against the stay. While a narrowing of issues would be convenient in the long run, this would require a delay on this adversary for 1-2 years. Staying an adversary connected to this

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**CONT... BP Fisher Law Group, LLP**

**Chapter 7**

bankruptcy case, which has already been around for many years would not be an efficient use of judicial resources.

**4. Interests of Persons Not Parties to the Civil Litigation**

While Defendant does not seem to argue on this factor, Trustee contends that the creditors as third parties have an interest in Trustee's prompt administration of the estate, including any recovery in the adversary litigation. The court agrees and finds in favor of Trustee on this factor.

**5. Interest of the Public in Pending Civil and Criminal Litigation**

Trustee acknowledge that parallel civil and criminal proceedings could potentially lead to preclusion issues, but the court in *Valenzuela v. Schmidt*, 2023 U.S.Dist.LEXIS 197851, at \*5-6 (E.D. Cal. Nov. 3, 2023) held that if this were enough to support a stay, the stay would become the rule instead of the exception, and the general rule is that civil proceedings may be conducted at the same time as related criminal proceedings. *Id.*

Balancing the factors in *Keating*, the court finds that while there is a burden to Defendant since he is incarcerated, the other factors weigh in favor of Trustee to deny the stay motion. Appointment of counsel to Defendant may be the appropriate route forward, to assist him in defending his case. But an order of this court is not needed to accomplish this. If Defendant is expecting that such appointment be paid for from the public purse, the court is unaware of any applicable authority (and not authority is cited) so providing. It is unknown of any constitutional right to counsel in a civil case, but a court may "under 'exceptional circumstances' appoint counsel for indigent civil litigants ...." *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (citing 28 U.S.C. § 1915(e)(1)). When determining whether "exceptional circumstances" exist, a court must consider "the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir.1983). Like *in Palmer*, where the court found that "exceptional circumstances" did not exist despite Palmer having pain from surgery and being denied access to legal documents, this court similarly finds that

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**CONT... BP Fisher Law Group, LLP**

**Chapter 7**

Defendant is more than capable of defending himself or finding counsel,  
based on his ability to draft and file this motion.

*Deny. Appearance required.*

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

**Debtor(s):**

BP Fisher Law Group, LLP

Represented By  
Marc C Forsythe  
Michael S Myers

**Defendant(s):**

Matthew Browndorf

Pro Se

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
D Edward Hays

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Marc C Forsythe  
Charity J Manee  
Laila Masud  
Royce Zur  
Lauren N Gans

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**8:23-11546 Marie Salanga**

**Chapter 7**

Adv#: 8:23-01128 Roth v. Salanga

**#19.00** Motion For Order Compelling Plaintiff Compliance With Request For Production Of Documents And Written Interrogatories

Docket 14

**Tentative Ruling:**

Tentative for March 14, 2024

This is Defendant Marie Salanga's ("Defendant") motion for order compelling Plaintiff ("Ivar Roth") to provide answers to interrogatories and produce documents. Defendant also moves for an order that Plaintiff pay to Defendant the sum of \$3,330 as the reasonable costs and attorney's fees incurred by the moving party in connection with this proceeding.

Defendant argues that Plaintiff has failed to respond to discovery requests made on January 2, 2024 or offer any justification for refusal or failure, despite multiple acknowledgements by Plaintiff's former counsel David Lally that discovery was received and due. The responses were due by February 5, 2024. Defendant's counsel requested a meet and confer in compliance with LBR 7026-1, but no such meeting occurred. Consequently, Defendant has filed this motion to compel compliance. Defendant provides a proposed stipulation, but the stipulation appears to be only in partial compliance with LBR 7026-1(c)(3) as Defendant had no prior knowledge of Plaintiff's contentions and had to offer only conjecture as to the position of Plaintiff. A very late response was provided by Plaintiff on February 22, 2024. With the responses finally received, Defendant proposed a stipulation between the parties to order compelling discovery, taking the hearing off calendar. However, this offer was never accepted or rejected.

A motion to compel discovery is appropriate when a party refuses to engage in or produce discovery. FRCP 37(a)(2). The movant must certify that he or she has in good faith conferred or attempted to confer with the party failing to make discovery to secure information or material without court action. FRCP 37(a)(1). A motion for sanctions for failing to answer or respond must include



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**CONT...**

**Marie Salanga**

**Chapter 7**

a certification that the movant conferred or attempted to confer with the party failing to act in an effort to obtain the answer or response without court action. FRCP 37(d)(1)(B).

Where there has been a complete failure to respond, Defendant contends that the court may order that discovery be compelled and sanction the party refusing to comply with discovery in the first instance. Defendant asserts that she has acted in good faith in attempting to confer with Plaintiff/ Plaintiff's counsel. This failure to respond has imposed substantial financial burden on Defendant, justifying the imposition of monetary sanction in the above-stated amount. It should be noted that Defendant originally requested \$2,295.00 in sanctions but given the additionally time expenses in replying to the opposition and reviewing the dueling declarations between Plaintiff and Lally, Defendant has requested additional sanctions of \$1,025, totaling \$3,330.

Plaintiff argues that the motion is deficient as Defendant has failed to provide the separate discovery stipulation pursuant to LBR 7026-1(c)(3). This rule is applicable in situations where there is a discovery dispute. In this case, Plaintiff had not responded to the discovery requests at all prior to the motion to compel being filed. As Defendant contends, she had no prior knowledge of Plaintiff's position or contentions with the discovery requests. Perhaps the Proposed Stipulation table on page 2 of the motion should have been attached as a separate document, but again, this local rule applicable to actual disputes between the parties. Plaintiff here simply failed to respond, despite numerous attempts to meet and confer. Apparently, Defendant even attempted to stipulate after receiving the late response from Plaintiff to the discovery requests. Consequently, the court does not find the motion's procedural deficiencies fatal. But this raises the point that now that Plaintiff has new counsel complete discovery might still be forthcoming if a better job is done in identifying the deficiencies (beyond lateness), if any.

Regarding the dispute between former counsel Lally and Plaintiff as shown in their respective declarations, Lally admits that he was mostly responsible for the late response to the discovery requests due to his serious health issues. The court is sympathetic and it is unfortunate that his health has forced him to retire from the legal profession. However, the fact of the matter is that he did not act diligently in representing his client and communicating the importance

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**CONT...**

**Marie Salanga**

**Chapter 7**

of complying with procedural rules of the court. While Plaintiff seems to have contributed to the delay of the discovery responses, and the relationship between Lally and Plaintiff was clearly in deterioration at the time, it is ultimately Lally's responsibility as counsel to his former client to prepare legal documents in a timely manner. Accordingly, the motion to compel discovery is granted. But the record is unclear whether there has more recently (around February 22) been a fulsome compliance or whether categories remain unanswered or deficient. Sanctions will be evaluated once the court has a clearer picture of what has been produced or answered, if anything.

Discovery is compelled and objections are waived. Sanctions will be separately considered once a report on whether the late compliance was adequate.

Appearance required.

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

**Debtor(s):**

Marie Salanga

Represented By  
Richard G. Heston

**Defendant(s):**

Marie Salanga

Represented By  
Richard G. Heston

**Plaintiff(s):**

Ivar Roth

Represented By  
David B Lally

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

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11:00 AM

**8:22-11686 Triet Minh Dinh**

**Chapter 7**

Adv#: 8:23-01002 G & L Seafood Inc. et al v. Dinh

**#20.00** Joint Motion To Approve Stipulation Dismissing Adversary Proceeding

Docket 15

**Tentative Ruling:**

Tentative for March 14, 2024

If this action was based on §727, notice to all creditors was required. If that can be confirmed, grant. Appearance required.

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

**Debtor(s):**

Triet Minh Dinh

Represented By  
Andrew Edward Smyth

**Defendant(s):**

Triet Minh Dinh

Pro Se

**Plaintiff(s):**

G & L Seafood Inc.

Represented By  
Peter J Ryan

Anne-Marie Giang Trustee of the

Represented By  
Peter J Ryan

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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11:00 AM

**8:22-11686 Triet Minh Dinh**

**Chapter 7**

Adv#: 8:23-01002 G & L Seafood Inc. et al v. Dinh

**#21.00 PRE-TRIAL CONFERENCE RE: Complaint Objecting To Discharge Based On  
False Oath Pursuant To 11 USCA Section 727(4)(A)  
(set from s/c hrg held 3-30-23)  
(cont'd from 2-15-24)**

Docket 1

**Tentative Ruling:**

Tentative for March 14, 2024  
See #20. Appearance required.

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Tentative for February 15, 2024  
Continue to coincide with hearing on approval of stipulation approving  
dismissal set for March 14, 2024 at 11:00 a.m. Appearance is optional.

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Tentative for December 14, 2023  
The unilateral "pretrial order" (consisting of a transcription of 341a testimony)  
is unorthodox to say the least. Defendant did not apparently participate in  
preparing anything. So, is the defense of this case abandoned?

*Appearance required and the answer may be stricken absent explanation.*

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Tentative for October 12, 2023  
Why no pretrial stipulation? Appearance required.

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Tentative for 3/30/23:  
Deadline for completing discovery: September 1, 2023

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**CONT... Triet Minh Dinh**

**Chapter 7**

Last date for filing pre-trial motions: September 22, 2023

Pre-trial conference on: October 12, 2023 @ 10:00AM

Joint pre-trial stipulation and/or order due per local rules.

Appearance: required

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

**Debtor(s):**

Triet Minh Dinh

Represented By  
Andrew Edward Smyth

**Defendant(s):**

Triet Minh Dinh

Pro Se

**Plaintiff(s):**

G & L Seafood Inc.

Represented By  
Peter J Ryan

Anne-Marie Giang Trustee of the

Represented By  
Peter J Ryan

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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**8:22-11186 Philip Gus Randazzo**

**Chapter 7**

Adv#: 8:22-01089 Wolf, Jr et al v. Randazzo

**#22.00** Plaintiffs Motion For Summary Judgment

Docket 25

**Tentative Ruling:**

Tentative for March 14, 2024

This Rule 56 motion for summary Judgment is well supported and suggests judgment should be entered for plaintiffs if the Requests for Admission ("RFA") served on or about September 29, 2023 (which were never answered) are deemed automatically effective pursuant to FRCP 36(a)(3). In the late opposition, Debtor does not recall receiving the RFA in the mail and if he did, he did not deem them important enough to bring them to the attention of his new counsel, William Lobel. Mr. Lobel did not become aware of the RFA until he read the documents with the Motion. As an apparently alternative theory, Debtor mistakenly believed all litigation was stayed by his pending bankruptcy and was unaware of the difference between litigation filed in bankruptcy and pre-petition litigation subject to the automatic stay.

Plaintiff argues that the opposition was filed late and should be disregarded. Plaintiff also contends that Defendant incorrectly states that he was served with the RFA while his former counsel Reid was still representing him, and that the RFA was not properly served on counsel Reid. But this is allegedly false because the Order Granting the Motion to Withdraw was entered on September 29, 2023 in the adversary proceeding, the same day that the RFA was served (and in the main bankruptcy case November 17, 2023). As of September 29, Defendant was in pro se. The Order Granting also states that "Defendant is admonished that all current discovery deadlines remain in effect". Consequently, if any relief is to be granted Debtor here under Rule 60 or otherwise, it must be supported by a separate motion and sufficiently supported so as to show "excusable neglect." That neglect shown so far is both late and insufficient.

Grant. Appearance required.

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**CONT... Philip Gus Randazzo**

**Chapter 7**

**Party Information**

**Debtor(s):**

Philip Gus Randazzo

Pro Se

**Defendant(s):**

Philip Gus Randazzo

Pro Se

**Plaintiff(s):**

Allan E Wolf Jr

Represented By  
Geoffrey E Marr

Jason Hirschman

Represented By  
Geoffrey E Marr

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

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11:00 AM

**8:23-11167 Five Rivers Land Company LLC**

**Chapter 11**

Adv#: 8:23-01044 Five Rivers Land Company LLC v. Brar et al

**#23.00** Plaintiff's Motion To Dismiss Cross-Complaint  
(cont'd from 11-02-23 per court's own mtn)  
[Movant - Christopher D. Beatty Intends To Appear In Person]  
(cont'd from 10-26-23 per order granting stipulation to stay litigation &  
continuance hrs set for October 26, 203 entered 10-24-23)  
(cont'd from 3-7-24 per court's own mtn -10-24-23)  
[Movant - Christopher D. Beatty Intends To Appear In Person]

Docket 47

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7-11-24 AT 11:00 A.M.  
PER ORDER GRANTING STIPULATION TO STAY LITIGATION AND  
CONTINUE HEARINGS ENTERED 3-04-24**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Five Rivers Land Company LLC

Represented By  
Garrick A Hollander  
Matthew J Stockl  
Richard H Golubow

**Defendant(s):**

Harjinder Singh Brar

Represented By  
William Lynn Cowin

Ramandip Singh Brar

Represented By  
William Lynn Cowin

Pinder Kaur Brar

Represented By  
William Lynn Cowin

**Movant(s):**

Five Rivers Land Company LLC

Represented By



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**CONT... Five Rivers Land Company LLC**

**Chapter 11**

Garrick A Hollander  
Christopher Dale Beatty

Five Rivers Land Company LLC

Represented By  
Christopher Dale Beatty

**Plaintiff(s):**

Five Rivers Land Company LLC

Represented By  
Garrick A Hollander  
Christopher Dale Beatty

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**8:23-11167 Five Rivers Land Company LLC**

**Chapter 11**

Adv#: 8:23-01044 Five Rivers Land Company LLC v. Brar et al

**#24.00** Cross-Defendants David Nino, Victoria Nino and Coast to Coast Packing Group LLC's Notice of Motion and Motion to Dismiss Cross-Complaint  
(cont'd from 11-02-23 per court's own mtn)  
(cont'd from 10-26-23 per order granting stipulation to stay litigation & continuance hearings set for October 26, 2023 entered 10-24-23)  
(cont'd from 3-7-24 per court's own mtn -10-24-23)

Docket 58

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7-11-24 AT 11:00 A.M.  
PER ORDER GRANTING STIPULATION TO STAY LITIGATION AND  
CONTINUE HEARINGS ENTERED 3-04-24**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Five Rivers Land Company LLC

Represented By  
Garrick A Hollander  
Matthew J Stockl  
Richard H Golubow

**Defendant(s):**

Harjinder Singh Brar

Represented By  
William Lynn Cowin

Ramandip Singh Brar

Represented By  
William Lynn Cowin

Pinder Kaur Brar

Represented By  
William Lynn Cowin

**Plaintiff(s):**

Five Rivers Land Company LLC

Represented By  
Garrick A Hollander

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**CONT...**

**Five Rivers Land Company LLC**

Christopher Dale Beatty

**Chapter 11**

**United States Bankruptcy Court  
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11:00 AM

**8:23-11167 Five Rivers Land Company LLC**

**Chapter 11**

Adv#: 8:23-01044 Five Rivers Land Company LLC v. Brar et al

**#25.00** Plaintiff's Motion to Dismiss First Amended Cross-Complaint  
(cont'd from 12-07-23 per court's own mtn /order granting stip. to stay  
litigation & cont. hrgs set for October 26, 2023 - entered 10-24-23 / this  
motion was added on verbally per Maggan on 10-24-23 - with amna  
approval)  
[Movant - Christopher D. Beatty Intends To Appear In Person]

Docket 72

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7-11-24 AT 11:00 A.M.  
PER ORDER GRANTING STIPULATION TO STAY LITIGATION AND  
CONTINUE HEARINGS ENTERED 3-04-24**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Five Rivers Land Company LLC

Represented By  
Garrick A Hollander  
Matthew J Stockl  
Richard H Golubow

**Defendant(s):**

Harjinder Singh Brar

Represented By  
William Lynn Cowin

Ramandip Singh Brar

Represented By  
William Lynn Cowin

Pinder Kaur Brar

Represented By  
William Lynn Cowin

Coast to Coast Packing Group, LLC

Pro Se

**Plaintiff(s):**

Five Rivers Land Company LLC

Represented By

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**Five Rivers Land Company LLC**

**Chapter 11**

Garrick A Hollander  
Christopher Dale Beatty

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11:00 AM

**8:23-11167 Five Rivers Land Company LLC**

**Chapter 11**

Adv#: 8:23-01044 Five Rivers Land Company LLC v. Brar et al

**#26.00** Debtor's Motion For Summary Judgment And Statement Of Uncontroverted Facts And Conclusions Of Law In Support  
(cont'd from 10-12-23 per order approving stip. to cont. hrg on mtn for partial summary judgment entered 10-04-23 - see order #78)  
(cont'd from 10-26-23 per order granting stipulation to stay litigation & continuing hearings set for October 26, 2023 entered 10-24-23)  
(cont'd from 3-7-24 per court's own mtn -10-24-23)  
[Movant - Christopher D. Beatty Intends To Appear In Person]

Docket 36

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7-11-24 AT 11:00 A.M.  
PER ORDER GRANTING STIPULATION TO STAY LITIGATION AND  
CONTINUE HEARINGS ENTERED 3-04-24**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Five Rivers Land Company LLC

Represented By  
Garrick A Hollander  
Matthew J Stockl

**Defendant(s):**

Harjinder Singh Brar

Represented By  
William Lynn Cowin

Ramandip Singh Brar

Represented By  
William Lynn Cowin

Pinder Kaur Brar

Represented By  
William Lynn Cowin

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**CONT... Five Rivers Land Company LLC**

**Chapter 11**

**Plaintiff(s):**

Five Rivers Land Company LLC

Represented By

Garrick A Hollander

Christopher Dale Beatty