

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

**Thursday, April 25, 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:** 161 451 3648

**Password:** 406894

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- Connect early so that you have time to check in.
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**Chapter**

completed your appearance(s).

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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**8:10-26382 Fariborz Wosoughkia**

**Chapter 7**

Adv#: 8:19-01001 MAHDAVI v. Wosoughkia et al

**#1.00 Application And Order For Appearance And Examination Of Fariborz Wosoughkia  
[Appearing In Person ]**

Docket 0

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5-23-24 AT 10:00 A.M.  
PER ORDER RE STIPULATION TO CONTINUE DEBTOR'S EXAM  
ENTERED 4-23-24**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Fariborz Wosoughkia

Represented By

Carlos F Negrete - INACTIVE -

**Defendant(s):**

Fariborz Wosoughkia

Pro Se

Natasha Wosoughkia

Pro Se

**Joint Debtor(s):**

Natasha Wosoughkia

Represented By

Carlos F Negrete - INACTIVE -

**Plaintiff(s):**

BIJAN JON MAHDAVI

Represented By

Craig J Beauchamp

**Trustee(s):**

Richard A Marshack (TR)

Represented By

Michael G Spector

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**8:19-12480 Guy S. Griffithe**

**Chapter 7**

Adv#: 8:19-01201 Bagot v. Griffithe

**#2.00 STATUS CONFERENCE RE: Complaint Of NonDischargeability And Exception  
From Discharge Of Debts  
(cont'd from 12-07-23)**

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024  
Status of Washington proceedings? Appearance required.

-----  
Tentative for December 7, 2023  
Continue status conference to April 25, 2024 at 10:00 a.m. anticipating ruling  
in Washington matter. Appearance is optional.

-----  
Tentative for 6/8/23:  
Continue as a status conference to December 7 @ 10 to accommodate  
conclusion of Washington State matter.

Appearance: optional

-----  
Tentative for 1/5/23:  
In view of the stay recently issued regarding the Washington State Action as  
reported by plaintiff, and in view of the earlier abstention of this court in favor  
of those proceedings, it makes sense to continue the status conference  
further to June 1, 2023 @ 10:00 a.m. If that date is unworkable please appear  
and propose alternatives.

Appearance: optional

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**CONT...      Guy S. Griffith**

**Chapter 7**

-----  
Tentative for 8/25/22:

Continue status conference to December 1, 2022 @ 10:00AM in view of  
schedule state court trial in November.

Appearance: required

-----  
Tentative for 3/24/22:

Continue 6 months per request to allow resolution of state court matter.

Appearance: optional

-----  
Tentative for 8/5/21:

Extend temporary extension about 9 months.

-----  
Tentative for 9/3/20:

Continue status conference to August 5, 2021 @ 10:00. Can be advanced by  
any party on motion.

-----  
Tentative for 3/5/20:

See #17

-----  
Tentative for 1/16/20:

See #6. The status conference will travel together with any dismissal  
motions. Appearance not required.

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**CONT...      Guy S. Griffithe**

**Chapter 7**

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Tentative for 12/19/19:  
Status conference continued to January 16, 2020 at 10:00 a.m. to coincide  
with motion to dismiss.

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

**Debtor(s):**

Guy S. Griffithe

Represented By  
Bert Briones

**Defendant(s):**

Guy S. Griffithe

Pro Se

**Plaintiff(s):**

Steven Bagot

Represented By  
Heidi Urness

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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10:00 AM

**8:19-12480 Guy S. Griffithe**

**Chapter 7**

Adv#: 8:19-01201 Bagot v. Griffithe

**#3.00 STATUS CONFERENCE RE: Motion For Temporary Abstention  
(set at hearing held on 3-5-2020)  
(cont'd from 12-07-23)**

Docket 29

**Tentative Ruling:**

Tentative for April 25, 2024  
See #2. Appearance required.

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Tentative for December 7, 2023  
See #1. Appearance is optional.

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Tentative for 6/8/23:  
See #3.

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Tentative for 1/5/23:  
See #1.

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Tentative for 8/25/22:  
See #2.

-----

Tentative for 3/24/22:  
See #1.

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**CONT...      Guy S. Griffithe**

**Chapter 7**

Tentative for 8/5/21:  
Same as #1.

-----

Tentative for 9/3/20:  
See #4.

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Tentative for 3/5/20:

This is the Plaintiff's motion for "Temporary Abstention" and for stay of the pending litigation in favor of a proceeding in Washington State Court. Oddly, the motion is not brought for permissive abstention under 28 U.S.C. § 1334(c) but rather under the court's "inherent power to regulate their dockets and should use it to stay litigation pending resolution of another case or arbitration proceeding where it will dispose of or narrow the issues to be resolved in that litigation." *In re Barney's Inc.*, 206 B.R. 336, 343-44 (Bankr. S.D.N.Y. 1997). As near as the court can determine, the standards are largely the same.

It is well established that a federal court has "broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706-707, 117 S. Ct. 1636 (1997); see also *Landis v. North American Co.*, 299 U.S. 248, 254-255, 57 S. Ct. 163, 166 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance."); *O'Dean v. Tropicana Cruises International, Inc.*, 1999 WL 335381, \*4 (S.D.N.Y. 1999) (federal court suspended action pending disposition of arbitration proceeding); *Evergreen Marine Corp. v. Welgrow International, Inc.*, 954 F.Supp. 101, 103-105 (S.D.N.Y. 1997)

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**CONT... Guy S. Griffithe**

**Chapter 7**

(authorized stay in federal proceedings pending disposition of related foreign action).

The Ninth Circuit has enumerated factors a bankruptcy court should weigh when it considers whether to permissively abstain from hearing a matter before it. See *Christiansen v. Tucson Estates, Inc. (In re Tucson Estates, Inc.)*, 912 F.2d 1162, 1167 (9th Cir. 1990). Those factors include: (1) the effect or lack thereof on the efficient administration of the estate if a Court recommends abstention, (2) the extent to which state law issues predominate over bankruptcy issues, (3) the difficulty or unsettled nature of the applicable law, (4) the presence of a related proceeding commenced in state court or other non-bankruptcy court, (5) the jurisdictional basis, if any, other than 28 U.S.C. § 1334, (6) the degree of relatedness or remoteness of the proceeding to the main bankruptcy case, (7) the substance rather than form of an asserted core proceeding, (8) the feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court, (9) the burden of the bankruptcy court's docket, (10) the likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties, (11) the existence of a right to a jury trial, and (12) the presence in the proceeding of non-debtor parties.

Plaintiff cites a less exhaustive five factor analysis for suspending or staying a nondischargeability action as follows: (1) The burden of the proceeding on the defendant; (2) The interest of the plaintiff in expeditiously pursuing the action and prejudice resulting from any delay; (3) The convenience of the court in the management of its cases and the efficient use of judicial resources; (4) The interests of non-parties to the litigation; and (5) The interest of the public in the pending civil and criminal litigation. *In re Government Securities Corp.*, 81 B.R. 692, 694 (Bankr. S.D. Fla. 1987). See also, *Southwest Marine, Inc. v. Triple A Mach. Shop, Inc.*, 720 F. Supp. 805, 809 (N.D. Cal. 1989).

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**Guy S. Griffith**

**Chapter 7**

Although the parties do not agree on which set of factors is correct, the parties do agree that not all of the above factors are applicable nor are they of equal weight. Plaintiff's most persuasive argument for abstention from this court, and one that Defendant does not dispute, is that Plaintiff and Defendant are already heavily engaged in an action in Washington state court. According to Plaintiff, the allegations in the state court action mirror those of the allegations made in this adversary proceeding. Defendant argues that this is a false assertion as there is no mention of anything in the Washington state court action that mirror Plaintiff's §727 claims, although Defendant does concede that Plaintiff's §523 claims are mirrored by the allegations in the Washington state court action. The Washington state court action was filed over a year ago and is reportedly set for trial in April of 2020. Consequently, it seems feasible for the Washington matter to proceed to trial and judgment on the issues underlying the §523(a) claims (and certain of the §727 theories involving pre-petition behavior). Provided that Plaintiff is careful in obtaining detailed and clear findings, Plaintiff can then resolve this adversary proceeding under collateral estoppel theories by Rule 56 motion. To the extent that Defendant is correct in his assertion that Plaintiff's §727 claims are not mirrored in the state court action, Plaintiff asserts that he will simply drop those claims as they will likely be unnecessary after the state court rules on the underlying claims. Plaintiff has already obtained relief from stay. Considering the resources that the parties have already expended in Washington, including pre-trial motions, discovery, etc., the parties should likely finish what they started up there. This approach would conserve resources here and would not likely result in duplication of effort.

Concerning the administrative law claims and SEC claims pending in Washington State against Defendant, Plaintiff argues that resolution of these claims will help narrow the issues even further or could even provide additional probative details, which Plaintiff argues is a proper justification for abstention. Defendant argues that these other cases should not be considered for purposes of abstention because they do not directly involve

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**CONT... Guy S. Griffithe**

**Chapter 7**

Plaintiff, but this argument is less compelling because Defendant does not attempt to argue that such litigation would not serve to narrow the issues or provide useful additional background. Defendants other arguments against abstention, including the recent withdrawal of Defendant's counsel and a vague argument regarding the purported untimeliness of this motion, do not really move the needle in Defendant's favor. Related to the purported untimeliness of this motion is Defendant's argument that this motion is premature because if Defendant's dismissal motion is granted, then this motion becomes essentially moot. Plaintiff notes that Defendant cites no authority for the proposition that dismissal of the complaint would also end the Washington state court action. Defendant's argument also ignores that complaints after Rule 12 motions can be (and very likely would be) amended if they are found to be defective.

In sum, Plaintiff has made a persuasive case for staying proceedings in this court and allowing the parties to litigate what are largely matters of state law in Washington state court, especially since the parties are on the doorstep of trial. Thus, as Plaintiff urges, the court should use its power under §105(a) to temporarily abstain or stay this adversary proceeding pending resolution in Washington state court. Plaintiff is cautioned to obtain clear and dispositive findings on the operative issues such that collateral estoppel can govern in subsequent Rule 56 motion.

*Grant abstention. This adversary proceeding is stayed until Plaintiff seeks to return for a Rule 56 motion. The court will schedule a status conference approximately 180 days out for evaluation.*

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

Guy S. Griffithe

Represented By  
Bert Briones

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**CONT...      Guy S. Griffithe**

**Chapter 7**

**Defendant(s):**

Guy S. Griffithe

Pro Se

**Movant(s):**

Steven Bagot

Represented By

Heidi Urness

Richard H Golubow

Peter W Lianides

**Plaintiff(s):**

Steven Bagot

Represented By

Heidi Urness

Richard H Golubow

Peter W Lianides

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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**8:20-10477 Serenity Oak Farms, LLC**

**Chapter 7**

Adv#: 8:22-01013 Golden v. PARTRIDGE et al

**#4.00 STATUS CONFERENCE RE: Complaint To Avoid Voidable Transactions  
(cont'd from 5-5-22) (Another summons issued 4/8/22)  
(cont'd from 2-29-24 per order approving stip. to cont. status conference  
entered 2-09-24)  
(re-scheduled from 6-27-24 to 4-25-24 per order approving stip. re:  
adversary proceeding schedule entered 4-04-24)**

FR: 5-5-22; 8-25-22; 10-12-23; 11-9-23

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5-02-24 AT 10:00 A.M.  
PER ORDER APPROVING STIPULATION TO CONTINUE ADVERSARY  
STATUS CONFERENCE ENTERED 4-18-24**

**Tentative Ruling:**

Tentative for 10/13/22:  
See #5.

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Tentative for 6/23/22:  
Continue status conference to August 25 @ 10:00AM per request.

Appearance: required

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

Serenity Oak Farms, LLC

Represented By  
William J Wall

**Defendant(s):**

CASSONDRA LOUISE

Represented By

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**CONT... Serenity Oak Farms, LLC**

**Chapter 7**

Laila Masud

CAMDEN JOHN PARTRIDGE

Represented By  
Laila Masud

CASSONDRA LOUISE

Pro Se

**Plaintiff(s):**

Jeffrey I. Golden

Represented By  
Michael G D'Alba  
Eric P Israel

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Eric P Israel  
Michael G D'Alba

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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 3-28-24)**

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024

Based on report concerning the mediation, continue as further status conference to August 1, 2024 at 10:00 a.m. Appearance is optional.

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Tentative for March 28, 2024

Deadline for completing discovery is August 1, 2024.

Last date for filing pre-trial motions is August 16, 2024.

Pre-trial conference is on September 26, 2024 at 10:00 a.m.

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

A mediation is reportedly already underway. It should be complete not later than June of 2024.

Appearance required.

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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.*



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**CONT... Ron S Arad**

**Chapter 7**

|                          |
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| <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,  
Brannan Law Offices

Pro Se  
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  
Jeffrey I Golden

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

**Chapter 7**

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

**#6.00** 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  
**(cont'd from 3-14-24 per order approving stip. to extend deadline for response to complaint & to continue status conference entered 1-16-24)**

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024

Continue to May 2, 2024 at 10:00 a.m. as a holding date pending review of settlement stipulation. Appearance is optional.

**Party Information**

**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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**CONT...**

**Steven Michael Sawitz**

**Chapter 7**

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**8:23-12125 Amy Jill Kaufman**

**Chapter 7**

Adv#: 8:24-01012 TVC Funding IV REO, LLC v. Kaufman

**#7.00 STATUS CONFERENCE RE: Complaint For Denial Of Discharge Pursuant To  
11 USC Section 727(a)(2) and (a)(4)**

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024  
Status Report? Appearance required.

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

**Debtor(s):**

Amy Jill Kaufman

Represented By  
Jonathan N Vaknin

**Defendant(s):**

Amy Jill Kaufman

Pro Se

**Plaintiff(s):**

TVC Funding IV REO, LLC

Represented By  
Kelli M Brown

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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10:00 AM

**8:21-12506 Sarina Browndorf**

**Chapter 7**

Adv#: 8:24-01014 Browndorf v. Casey et al

**#8.00 STATUS CONFERENCE RE: Verified Complaint For: (1) Quiet Title,  
(2) Declaratory Relief**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5-30-24 AT 11:00 A.M.  
PER ORDER APPROVING STIPULATION TO CONTINUE STATUS  
CONFERENCE & MOTION TO DISMISS VERIFIED COMPLAINT  
PURSUANT TO RULE 12(b)(6) ENTERED 4-23-24 -SEE DOC #12**

**Tentative Ruling:**

- NONE LISTED -

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

Sarina Browndorf

Represented By  
Susan K Seflin  
Steven T Gubner  
Jessica L Bagdanov  
Jessica Wellington

**Defendant(s):**

|                     |        |
|---------------------|--------|
| Thomas H Casey      | Pro Se |
| 5PM Investments Inc | Pro Se |
| Elsbeth Browndorf   | Pro Se |
| Matthew Browndorf   | Pro Se |
| Melvin Browndorf    | Pro Se |

**Plaintiff(s):**

|                   |                                       |
|-------------------|---------------------------------------|
| Elsbeth Browndorf | Represented By<br>Stephen D Weisskopf |
|-------------------|---------------------------------------|

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**CONT... Sarina Browndorf**

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**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Jessica L Bagdanov  
Susan K Seflin

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**8:23-12060 Stewart Homes, Inc.**

**Chapter 7**

Adv#: 8:24-01019 Stewart Homes, Inc. v. Williams Family Manufactured Homes, Inc. et al

**#9.00** STATUS CONFERENCE RE: Complaint For: 1. Conversion; 2. Breach Of Implied Contract; 3. Restituion; 4. Violation of Business Professions Code §§ 17200, Et Seq.; 5. Declaratory Relief; 6. Violation Of Automatic Stay

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024

Deadline for completing discovery is August 31, 2024.

Last date for filing pre-trial motions is on September 13, 2024.

Pre-trial conference is on September 26, 2024 at 10:00 a.m.

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

Appearance required.

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

**Debtor(s):**

Stewart Homes, Inc.

Represented By  
Marc C Forsythe  
Charity J Manee

**Defendant(s):**

Williams Family Manufactured

Pro Se

Craig Williams

Pro Se

**Plaintiff(s):**

Stewart Homes, Inc.

Represented By  
Marc C Forsythe  
Mark D Hurwitz  
Charity J Manee  
Leo D Plotkin

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

**Thursday, April 25, 2024**

**Hearing Room**

**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

**#10.00** PRE-TRIAL CONFERENCE 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 3-14-24)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6-27-24 AT 10:00 A.M.  
PER ORDER APPROVING STIPULATION FURTHER CONTINUING  
PRE-TRIAL CONFERENCE ENTERED 4-24-24**

**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



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**CONT...**      **John A. Rudy**

**Chapter 7**

because plaintiff retained new counsel, and counsel needed time to catch up.  
But nothing filed? Lack of prosecution?

Appearance: required

-----

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

|                          |
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| <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, April 25, 2024**

**Hearing Room**

**5B**

10:00 AM

**8:21-12330 Sophia Santos Ramos**

**Chapter 7**

Adv#: 8:22-01046 Kosmala v. Ramos

**#11.00** PRE-TRIAL CONFERENCE RE: Complaint: (1) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. § 548(a)(1)(A); (2) To Avoid Fraudulent Transfer Pursuant To 11 U.S.C. § 548(a)(1)(B); (3) For Recovery Of Avoided Transfers Under 11 U.S.C. § 550; (4) To Preserve Transfer For The Benefit Of The Estate Pursuant To 11 U.S.C. § 551; (5) For Authorization To Sell Real Property In Which Co-Owner Holds Interest Pursuant To 11 U.S.C. § 363(h); And (6) For Turnover Of Property Of The Estate  
(cont'd from 8-04-22 per court's own mtn)  
(cont'd from 10-05-23 per court's own mtn)  
(set from s/c hrg held on 10-12-23)  
(cont'd from 3-28-24)

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024

In view of announced settlement and to allow documentation and notice, if necessary, continue conference to June 13, 2024 at 10:00 a.m. as a holding date.

Appearance is optional.

-----  
Tentative for February 15, 2024

Plaintiff suggests she will file a motion to strike the answer. An alternative might be a unilateral version of the pretrial statement of the offered pretrial statement. Under either approach the court will give the parties sufficient time to accomplish this before judgment can be entered. Continue about 45 days or as counsel suggests. Appearance suggested.

-----  
Tentative for October 12, 2023

There has not been a hearing on this matter since the initial status report was

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**CONT...**      **Sophia Santos Ramos**

**Chapter 7**

filed one year ago. Status? *Appearance required.*

-----

Tentative for 12/1/22:

Assigned to mediation. Continue as a status conference to February 16, 2023  
@ 10:00AM.

Refer to mediation. Order appointing mediator to be lodged by plaintiff within  
10 days. One day of mediation to be completed by January 31, 2023.

Appearance: required

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

Sophia Santos Ramos

Represented By  
A Mina Tran

**Defendant(s):**

Edwin Joaquin Ramos

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  
Jeffrey I Golden

**United States Bankruptcy Court  
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Santa Ana  
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**Thursday, April 25, 2024**

**Hearing Room**

**5B**

10:00 AM

**8:13-14887 Bret A Percival**

**Chapter 7**

Adv#: 8:23-01027 Kelly v. Percival

**#12.00** PRE-TRIAL CONFERENCE RE: Complaint To Determine Dischargeability Of Debt Under 11 USC Section 523(a)(2)(A), 523(a)(2)(B), 523(a)(4), and 523 (a)(6), Pursuant To Section 523(a)(3)(B)  
**(set from s/c hrg held on 6-29-23)**  
**(cont'd from 4-04-24 per order continuing pretrial conf entered 3-27-24)**

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024

A continuance was granted at Mr. Firman's request, but since nothing has been filed. Why shouldn't the court adopt the unilateral stipulation offered by plaintiff? Appearance required.

-----

Tentative for February 29, 2024

Status on outstanding discovery disputes? Appearance required.

-----

Tentative for 6/29/23:

Deadline for completing discovery: Nov. 1, 2023

Last date for filing pre-trial motions: Nov. 20, 2023

Pre-trial conference on: Dec. 7, 2023

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

Appearance: required

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

Bret A Percival

Pro Se

**United States Bankruptcy Court  
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10:00 AM

**CONT... Bret A Percival**

**Chapter 7**

**Defendant(s):**

Bret A Percival

Pro Se

**Plaintiff(s):**

Gregory Kelly

Pro Se

**Trustee(s):**

CASE REOP/CONV/OR CLOSED

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**5B**

10:00 AM

**8:23-10528 Gonzalo Montano**

**Chapter 7**

Adv#: 8:23-01059 Whithworth v. Montano

**#13.00 PRE-TRIAL CONFERENCE RE: Adversary Complaint Objecting To Entry Of  
Discharge Pursuant To 11 USC Section 523(A)(2)(A)  
(set from s/c hrg held on 9-14-23)**

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024  
Status of the Superior Court proceedings and need for continued stay?  
Appearance required.

-----  
Tentative for September 14, 2023  
Deadline for completing discovery is March 31, 2024.  
Last date for filing pre-trial motions is April 12, 2024  
Pre-trial conference on is April 25 at 10:00 a.m.  
Joint Pre-Trial Order due per local rules.  
Appearance required.

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

**Debtor(s):**

Gonzalo Montano

Represented By  
Hector Vega

**Defendant(s):**

Gonzalo Montano

Pro Se

**Plaintiff(s):**

Wesley Whithworth

Represented By  
H Jack Kakoian

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10:00 AM

**CONT... Gonzalo Montano**

**Chapter 7**

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

**8:10-26382 Fariborz Wosoughkia**

**Chapter 7**

Adv#: 8:19-01001 MAHDAVI v. Wosoughkia et al

**#14.00** Plaintiff's Renewed Motion For Sanctions And Attorney's Fees And Costs Pursuant To 28 USC § 1927 Relating To Defendant's Motion To Set Aside Settlement Agreement Pursuant To FRCP 60; CCP § 473; Cal. Civ. Code §1689

Docket 312

**Tentative Ruling:**

Tentative for April 25, 2024  
Grant as unopposed. Appearance required.

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

**Debtor(s):**

Fariborz Wosoughkia

Represented By  
Carlos F Negrete - INACTIVE -

**Defendant(s):**

Fariborz Wosoughkia

Pro Se

Natasha Wosoughkia

Pro Se

**Joint Debtor(s):**

Natasha Wosoughkia

Represented By  
Carlos F Negrete - INACTIVE -

**Plaintiff(s):**

BIJAN JON MAHDAVI

Represented By  
Craig J Beauchamp

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Michael G Spector



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11:00 AM

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

**Chapter 7**

Adv#: 8:23-01078 Colangelo v. Stonebridge Ventures, LLC et al

**#15.00 Chapter 7 Trustee's A. Cisneros Motion To Dismiss Plaintiff's First Amended Complaint 12(b)6**

Docket 41

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 8-15-24 AT 10:00 A.M.  
PER ORDER CONTINUING HEARINGS ON MOTIONS TO DISMISS  
FILED BY BRENTWOOD FINANCE COMPANY, LLC AND A.  
CISNEROS, CHAPTER 7 TRUSTEE ENTERED 4-03-24**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw  
Diana Torres-Brito

**Defendant(s):**

Stonebridge Ventures, LLC

Pro Se

Brentwood Finance Company, LLC

Represented By  
David W. Meadows  
Zi Chao Lin  
Motunrayo D Akinmurele

Renewable Farms

Pro Se

AB CAPITAL LFD, INC.

Pro Se

A Cisneros

Represented By  
Nathan F Smith

**Plaintiff(s):**

Joe Colangelo

Represented By  
Thomas J Polis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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11:00 AM

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

**Chapter 7**

**Trustee(s):**

Arturo Cisneros (TR)

Represented By

Arturo Cisneros

Nathan F Smith

William Malcolm

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Central District of California  
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**5B**

11:00 AM

**8:22-11776 Elaheh Yazdi**

**Chapter 7**

Adv#: 8:23-01006 Verdugo Plaza Pharmacy, Inc. et al v. Yazdi

**#16.00 STATUS CONFERENCE RE: Complaint To Determine Dischargeability Of  
Debts (1) 11 USC Section 523(a)(4), (2) 11 USC Section 523(a)(6)  
(cont'd from 2-01-24 per order approving stip. to cont. s/c entered 1-19-24 )**

Docket 1

**Tentative Ruling:**

Tentative for April 25, 2024  
See #17. Appearance required.

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Tentative for November 30, 2023  
See #8.

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Tentative for 5/4/23:  
See #6.

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

Elaheh Yazdi

Represented By  
Ahren A Tiller

**Defendant(s):**

Elaheh Yazdi

Pro Se

**Plaintiff(s):**

Verdugo Plaza Pharmacy, Inc.

Represented By  
Stella A Havkin

Lawrence T Wong

Represented By  
Stella A Havkin

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11:00 AM

**CONT... Elaheh Yazdi**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Melissa Davis Lowe

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11:00 AM

**8:22-11776 Elaheh Yazdi**

**Chapter 7**

Adv#: 8:23-01006 Verdugo Plaza Pharmacy, Inc. et al v. Yazdi

**#17.00** Defendant's Motion To Dismiss Fourth Amended Complaint For Failure To State A Claim For Relief Pursuant To Rule **12(b)(6)**

Docket 63

**Tentative Ruling:**

Tentative for April 25, 2024

This is Defendant/Debtor Elaheh Yazdi's ("Defendant") motion for order dismissing the Fourth Amended Complaint to Determine Dischargeability of Debts of Plaintiffs Verdugo Plaza Pharmacy, Inc., and Lawrence T. Wong ("Plaintiffs").

**A. Legal Standard**

When considering a motion under FRCP 12(b)(6), a court takes all the allegations of material fact as true and construes them in the light most favorable to the nonmoving party. *Parks School of Business v. Symington*, 51 F.3d 1480, 1484 (9th Cir. 1995). A complaint should not be dismissed unless a plaintiff could prove no set of facts in support of his claim that would entitle him to relief. Id. Motions to dismiss are viewed with disfavor in the federal courts because of the basic precept that the primary objective of the law is to obtain a determination of the merits of a claim. *Rennie & Laughlin, Inc. v. Chrysler Corporation*, 242 F.2d 208, 213 (9th Cir. 1957). "While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 554-556 (2007). A complaint must contain sufficient factual matter to state a claim to relief that is plausible on its face. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) citing *Twombly*. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the

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**CONT... Elaheh Yazdi**

**Chapter 7**

reasonable inference that the defendant is liable for the misconduct alleged.

Id. The plausibility standard asks for more than a sheer possibility that a defendant has acted unlawfully. Id. The tenet that a court must accept as true all factual allegations is not applicable to legal conclusions. Id.

**B. First Claim for Relief Under Section 523(a)(2)(A) [actual fraud]**

Section 523(a)(2)(A) excepts from discharge debts incurred under false pretenses, based on false representations, or based on actual fraud. To establish fraud, Plaintiff must prove the following elements by a preponderance of evidence: (1) that the debtor made the representation(s); (2) that at the time he knew they were false; (3) that he made them with the intention and purpose of deceiving the creditor; (4) that the creditor relied on such representations; and (5) that the creditor sustained the alleged loss and damage as the proximate result of the representations having been made. *Citibank (S.D.), N.A. v. Eashai (In re Eashai)*, 87 F.3d 1082, 1086 (9th Cir. 1996). A debtor's silence or omission regarding a material fact can constitute a false representation only when there is a duty to disclose. Id. at 1089.

Here, in the first claim it is alleged that Defendant failed to disclose that she suffers from serious mental issues which affect her ability to function, including running a serious enterprise such as a pharmacy. However, Defendant contends that the complaint fails to allege that she had a duty to disclose her health conditions to Plaintiff prior to their sale of the pharmacy to Octagon. Defendant also argues that the first claim does not allege causation – that her health conditions were the reason why Octagon defaulted on the promissory note or why Defendant defaulted on the personal guaranty.

The opposition argues, and the court agrees, that Defendant's failure was not only that she did not disclose her personal mental issues, but also that she provided deliberate material misstatements of her abilities to be a pharmacist, run a pharmacy, and take care of patients. In other words, this was not a situation where she had to disclose that she had diabetes and was taking controlled medication to regulate it, but a situation where she was representing that she was capable of working as a pharmacist, supervising people, and taking care of controlled substances. However, in reality, she

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**CONT... Elaheh Yazdi**

**Chapter 7**

reportedly could not get out of bed most days. Because of her condition, Plaintiffs allege that she abandoned the pharmacy, the patients and allowed controlled substances to be taken to her partner's home. While the complaint does not specifically use the words causation, it does allege that as a result of misstatements and acts of fraud as president of Octagon, the creditors would not have entered into any agreements with her and her company. While it may not be perfect, review of the complaint and the arguments presented shows that Plaintiffs have alleged enough facts to state a plausible claim for relief under Section 523(a)(2)(A) under *Iqbal* and *Twombly*.

**C. Second Claims for Relief Under Section 523(a)(2)(B)[false financial statement]**

Section 523(a)(2)(B) excepts from discharge debts "for money, property, services, or an extension ... of credit, to the extent obtained by ... use of a statement in writing—(i) that is materially false; (ii) respecting the debtor's or an insider's financial condition; (iii) on which the creditor to whom the debtor is liable for such money, property, services, or credit reasonably relied; and (iv) that the debtor caused to be made or published with intent to deceive...." 11 U.S.C. §523(a)(2)(A).

In this case, in the second claim it is alleged that Defendant represented in writing that she was going to execute a security agreement covering all assets of the business and instruct escrow to file a UCC-1 for the purposes of securing the assets. Defendant submits that the second claim should be dismissed because it fails to allege causation – that but for Defendant's intentional failure to instruct escrow to file the security agreement, that Plaintiffs would not have suffered \$250,000 in damages. Defendant also contends that there is no allegation that escrow did not file the security agreement because of Defendant's failure to instruct them, or that Plaintiff could not have instructed escrow to do the same. Defendant argues that Plaintiffs would have been injured by the alleged waste regardless of whether they had a security interest in Octagon's assets.

Plaintiff attempts to fill the causation gap by arguing that instead of complying with the Escrow Instruction, Defendant provided a security agreement and UCC-1 in favor of the McKesson Corporation, demonstrating

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**CONT... Elaheh Yazdi**

**Chapter 7**

her knowledge of how to instruct the filing of a UCC-1. Had she signed the necessary documents for Plaintiffs when she was required to, it would not have been wiped out by the McKesson Corporation. Defendant asserts that this is the first time Plaintiff is making this argument that a judgment creditor had superior lien rights to Plaintiff which wiped out any chance for Plaintiffs to asset lien rights. After review of the complaint, the court agrees not only was this not alleged in the complaint, but these alleged facts lend themselves more to a breach of contract claim, instead of a claim for fraud under Section 523(a)(2)(B). 523(a)(2)(B) concerns false financial statements. Financial statements, if false, go to the question of misstating one's net worth with intent to deceive. But failure to file a UCC-1, even if it were debtor's duty to so do, has nothing to do with that question. (But it might fit into either the First or Third Claim theories). Accordingly, this claim for relief should be dismissed without leave to amend..

**D. Third Claim for Relief Under Section 523(a)(6)[willful and malicious injury]**

Debts incurred in the "willful and malicious injury" to another person or the property of another are not dischargeable. 11 U.S.C. § 523(a)(6). To satisfy the "willful" requirement, the debtor must have a subjective motive to inflict the injury or that the debtor believed that the injury was substantially certain to occur as a result of his conduct. *In re Jercich*, 238 F.3d 1202, 1208 (9th Cir. 2001). The "malice" requirement is satisfied when the injury involves (1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse. *In re Su*, 290 F.3d 1140, 1147 (9th Cir. 2002).

In the third claim it is alleged that Defendant abandoned Octagon to her "co-conspirator's" waste of Octagon's assets as well as to conversion of them. Defendant contends that this claim should be dismissed because it does not allege that Defendant committed a "deliberate or intentional" act that necessarily injured Plaintiffs or their property. However, Plaintiffs argue in the opposition that it does allege a "deliberate or intentional" act. Plaintiffs contend that Defendant had a duty to safeguard the assets of the business which were purchased. The act of failing to safeguard the assets entrusted to



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**CONT... Elaheh Yazdi**

**Chapter 7**

her was intentional. Further, had Defendant informed Plaintiffs that she was leaving her position as pharmacist in charge and that she was no longer going to safeguard the assets, Plaintiffs could have taken protective actions so as to not cause the complete loss of the assets of the pharmacy. Defendant's pattern of conduct, as alleged, was wrongful and intentional which necessarily caused injury and were committed without just cause or excuse.

The "willful and malicious" standard under Section 523(a)(6) is a difficult one to meet and will require the court to hear further argument at a later stage in litigation with evidence and testimony from the parties. At the pleading stage, however, all that is required is that Plaintiffs allege enough facts to state a plausible claim under Section 523(a)(6). Whether Plaintiffs' failure to safeguard the assets (which theoretically could involve the failure to record the UCC-1) was intentional cannot be decided at this time. Detailed allegations that Defendant's conduct was intentional or substantially certain to occur, and that it was done without just cause or excuse is enough at this point. Thus, the court finds that Plaintiffs have met the *Iqbal* and *Twombly* standard to state a claim for relief.

Deny as to first and third claims for relief. Grant as to second without leave to amend, but with the proviso that the failure to record the UCC-1 can be realleged as better fitted within either or both of the first and third claims in a further amended complaint.

Appearance required.

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

Elaheh Yazdi

Represented By  
Ahren A Tiller  
Donald W Reid

**Defendant(s):**

Elaheh Yazdi

Represented By  
Donald W Reid

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Santa Ana  
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**CONT... Elaheh Yazdi**

**Chapter 7**

**Plaintiff(s):**

Verdugo Plaza Pharmacy, Inc.

Represented By  
Stella A Havkin

Lawrence T Wong

Represented By  
Stella A Havkin

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Melissa Davis Lowe

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**8:24-10803 Bridge Diagnostic, LLC**

**Chapter 11**

**#18.00 Debtor's Emergency Motion For Order Authorizing Debtor To Obtain Post-Petition Loan; And Request For Expedited Hearing  
(OST Signed 4-23-24)**

Docket 52

**Tentative Ruling:**

Tentative for April 25, 2024  
Opposition due at hearing. Appearance required.

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

Bridge Diagnostic, LLC

Represented By  
David Wood

**Trustee(s):**

Robert Paul Goe (TR)

Pro Se