

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM  
**8:00-00000**

**Chapter**

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**Chapter**

**ZoomGov meeting number:** 160 145 7709  
**Password:** 856674  
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- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
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completed your appearance(s).

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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**8:18-10203 Phillip Barry Greer**

**Chapter 7**

Adv#: 8:18-01069 Marshack et al v. Biden

**#1.00** CONT'D STATUS CONFERENCE Hearing RE: Chapter 7 Trustee's Second Amended Complaint For:  
(1) Avoidance And Recovery Of Fraudulent Transfer;  
(2) Constructive Trust;  
(3) Declaratory Relief;  
(4) Turnover Of Estate Property; And  
(5) Authorization To Sell Entirety Of Real Property  
Regarding Real Property Located At 19 Bridgeport Road, Newport Coast, California  
(First Amended Complaint filed 12/14/18)  
(Second Amended Complaint filed 4/10/19)  
**(cont'd from 10-12-23)**

FR: 1-23-19; 2-20-19; 5-8-19; 6-10-19; 7-17-19; 11-6-19; 4-22-20, 8-12-20;  
11-18-20; 4-14-21; 9-15-21; 11-22-21; 6-15-22; 4-27-23; 7-13-23

Docket 27

**Tentative Ruling:**

Tentative for November 9, 2023

Can this be taken off calendar in view of compromise approved by order entered 11/2? Appearance is optional.  
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Tentative for October 12, 2023

In view of the 9019 motion set for hearing on October 31, 2023 and continue to November 9, 2023 at 10:00 a.m. Appearance is optional.  
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Tentative for September 14, 2023

Continued to October 12, 2023 at 10:00 a.m. as requested in the unilateral status report. Appearance is waived.

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**CONT... Phillip Barry Greer**

**Chapter 7**

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Tentative for 8/10/23:  
Continue to Sept. 14 @ 10:00 a.m. as requested to allow 9019 motion to be heard.

Appearance: optional

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Tentative for 7/13/23:  
Settled? If so continue 90 days to allow processing of a 9019 motion.

Appearance: required for purposes of setting 9019 motion hearing to coincide with holding date

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**APPEARANCES REQUIRED.**

The Court will issue the following scheduling order:

All discovery shall close on March 31, 2022.

All discovery motions shall be heard before April 30, 2022.

All pretrial motions (except motions in limine) shall be heard before May 31, 2022.

A further status conference shall be held on June 15, 2022 at 10:00 a.m. An updated status report is due June 1, 2022.

**COURT TO PREPARE ORDER.**

**Party Information**

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**CONT... Phillip Barry Greer**

**Chapter 7**

**Debtor(s):**

Phillip Barry Greer

Represented By  
Phillip Greer

**Defendant(s):**

Arlene C Biden

Represented By  
Phillip Greer

**Plaintiff(s):**

Richard A Marshack

Represented By  
Ryan D O'Dea

Chriss W. Street

Represented By  
Timothy C Aires

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
James C Bastian Jr  
Ryan D O'Dea

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**8:18-10203 Phillip Barry Greer**

**Chapter 7**

Adv#: 8:18-01075 Street v. Greer et al

**#2.00** CONT'D STATUS CONFERENCE Hearing RE: Second Amended Complaint  
For:

- (1) Determination Of Non-Dischargeability Of Debt;
- (2) Determination Of Non-Dischargeability Of Debt;
- (3) Determination Of Non-Dischargeability Of Debt;
- (4) Declaratory Relief RE: Determination Of Validity, Priority Or Extent Of Interest In Real Property and Personal Property  
(Complaint filed 4/26/18) (First Amended Complaint filed 5/30/18)  
(Second Amended Complaint filed 11/27/19)  
(Another Summons Issued 5/31/18)  
(PTC set at S/C held 1/23/19)

**[10-10-18 - Arlene Greer aka Arlene Biden ONLY dismissed -docket no. [47]  
(cont'd from 6-15-22 Wallace Cal)  
(cont'd from 9-14-23)  
(cont'd from 11-02-23 per court's own mtn)**

FR: 7-25-18; 8-29-18; 10-24-18; 11-14-18; 1-23-19; 10-9-19; 12-4-19; 8-12-20;  
11-18-20; 4-14-21; 9-15-21; 11-22-21

Docket 106

**Tentative Ruling:**

Tentative for November 9, 2023  
Status? Has the compromise motion settled all matters?  
Appearance is optional.

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Tentative for September 14, 2023  
Continue to November 2, 2023 at 10:00 a.m. per request. Appearance is optional unless the date is problematic.

-----  
Tentative for 2/2/23:

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**CONT... Phillip Barry Greer**

**Chapter 7**

Continue status conference to April 27 @10:00AM. In meantime, refer to mediation with one day of mediation to be completed by April 26, 2023.

Appearance: optional

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Tentative for 12/1/22:  
Status conference report?

Appearance: required

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Tentative for 9/15/22:  
What happened with mediation? Why no status report?

Appearance: required

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Tentative for 6/23/22:  
Has the ordered mediation yet occurred? Is Mr. Blank still the designated mediator? The court is inclined to allow maybe another 60 days to completed mediation and/or discussions, and then set deadlines. Continue for that purpose to Sept. 15 @ 10:00 a.m.

Appearance: required

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**APPEARANCES REQUIRED.**

The Court will issue the following scheduling order:

All discovery shall close on March 31, 2022.

All discovery motions shall be heard before April 30, 2022.



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**CONT... Phillip Barry Greer**

**Chapter 7**

All pretrial motions (except motions in limine) shall be heard before May 31, 2022.

A further status conference shall be held on June 15, 2022 at 10:00 a.m. An updated status report is due June 1, 2022.

COURT TO PREPARE ORDER.

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

**Debtor(s):**

Phillip Barry Greer

Represented By  
Phillip Greer

**Defendant(s):**

Phillip Barry Greer

Represented By  
Phillip Greer  
Ryan D O'Dea  
Timothy C Aires

Richard A. Marshack

Represented By  
Ryan D O'Dea  
Phillip Greer  
Timothy C Aires

**Plaintiff(s):**

Chriss W. Street

Represented By  
Timothy C Aires  
Phillip Greer  
Ryan D O'Dea

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
James C Bastian Jr  
Ryan D O'Dea

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**8:20-12332 Christine Carlin**

**Chapter 7**

Adv#: 8:20-01162 Jason Frank Law PLC, a professional law corporatio v. Carlin

**#3.00 STATUS CONFERENCE RE: Complaint For: (1) Determination Of Non-Dischargeability Of Debt; (2) Determination Of Non-Dischargeability Of Debt (cont'd from 9-14-23)**

Docket 1

**Tentative Ruling:**

Tentative for November 9, 2023

Any stay as to prosecution of the adversary proceeding can be lifted. The following deadlines are set:

Deadline for completing discovery is July 1, 2024.

Last date for filing pre-trial motions is July 26, 2023.

Pre-trial conference is on August 8, 20254 at 10:00 a.m.

Joint pre-trial order due per local rules.

Appearance required.

-----  
Tentative for September 14, 2023

Although this is scheduled as a status conference according to Mr. Aires the only issue is whether there is any purpose in continued stay as appeals have been denied. This seems to imply the case is at an end. The court would like a report in order to understand all the moving parts.

Appearance required.

-----  
Tentative for 3/16/23:

Both sides request that the matter continued to be stayed in favor resolution of the state court proceedings. Continue as a status conference to Sept. 28 @ 10:00 a.m. A further status report is requested before that hearing to include a report as to when resolution of the other proceeding is expected.

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**CONT... Christine Carlin**  
Appearance: optional

**Chapter 7**

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Tentative for 9/15/22:  
Why no status report?

Appearance: required

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Tentative for 6/23/22:  
Status? Appearance: required

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Tentative for 3/10/22:  
After the February 25 status conference a mediation order was to be  
uploaded. This was not done.

The court continued this status conference from February 24 2022 to March  
10 2022. Mr. Aires was asked to give notice but has not done so. Status?

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Tentative for 2/25/21:  
See #23 @ 11:00 a.m.

Deadline for completing discovery: November 1, 2021  
Last date for filing pre-trial motions: Nov. 19, 2021  
Pre-trial conference on: Dec. 2, 2021 @ 10:00 a.m.  
Joint pre-trial order due per local rules.

**Party Information**

**Debtor(s):**

Christine Carlin

Represented By  
Misty A Perry Isaacson

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**CONT...      Christine Carlin**

**Chapter 7**

**Defendant(s):**

Christine Carlin

Pro Se

**Plaintiff(s):**

Jason Frank Law PLC, a

Represented By  
Timothy C Aires

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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**8:21-11311 Hilde Van Der Westhuizen**

**Chapter 7**

Adv#: 8:21-01059 Anastasia Sky, MD. v. Van Der Westhuizen

- #4.00** STATUS CONFERENCE RE: Judgment filed June 2, 2023, the Bankruptcy Appellate Panel has reversed and remanded this court's Order Granting Motion for Summary Judgment entered June 27, 2022.  
**(cont'd from 10-12-23 per order approving the stip. to cont. s/c entered 10-10-23)**

Docket 0

**Tentative Ruling:**

Tentative for November 9, 2023  
Status? Appearance is required.

-----  
Tentative for 7/27/23:

Of course, a decision is needed on whether the court can issue any deadlines in a matter on appeal. The controversy seems to be whether the prior order is merely interlocutory since it does not dispose of the case, but only the summary judgment. The court will hear argument on that point. In meantime, for discussion purposes the following deadlines are suggested.

Deadline for completing discovery: 12/31/23

Last date for filing pre-trial motions: 1/12/24

Pre-trial conference on: 2/8/24 @ 10:00AM

Appearance: required

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

Hilde Van Der Westhuizen

Represented By  
Joseph A Weber  
Fritz J Firman

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**CONT...      Hilde Van Der Westhuizen**

**Chapter 7**

**Defendant(s):**

Hilde Van Der Westhuizen

Represented By  
Fritz J Firman

**Plaintiff(s):**

Anastasia Sky, MD.

Represented By  
Scott S Weltman

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Arturo Cisneros  
Nathan F Smith  
Christina J Khil

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

**Chapter 7**

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

**#5.00 STATUS CONFERENCE RE: Complaint To Avoid Voidable Transactions  
(cont'd from 5-5-22) (Another summons issued 4/8/22)  
(cont'd from 10-12-23 per order approving stip. to cont. status conference  
entered 10-10-23)**

FR: 5-5-22; 8-25-22

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12-7-23 AT 10:00 A.M.  
PER ORDER APPROVING STIPULATION TO CONTINUE STATUS  
CONFERENCE ENTERED 10-30-23**

**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

**Party Information**

**Debtor(s):**

Serenity Oak Farms, LLC

Represented By  
William J Wall

**Defendant(s):**

CASSONDRA LOUISE

Represented By  
Laila Masud

CAMDEN JOHN PARTRIDGE

Represented By

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

**Chapter 7**

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

**Chapter 11**

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

**#6.00 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)**

Docket 1

**Tentative Ruling:**

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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Tentative for 6/29/23:

Settlement still pending? How long a continuance?

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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

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Tentative for 3/16/23:

Parties are still discussing the lien claim issue? Do the parties prefer the

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

**Chapter 11**

setting of discovery deadlines and scheduling of a pretrial conference at this time? Or is another continuance preferred?

Appearance: required

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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. 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>
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**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

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

**Chapter 11**

**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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**8:22-11359 Massoud Hajnabi**

**Chapter 13**

Adv#: 8:22-01095 Hajnabi v. Oye et al

**#7.00 STATUS CONFERENCE RE:1st Amended Complaint For Violation Of The Automatic Stay 11 USC §362; Declaratory Relief (Another Summons Issued on 8-07-23) (cont'd from 11-02-23 per court's own mtn)**

Docket 56

**Tentative Ruling:**

Tentative for November 9, 2023  
Deadline for completing discovery is July 30, 2024.  
Last date for filing pre-trial motions is August 15, 2024.  
Pre-trial conference is on September 5, 2024 at 10:00 a.m.  
Joint pre-trial stipulation and/or order due per local rules.  
Appearance is required.

**Party Information**

**Debtor(s):**

Massoud Hajnabi

Represented By  
Norma Duenas

**Defendant(s):**

Rodger Oye

Represented By  
John P. Ward  
Brett Ramsaur

U.S. Bank Trust National

Represented By  
Peter J Barrett

John Rampello

Pro Se

National Default Servicing

Pro Se

Select Portfolio Servicing Inc.

Pro Se

Vecchio Real Estate Corporation

Pro Se

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**CONT...      Massoud Hajnabi**  
The Owens Trust #279

Pro Se

**Chapter 13**

**Plaintiff(s):**

Massoud Hajnabi

Represented By  
Norma Duenas

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-11352 Don Teruo Kojima**

Chapter 7

Adv#: 8:22-01107 Marshack v. Kojima et al

**#8.00 STATUS CONFERENCE RE: Complaint For Denial Of Discharge  
(cont'd from 11-02-23 per court's own mtn)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - ORDER GRANTING  
PLAINTIFF'S MOTION TO DISMISS COMPLAINT TO DENY  
DISCHARGE PURSUANT TO SECTION 727 ENTERED 10-30-23,  
DKT#28.**

**Tentative Ruling:**

Tentative for 5/25/23:

Pre-trial conference on: September 28, 2023 at 10:00AM

Joint pre-trial order due per local rules.

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

Appearance: required

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Tentative for 3/16/23:

At request of plaintiff status conference is continued to June 8, 2023 @ 10 a.m. to allow newly appointed counsel to come up to speed. At the continued conference deadlines will be issued.

Appearance: optional

**Party Information**

**Debtor(s):**

Don Teruo Kojima

Represented By  
Richard H Golubow  
Ryan A Baggs  
Ross L Hollenkamp

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**CONT... Don Teruo Kojima**

**Chapter 7**

Peter W Lianides

**Defendant(s):**

Don Teruo Kojima

Pro Se

Susan Lorraine Kojima

Pro Se

**Joint Debtor(s):**

Susan Lorraine Kojima

Represented By  
Richard H Golubow  
Ryan A Baggs  
Ross L Hollenkamp  
Peter W Lianides

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Bradford Barnhardt  
D Edward Hays  
Laila Masud

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Laila Masud  
Bradford Barnhardt

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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 9-22-23)**

Docket 1

**Tentative Ruling:**

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

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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.



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

**Chapter 11**

Appearance required.

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

**Party Information**

**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

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

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

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

**Chapter 11**

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):**

Richard Parks

Represented By  
Michael G Dawe

North Valley Regional Center LLC

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

Lucia Parks

Represented By  
Michael G Dawe

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

Thursday, November 9, 2023

Hearing Room 5B

10:00 AM

**8:21-11352 Don Teruo Kojima**

**Chapter 7**

Adv#: 8:23-01040 Marshack v. Kojima et al

**#10.00** STATUS CONFERENCE RE: Complaint For: (1) Avoidance, Preservation, and Recovery of Actual Fraudulent Transfer, 11 U.S.C. §§ 544, 550, 551; Cal. Civ. Code §§ 3439.04, 3439.07; (2) Substantive Consolidation, 11 U.S.C. § 105(a); (3) Declaratory Relief; (4) Resulting Trust; (5) Avoidance, Preservation, and Recovery of Actual Fraudulent Transfer, 11 U.S.C. §§ 548(a)(1)(A), 550, and 551; (6) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer, 11 U.S.C. §§ 548(a)(1)(B), 550, AND 551; and (7) Declaratory Relief and Turnover of Property of the Estate, 11 U.S.C. §§ 541(a), 542(a)  
**(cont'd from 11-02-23 per court's own mtn)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - ORDER RE:  
JUDGMENT AVOIDING RECOVERING AND PRESERVING REAL  
PROPERTY; JUDGMENT IS ENTERED IN FAVOR OF PLAINTIFF AND  
AGAINST CRAP ON PLAINTIFF'S FIRST CLAIM FOR RELIEF  
ENTERD 10-30-23 - SEE ORDER #14**

**Tentative Ruling:**

Tentative for August 24, 2023

Continue to permit all settlement conditions to be fulfilled. Appearance required.

**Party Information**

**Debtor(s):**

Don Teruo Kojima

Represented By  
Richard H Golubow  
Ryan A Baggs  
Ross L Hollenkamp  
Peter W Lianides

**Defendant(s):**

Don Teruo Kojima

Pro Se

Susan Lorraine Kojima

Pro Se

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**CONT... Don Teruo Kojima Chapter 7**

Cameron Kojima Pro Se

Kojima Development Company, Pro Se

CK Development Associates, LLC Pro Se

**Joint Debtor(s):**

Susan Lorraine Kojima Represented By  
Richard H Golubow  
Ryan A Baggs  
Ross L Hollenkamp  
Peter W Lianides

**Plaintiff(s):**

Richard A. Marshack Represented By  
Bradford Barnhardt  
D Edward Hays  
Laila Masud

**Trustee(s):**

Richard A Marshack (TR) Represented By  
D Edward Hays  
Laila Masud  
Bradford Barnhardt

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

Thursday, November 9, 2023

Hearing Room

5B

10:00 AM

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

**Chapter 7**

Adv#: 8:23-01052      Platte River Insurance Company v. Shah et al

**#11.00      STATUS CONFERENCE RE: Complaint For Interpleader  
(cont'd from 8-31-23)  
(cont'd from 11-02-23 per court's own mtn)**

Docket      1

**\*\*\* VACATED \*\*\*      REASON: CONTINUED TO 1-04-24 AT 10:00 A.M.  
PER ANOTHER SUMMONS ISSUED ON 10-12-23**

**Tentative Ruling:**

Tentative for August 31, 2023

When are we likely to know whether there will be a contest over interplead funds? Perhaps a continuance of this status conference for about 60 days may serve well, in case deadlines will be needed.

Appearance required.

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

**Debtor(s):**

Triet Minh Dinh

Represented By

Andrew Edward Smyth

**Defendant(s):**

Kirit Shah

Pro Se

Sonal Shah

Pro Se

G & L Seafood Inc.

Pro Se

T&T Excavating Inc.

Pro Se

Triet Minh Dinh

Pro Se

**Plaintiff(s):**

Platte River Insurance Company

Represented By

Kirsten A Worley

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**CONT... Triet Minh Dinh**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**8:23-10500 Nasser Ghodsifar**

**Chapter 7**

Adv#: 8:23-01058 Javahery v. Ghodsifar

**#12.00 STATUS CONFERENCE RE: Second Amended Complaint To Determine Dischargeability Of Debt Pursuant To 11 USC §523(a)(2)(A) and 11 USC § 523(a)(4)]  
(another summons issued on 8-25-23)**

Docket 5

**Tentative Ruling:**

Tentative for November 9, 2023  
See #23 at 11:00 a.m. Appearance required.

**Party Information**

**Debtor(s):**

Nasser Ghodsifar

Represented By  
Richard G. Heston

**Defendant(s):**

Nasser Ghodsifar

Pro Se

**Joint Debtor(s):**

Farisa Tahan

Represented By  
Richard G. Heston

**Plaintiff(s):**

Afsaneh Javahery

Represented By  
Richard L. Sturdevant

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**8:21-11703 DGWB, Inc.**

**Chapter 7**

Adv#: 8:23-01074 Marshack v. American Express National Bank

**#13.00** STATUS CONFERENCE RE: Complaint (1) To Avoid and Recover Intentionally Fraudulent Transfers Pursuant to 11 U.S.C. Sections 544(b), 548(a)(1)(A) and 550, and Cal. Civ. Code sections 3439.04(a)(1) and 3439.07; (2) To Avoid and Recover Constructively Fraudulently Transfers Pursuant to 11 U.S.C. Sections 544, 548(a)(1)(B) and 550, and Cal. Civ. Code Sections 3439.04(a)(2), 3439.05(a) and 3439.07; and (3) To Preserve the Transfers Pursuant to 11 U.S.C. Section 551  
**(cont'd from 10-05-23 per order approving stip. to cont. s/c & for extension of time to respond to complaint entered 8-10-23)**  
**(cont'd from 11-02-23 per court's own mtn)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12-07-23 AT 10:00 A.M.  
PER ORDER APPROVING THIRD STIPULATION TO CONTINUE  
STATUS CONFERENCE AND FOR EXTENSION OF TIME TO ANSWER  
COMPLAINT ENTERED 10-10-23**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

DGWB, Inc.

Represented By  
Thomas J Polis

**Defendant(s):**

American Express National Bank

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
David M Goodrich

**Trustee(s):**

Richard A Marshack (TR)

Represented By



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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**CONT... DGWB, Inc.**

David M Goodrich

**Chapter 7**

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

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

**Chapter 7**

Adv#: 8:23-01086 Jensen v. Stonebridge Ventures, LLC et al

**#14.00** STATUS CONFERENCE Complaint Pursuant to Fed R Bankr. P. 7001(1), (2), And (9), For: 1. Declaratory Relief Determining The Validity, Value, And Priority Of Her Lien On The Proceeds Of The Sale Of The Property At 2 Makena Lane, Rancho Mirage, CA 92270, Under California Civil Code §3050; And 2. Turnover Of \$550,034.58 Of The Sale Proceeds That Is Subject To Her Secured Claim **(cont'd from 11-02-23 per court's own mtn)**

Docket 1

**Tentative Ruling:**

Tentative for November 9, 2023

See #28 at 11:00 a.m. Appearance suggested, certainly as to #28.

**Party Information**

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw  
Diana Torres-Brito

**Defendant(s):**

Stonebridge Ventures, LLC

Pro Se

Brentwood Finance Company, LLC

Pro Se

Renewable Farms, Inc.

Pro Se

AB Capital, LFD, Inc.

Pro Se

Arturo Cisneros

Pro Se

Joe Colangelo

Pro Se

**Plaintiff(s):**

Monika Jensen

Represented By  
Nicholas W Gebelt

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

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

**Chapter 7**

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Arturo Cisneros  
Nathan F Smith  
William Malcolm

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**8:23-11033 Jason Paul Reynolds**

**Chapter 11**

Adv#: 8:23-01087 Yoo et al v. Reynolds

**#15.00 STATUS CONFERENCE RE: Complaint (1) Objecting To The Discharge Of Debt On The Grounds That It Was Procured Through Fraud And Breach Of Fiduciary Duty  
(cont'd from 11-02-23 per court's own mtn)**

Docket 1

**Tentative Ruling:**

Tentative for November 9, 2023  
Status conference continued to May 9, 2024 to follow the trial set in state court. The court will hear argument as to whether a stay of this proceeding is appropriate before conclusion of the state court matter. Appearance required.

**Party Information**

**Debtor(s):**

Jason Paul Reynolds

Represented By  
Anerio V Altman

**Defendant(s):**

Jason Paul Reynolds

Pro Se

**Plaintiff(s):**

Kasie Yoo

Represented By  
Chad Biggins

Ryan Kim

Represented By  
Chad Biggins

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**8:23-11248 Inder Jeet Sharma**

**Chapter 7**

Adv#: 8:23-01106 Kosmala v. Sharma et al

**#16.00** STATUS CONFERENCE RE: Complaint For Judgment: (1) To Avoid Preferential Transfer Pursuant To 11 USC Section 547; (2) For Recovery Of Avoided Transfers Under 11 USC Section 550; and (3) To Preserve Transfer For The Benefit Of The Estate Pursuant To 11 USC Section 551  
**(cont'd from 11-02-23 per court's own mtn)**

Docket 1

**Tentative Ruling:**

Tentative for November 9, 2023

Since the case is not yet at issue, continue status conference to December 14 at 10:00 a.m. Appearance is suggested but only if the continuance is not acceptable.

**Party Information**

**Debtor(s):**

Inder Jeet Sharma

Represented By  
A Mina Tran

**Defendant(s):**

Ravi Sharma

Pro Se

Amy Sharma

Pro Se

**Joint Debtor(s):**

Rama Sharma

Represented By  
A Mina Tran

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Jeffrey I Golden

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Pro Se

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**CONT... Inder Jeet Sharma**

**Chapter 7**

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**8:23-11248 Inder Jeet Sharma**

**Chapter 7**

Adv#: 8:23-01107 Kosmala v. Cal-Top Realty and Investments Inc.

**#17.00** STATUS CONFERENCE RE: Complaint For Judgment: (1) To Avoid Preferential Transfer Pursuant To 11 USC Section 547; (2) For Recovery Of Avoided Transfers Under 11 USC Section 550; and (3) To Preserve Transfer For The Benefit Of The Estate Pursuant To 11 USC Section 551  
**(cont'd from 11-02-23 per court's own mtn)**

Docket 1

**Tentative Ruling:**

Tentative for November 9, 2023  
Status conference continued to December 14 at 10:00 a.m. to allow for processing of default. Appearance is optional.

**Party Information**

**Debtor(s):**

Inder Jeet Sharma

Represented By  
A Mina Tran

**Defendant(s):**

Cal-Top Realty and Investments Inc.

Pro Se

**Joint Debtor(s):**

Rama Sharma

Represented By  
A Mina Tran

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Jeffrey I Golden

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Pro Se

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

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

**Chapter 7**

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

**#18.00** Order To Show Cause Why Amended Complaint Should Not Be Stricken  
And/Or Why Default Should Not Be Entered

Docket 1

**Tentative Ruling:**

Tentative for November 9, 2023  
Status? See ##19 and 22. 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



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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

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

**Chapter 7**

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

- #19.00 PRE-TRIAL CONFERENCE RE: Complaint To Determine Non-Dischargeability Of Debt Under 11 USC §§ 523(a)(2)(A) And 523(a)(2)(B); Fraud (set from s/c hrg held on 12-15-22) (cont'd from 10-05-23 per court's own motion) (cont'd from 10-12-23 per order granting request for new date for pre-trial conference entered 9-27-23)**

Docket 1

**Tentative Ruling:**

Tentative for November 9, 2023

What is the court to do with the attempt to amend the complaint (see #22)? Can any of the unilateral pretrial stipulation be used in view of new issues interjected by the amendment, assuming it is allowed? Why did defendant not participate in preparation of what was supposed to be a joint pretrial stipulation? Appearance required.

-----  
Tentative for 6/29/23:

See #10. When are we going to see a pretrial stipulation?

Appearance: required

-----  
Tentative for 12/15/22:

Mediation results?

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

Status conference continued to: December 15, 2022 @ 10a.m. Refer to mediation. One day of mediation to occur by November 17, 2022. Plaintiff to submit an order appointing a mediator within 10 days.

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

10:00 AM

**CONT... Janet Ann Lutz**  
Appearance: required

**Chapter 7**

-----  
  
Tentative for 7/7/22:  
Why no status conference report?  
  
Appearance: required

**Party Information**

**Debtor(s):**

Janet Ann Lutz

Represented By  
Kevin J Kunde

**Defendant(s):**

Janet Ann Lutz

Pro Se

**Plaintiff(s):**

Allan Litovsky

Pro Se

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

11:00 AM

**8:22-11776 Elaheh Yazdi**

**Chapter 7**

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

**#20.00** 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 5-04-23) (cont'd from 8-10-23 per order approving stip. to cont. s/c entered 7-28-23)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11-30-23 AT 11:00 A.M.  
PER ORDER APPROVING STIPULATION TO CONTINUE STATUS  
CONFERENCE ENTERED 11-27-23.**

**Tentative Ruling:**

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

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

**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

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Melissa Davis Lowe

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

11:00 AM

**8:20-12416 Michele Lynn Stover**

**Chapter 7**

Adv#: 8:21-01013 Bidoglio v. Stover

**#21.00** Plaintiff's Motion To Strike Answer

Docket 59

**Tentative Ruling:**

Tentative for November 9, 2023

This is Plaintiff/Creditor Ana L. Bidoglio's ("Plaintiff") motion to strike Debtor/Defendant Michele Lynn Stover's ("Defendant") Answer to the First Amended/Supplemental Adversary Complaint. It is not opposed.

The court granted Plaintiff's leave to file a First Amended and Supplemental Adversary Complaint adding to the allegations that Defendant is not entitled to a discharge for damages arising out of gender harassment alleged in an underlying State Court Action, and additional allegations that Defendant is not entitled to a discharge for damages arising out of Defendant's Labor Code violations. [See Motion p. 2-10]. Despite Defendant's participation in the State Court action and knowledge of the rulings that form the basis for the added allegations, Defendant has opted to file a general denial to all substantive allegations.

Plaintiff argues that a motion to strike is a proper remedy for an answer that contains a general denial where Defendant cannot mean to deny all of the allegations in a complaint. Rule 8(b) of the Federal Rules of Civil Procedure state that a party may include a general denial to allegations in a pleading only when the party, in good faith, wishes to deny all allegations in the pleading, including those related to jurisdiction. FRCP 8(b)(3). General denials are uncommon in federal court because situations where the pleading can be completely controverted are rare. *Wynes v. Kaiser Permanente Hosps.*, No. 2:10-CV-00702-MCE, 2013 WL 2449498, at \*2 (E.D. Cal. June 5, 2013). An answer consisting of a general denial will be available to a party acting in good faith only in the most exceptional cases. *Id.*

Here, Plaintiff contends that the First Amended Adversary Complaint

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Theodor Albert, Presiding  
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Thursday, November 9, 2023

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5B

11:00 AM

CONT... Michele Lynn Stover

Chapter 7

contains allegations which Defendant cannot fairly claim to deny. For instance, the First Amended/Supplemental Adversary Complaint alleges a State Case Order specifically identifying Defendant's conduct, her objection to the issuance of judgment, and overruling those objections. These are not allegations that a general denial may reach. Plaintiff also asserts that Defendant is in violation of Rule 8(b)(2), as her Answer does not "fairly respond to the substance of the allegation." FRCP 8(b)(2). Defendant has not filed an opposition to this motion and based on Plaintiff's arguments and the court's review of the First Amended Complaint and the Answer, it finds that it is in violation of FRCP 8(b)(2) and (b)(3). If Debtor/Defendant intends to defend her discharge of the Bidoglio claim, she must interpose a good faith denial that complies with the rules. Accordingly, the motion is granted, and Defendant shall provide an amended answer that complies with these rules within thirty days. Failing a timely response, Plaintiff may proceed with a request for entry of default. Appearance required.

**Party Information**

**Debtor(s):**

Michele Lynn Stover

Represented By  
Christopher J Langley

**Defendant(s):**

Michele Lynn Stover

Pro Se

**Plaintiff(s):**

Ana L Bidoglio

Represented By  
Henry J Josefsberg

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

11:00 AM

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

**Chapter 7**

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

**#22.00** Plaintiff's Motion For Leave To Amend Complaint

Docket 43

**Tentative Ruling:**

November 9, 2023

Grant as unopposed. 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

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

11:00 AM

**8:23-10500 Nasser Ghodsifar**

**Chapter 7**

Adv#: 8:23-01058 Javahery v. Ghodsifar

**#23.00** Motion To Dismiss Second Amended Complaint To Determine Dischargeability Of Debt Pursuant To 11 U.S.C. § 523(a)(2)(A) and § 523(a)(4)

Docket 10

**Tentative Ruling:**

Tentative for November 9, 2023

**A. Background**

This is Defendant Nasser Ghodsifar's ("Defendant") motion to dismiss Plaintiff Afsaneh Javahery's ("Plaintiff") second amended complaint to determine dischargeability pursuant to 11 U.S.C. §523(A)(2)(a) and §523(A)(4).

On July 26, 2023, Plaintiff filed a second amended complaint. The court issued a summons and set a status conference on July 27, 2023, designating August 28, 2023 as the date for any response to the complaint. The summons was never served on either Defendant or his counsel.

On August 25, 2023, Plaintiff requested the clerk to issue yet another summons and set another status conference date. Another summons was issued, and a status conference was set for September 25, 2023 as the deadline for the response to the complaint. Plaintiff submitted a proof of service, showing the summons and complaint had been served by mail only to Defendant (not counsel). The court gave notice of electronic filing to Chapter 7 Trustee Jeffrey Golden, and the United States Trustee. Richard Heston, attorney for the Defendant and his wife, was never served. On September 18, 2023, the 90th day after the filing of the initial complaint lapsed.

**B. Motion to Dismiss**

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

Thursday, November 9, 2023

Hearing Room

5B

11:00 AM

CONT...

**Nasser Ghodsifar**

**Chapter 7**

Rule 4(m) of the Federal Rules of Civil Procedure, made applicable by FRBP 7004(a)(1), provides that "if a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against the defendant or order that the service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period..." FRCP 4(m). The parties dispute over what test to apply when determining what is considered "good cause". Plaintiff relies on *In re Sheehan*, 253 F.3d 507, 512 (9th Cir. 2001), and Defendant relies on *Tabi v. McCullough*, No. CV 17-1795 DMG (JC), at \*10-11 (C.D. Cal. Aug. 22, 2019), a more recent opinion that apparently discusses the application of Rule 4(m) in *Sheehan* using slightly different factors. While *Tabi* may be a more recent opinion, it does not directly refer to *Sheehan* and is not controlling. *Sheehan*, in contrast as a Ninth Circuit opinion, provides concrete foundation to determine whether "good cause" is present here, and will be adopted by this court. *Sheehan* articulates a three-part test for whether good cause exists: "(a) the party to be served received actual notice of the lawsuit; (b) the defendant would suffer no prejudice; and (c) plaintiff would be severely prejudiced if his complaint were dismissed." *Sheehan*, 253 F.3d at 512 (citing *Hart v. United States*, 817 F.2d 78, 80-81 (9th Cir. 1987)).

Regardless of which test is used, even in the absence of good cause shown, courts still have broad discretion to either extend the service deadline (even after the Rule 4(m) service deadline has expired) or dismiss the action without prejudice as against the unserved defendants. *Efaw v. Williams*, 473 F.3d 1038, 1040-41 (9th Cir.2007). In making extension decisions under Rule 4(m) a district court may consider factors "like a statute of limitations bar, prejudice to the defendant, actual notice of a lawsuit, and eventual service." *Id.*

Defendant contends that Plaintiff failed to serve Defendant's bankruptcy counsel as required by LBR 7004(g). Plaintiff does not dispute the facts recited in Defendant's motion to dismiss but argues that there is good cause under Rule 4(m) for the court to extend the time for service. In applying the *Sheehan* test, the court does not find that all the factors have been met. Under the first factor, while Defendant was properly served, his counsel was



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**Nasser Ghodsifar**

**Chapter 7**

not. As argued by Defendant, notice through the ECF filing system cannot substitute as proper service, otherwise there would be no purpose to complying with FRCP 4(m) or FRBP 7004(g). Under the second factor, the court agrees that Defendant would likely not suffer significant prejudice with an additional extension of time. While the court appreciates the great burden of litigation costs, the causes of action in the original adversary complaint, the amended complaint, and the second amended complaint are identical. Only the captions are different. Thus, Defendant would not have to conduct additional discovery or endure any additional burdens other than litigating the case as would have been if service were proper. However, under the third factor, the court is persuaded that Plaintiff would be severely prejudiced should the court dismiss the action. Defendant has already received a discharge in the case and the deadline for objecting to discharge has now passed. Because Plaintiff is only seeking denial of discharge in his complaint, dismissal, even without prejudice, would effectively prevent him from timely filing another complaint.

While all three *Sheehan* factors have not been met, the court finds this to be an appropriate case to exercise its broad discretion to extend the service deadline. Considering factors articulated by *Efaw*, dismissal without prejudice would effectively preclude Plaintiff from filing another complaint because of the deadline for objecting to discharge. The court acknowledges that Plaintiff has dropped the ball here and agrees with Defendant that the law recognizes deadlines and periods of limitation for a reason. The court also appreciates that prejudice exists for both Defendant and Plaintiff, given the costs and burden of litigation. However, an important principle of the legal system is that matters should be determined upon the merits and that procedure exists to aid that goal, not as an end in itself. Everyone deserves a full and fair opportunity to litigate, and the mistakes of Plaintiff's counsel completing proper service should not under these circumstances preclude Plaintiff from being heard on the merits. For these reasons, the court denies the motion to dismiss and extends the service for a period of 90 additional days to December 17 (if the calendar count is correct).

Appearance required.

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**CONT... Nasser Ghodsifar**

**Chapter 7**

**Debtor(s):**

Nasser Ghodsifar

Represented By  
Richard G. Heston

**Defendant(s):**

Nasser Ghodsifar

Represented By  
Richard G. Heston

**Joint Debtor(s):**

Farisa Tahan

Represented By  
Richard G. Heston

**Plaintiff(s):**

Afsaneh Javahery

Represented By  
Richard L. Sturdevant

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

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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

**#24.00** Motion For Determination Whether Proceeding Is Core Proceeding [28 U.S.C. § 157(b)(3)]

Docket 250

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - MOOT - SEE  
MEMORANDUM OF DECISION AND ORDER ENTERED NOVEMBER 6,  
2023 - SEE DOCUMENTS #303 & #304**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Parks Diversified, LP

Represented By  
Marc C Forsythe  
Charity J Manee

**Defendant(s):**

David Klein

Represented By  
David A Berkley

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

Michael S. Leboff

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

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

Represented By  
David A Berkley

Darrell P. White

Represented By  
Paul A. Grammatico

**Plaintiff(s):**

Richard Parks

Represented By  
Michael G Dawe  
Tom Roddy Normandin

North Valley Regional Center LLC

Represented By  
Michael G Dawe  
Tom Roddy Normandin

Talon Diversified Holdings, Inc.

Represented By  
Tom Roddy Normandin  
Michael G Dawe

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**CONT...      Parks Diversified, LP**  
North Valley Mall II, LLC

Represented By  
Michael G Dawe  
Tom Roddy Normandin

**Chapter 11**

Parks Diversified L.P.

Represented By  
Michael G Dawe  
Tom Roddy Normandin

Lucia Parks

Represented By  
Michael G Dawe  
Tom Roddy Normandin

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Santa Ana  
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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

**#25.00** Marc Forsythe And Goe Forsythe & Hodges LLP Motion For Attorney Fees Pursuant to C.C.P. Section 425.16(c)

Docket 283

**Tentative Ruling:**

Tentative for November 9, 2023

This is Defendants Marc Forsythe and Goe Forsythe & Hodges, LLP (collectively, "Goe Forsythe's") motion for an award of their attorney's fees pursuant to California Code of Civil Procedure Section 425.16(c) against Plaintiffs Park Diversified, L.P., Richard Parks, and Lucia Parks ("Plaintiffs").

The court has reviewed the pleadings and agrees with Plaintiffs that the motion is premature and cannot be brought prior to entry of final judgment in the case. "The Ninth Circuit has expressly held an order granting a defendant's anti-SLAPP motion on plaintiff's state law claims 'is not final' under Rule 54. *Hyan v. Hummer*, 825 F.3d 1046 (9th Cir. 2016); Fed. R. Civ. P. 54(b). Given this controlling decision, Emery may not move for fees at this time [*i.e.*, prior to entry of judgment]." *Better Meat Co. v. Emery, Inc.* (E.D. Cal., Aug. 31, 2023, No. 221CV02338KJMCKD) 2023 WL 5638266, at \*3. The orders dismissing the case are currently in the process of being entered. Consequently, until there is a final judgment rendered, the court finds it appropriate to continue the hearing to December 12, 2023 at 10:00 a.m. Appearance suggested.

**Party Information**

**Debtor(s):**

Parks Diversified, LP

Represented By  
Marc C Forsythe  
Charity J Manee

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

**Chapter 11**

**Defendant(s):**

Todd B. Becker

Represented By  
Greg Emdee  
James J Kjar

Linda Wong

Represented By  
John J Immordino

Kimura London & White LLP

Represented By  
Paul A. Grammatico

William London

Represented By  
Paul A. Grammatico

Darrell P. White

Represented By  
Paul A. Grammatico

Maxx Sharp

Represented By  
Paul A. Grammatico

Michael S. Leboff

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

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

Represented By  
David A Berkley

David Klein

Represented By  
David A Berkley

Klein & Wilson

Represented By

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**Chapter 11**

James R Lance  
Kyra E Andrassy  
Timothy W Evanston  
David A Berkley  
Genevieve M. Sauter

**Plaintiff(s):**

Richard Parks

Represented By  
Michael G Dawe  
Tom Roddy Normandin

North Valley Regional Center LLC

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

Parks Diversified L.P.

Represented By  
Michael G Dawe  
Tom Roddy Normandin

Lucia Parks

Represented By  
Michael G Dawe  
Tom Roddy Normandin



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

**Chapter 7**

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

**#26.00** STATUS CONFERENCE RE: Complaint: (1) Declaratory Relief To Determine Validity, Extent, And Priority Of Plaintiff's California Civil Code Section 3050 Lien; (2) Recovery Of Improper Transfer; (3) For Accounting; (4) For Turnover Of Property Subject To Secured Claim  
**(cont'd from 10-12-23)**

Docket 1

**Tentative Ruling:**

Tentative for November 9, 2023

See #27. Why did plaintiff not file a status report? The court will hear argument as to whether dismissal is appropriate for failure to prosecute. Appearance required.

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Tentative for October 12, 2023

Why no status report? Appearance required.

**Party Information**

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw  
Diana Torres-Brito

**Defendant(s):**

Stonebridge Ventures, LLC

Pro Se

Brentwood Finance Company, LLC

Pro Se

Renewable Farms

Pro Se

AB CAPITAL LFD, INC.

Pro Se

A Cisneros

Pro Se

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

**Chapter 7**

**Plaintiff(s):**

Joe Colangelo

Represented By  
Christopher Hewitt

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

**#27.00 Chapter 7 Trustee's Motion To Dismiss Plaintiff's Complaint -12(b)(6)**

Docket 11

**Tentative Ruling:**

Tentative for November 9, 2023

**A. Background**

This is Chapter 7 Trustee Arturo Cisneros ("Trustee") motion to dismiss Plaintiff Joe Colangelo's ("Colangelo") complaint against the estate for declaratory relief, recovery of improper transfer, accounting, and turnover.

On January 6, 2015, Debtor obtained title to the property commonly known as 2 Makena Lane, Rancho Mirage, California 92270 ("Property"). On or about April 13, 2020, Colangelo, Jensen his estranged wife, and Debtor entered into the Purchase Agreement where they agreed to pay Debtor \$2,595,000 in exchange for the Property. Repurpose Solutions wired approximately \$750,000 to Escrow Experts in connection with the Purchase Agreement. Jensen then wired approximately \$550,034.58 to Escrow Agents in connection with the Purchase Agreement. Colangelo released the \$1.3 million wired by Repurpose Solutions and Jensen to Debtor, designated as non-refundable funds.

On March 13, 2023, Jensen filed an unsecured proof of claim in the amount of \$550,034.58 premised on two wire transfers made from Jensen's Royal Bank of Canada Account to Escrow Experts on August 31, 2020 and December 9, 2020. On August 2, 2023, Jensen amended her claim to indicate that it was secured. Trustee filed a complaint against Colangelo and Jensen on February 9, 2023 for turnover of the Property and unjust enrichment. On March 13, 2023, Colangelo filed an answer to Trustee's complaint, but he failed to assert any counterclaims against Trustee or the estate. On July 25, 2023, the court granted a motion to sell the Property, over Colangelo's opposition, to the winning overbidder for \$3,332,000. The sale of

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the Property closed on August 24, 2023.

On July 24, 2023, Colangelo filed the instant complaint against Debtor, BFC, Renewable Farms, AB LFD, and Trustee. On August 25, 2023, Jensen filed a complaint against Defendants and Colangelo.

As of Nov.7, 2023, the Trustee's Motion to dismiss was unopposed.  
This matter is somewhat parallel to #28 *Jensen v. Stonebridge*, etc. so much of the discussion is similar to that matter.

**B. Barred by Res Judicata as a Compulsory Counterclaim?**

Trustee first asserts that the complaint must be dismissed because it is barred by res judicata. FRCP 13, made applicable in bankruptcy proceedings by Federal Rule of Bankruptcy Procedure 7013, defines two types of counterclaims, compulsory and permissive. A counterclaim is compulsory if it arises out of the same transaction or occurrence as the opposing party's claim; is not the subject of another pending action; and does not require the joinder of a party over which the court cannot acquire jurisdiction. Fed. R. Civ. P. 13(a). Permissive counterclaims are those that are not compulsory, i.e., those that do not arise out of the transaction or occurrence that is the subject matter of the opposing party's claim. Fed. R. Civ. P. 13(b). "If a party fails to plead a compulsory counterclaim, he is held to waive it and is precluded by res judicata from ever suing upon it again." *Local Union No. 11, Int'l Bhd. of Elec. Workers, AFL-CIO v. G. P. Thompson Elec., Inc.*, 363 F.2d 181, 184 (9th Cir. 1966). To determine whether a claim arises out of the "same transaction or occurrence," a "logical relationship" test is applied. *Mattel, Inc. v. MGA Entertainment, Inc.*, 705 F.3d 1108, 1110 (9th Cir. 2013). "A logical relationship exists when ... the same operative facts serve as the basis of both claims or the aggregate core of facts upon which the claim rests activate additional legal rights otherwise dormant in the defendant." *Id.*

Here, Trustee asserts that he filed suit against Colangelo and Jensen for turnover of the Property under 11 U.S.C. § 542 and unjust enrichment based on their occupation of the Property without payment. Colangelo filed an answer but failed to file a counterclaim alleging a competing interest in the

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Property or even a lien against it. Thus, by failing to raise these instant claims as compulsory counterclaims in response to Trustee's complaint, Colangelo waived them and precluded by res judicata from raising them now. The court agrees with most of Trustee's argument. Colangelo's complaint is based on the same operative facts as Trustee's complaint – the Property, transactions surrounding it, and the alleged statutory liens against the Property or proceeds from the sale. As required by FRCP 13, Colangelo was required to present these issues as compulsory counterclaims in his answer to Trustee's complaint. Absent any opposition from Colangelo, the court finds that the motion is dismissed under the theory that Colangelo's complaint is barred for failure to bring compulsory counterclaims under FRCP 13(b).

**C. Standards for Dismissal for Failure to State a Claim under FRCP 12(b)(6)**

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 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

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court must accept as true all factual allegations is not applicable to legal conclusions. Id.

**1. Claim for Declaratory Relief**

Cal. Civ. Code § 3050 provides that a purchaser "who pays to the owner any part of the price of real property under an agreement for the sale thereof, has a special lien upon the property, independent of possession, for such part of the amount paid as he may be entitled to recover back, in case of a failure of consideration." *Collins v. Wolf*, 591 B.R. 752, 777 (S.D. Cal. 2018), *aff'd*, 835 F. App'x 905 (9th Cir. 2020). "Where a vendee is not in default, but the vendor refuses or neglects to convey, being under duty to do so, 'his default authorizes the vendee to treat the contract as at an end, and to recover the money which has been paid.'" *Moresco v. Foppiano*, 7 Cal.2d 242, 247 (1936). However, "[w]ithout a default, there can be no statutory lien." *Collins*, 591 B.R. at 777.

Here, Colangelo alleges that he has a statutory lien against the Property because he entered in the Purchase Agreement and paid \$1.3 million to the Debtor. He also alleges that he took occupancy of the Property with the consent of Debtor. Trustee contends that Colangelo failed to allege a cause of action under Cal. Civil Code § 3050 because Colangelo did not specifically allege that he was not in default under the Purchase Agreement and that Debtor was under a duty to convey the Property but refused or neglected to do so. He also does not allege that he attempted to pay the balance of the purchase prices, but merely deposited \$1.3 million with Escrow Experts and authorized them to disburse the funds. While this may all be true, the court finds it to be form over substance. However, there is some concern over how Colangelo claims to be entitled to the statutory lien based on funds paid by Jensen. Nonetheless, the court finds that when viewed in the light most favorable of Colangelo, he asserts a plausible claim for relief under the *Iqbal* and *Twombly* standard.

**2. Recovery of Improper Transfer**

Section 549(a) of the Bankruptcy Code permits *the trustee* to avoid a

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transfer of property of the estate that occurs after the commencement of the case, and that is authorized only under section 303(f) or 542(c) of the Code, or that is not authorized under this title or by the court. 11 U.S.C. § 549(a).

Here, Colangelo alleges in his complaint that he is entitled to set aside the transfer of the Property to the Trustee that occurred after the bankruptcy filing and recover the value of such transfers. However, as Trustee contends, Colangelo does not hold the powers prescribed under §549(a) to avoid and recover transfers (only the Trustee has such powers). Unless Colangelo intended to avoid the transfer under a different theory, which is unclear as there is no opposition, the court finds that this claim for relief must be dismissed.

### **3. Accounting Claim**

"A cause of action for an accounting requires a showing that a relationship exists between the plaintiff and defendant that requires an accounting, and that some balance is due the plaintiff that can only be ascertained by an accounting." *Teselle v. McLoughlin*, 173 Cal.App.4th 156, 179, 92 Cal.Rptr.3d 696 (2009) (citing *Brea v. McGlashan*, 3 Cal.App.2d 454, 460, 39 P.2d 877 (1934)). Here, Colangelo alleges that he is entitled to an accounting of monies and other consideration realized, to and for the benefit of all Defendants. However, Trustee argues that Colangelo fails to allege any relationship with Trustee, let alone a complex or fiduciary relationship that would support a claim for accounting. Further, Trustee contends that the funds Colangelo paid were to Escrow Experts, not to Trustee. Trustee was not a party to the transaction surrounding the Property until he was appointed after the Debtor's petition was filed on September 28, 2022. While this may be a viable claim against the other defendants involved, the court agrees that Trustee and Colangelo do not have the required relationship to entitle Colangelo to an accounting of monies and other consideration. Moreover, Colangelo fails to assert with specificity what monies he requests an accounting of, as the allegation is no more than a one sentence request. Accordingly, Colangelo fails to state a cause of action for accounting.

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**4. Turnover Claim**

Pursuant to 11 U.S.C. § 542(b), "an entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title...shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate."

Colangelo's fourth claim for relief is titled as "Turnover of Monies Subject to Secured Claims". However, it is unclear under what theory he is asserting this claim. Colangelo alleges that Defendant had a minimum constructive notice of his interest in the Property, and this constructive notice operates to negate Trustee's status as a *bona fide* purchaser. But turnover is only a remedy favoring the Trustee as custodian of estate property. Trustee's interpretation of this cause of action is that Colangelo is seeking turnover of \$1.3 million, based on his alleged statutory lien under 11 U.S.C. § 542. However, Colangelo makes no reference to a cognizable claim under section 542. Colangelo's allegations seem to parallel his claim for declaratory relief, which is discussed above and determined to be a plausible claim for relief.

**D. Dismissal for Failure to Name Necessary Parties**

A defendant may move to dismiss an action for "failure to join a party under Rule 19. Fed. R. Civ. P. 12(b)(7). To determine whether to grant a motion to dismiss under Rule 12(b)(7), a court conducts a three-part inquiry. *Klamath Irrigation Dist. V. U.S. Bureau of Reclamation*, 48 F.4th 934, 943 (9th Cir. 2022). First, the court determines whether the party must be joined under Rule 19(a). *Id.* If so, the court next determines whether joinder is feasible. *Id.* If the party is necessary but joinder is infeasible, the court then "determines whether, in equity and good conscience, the action should proceed among the existing parties or should be dismissed." *Id.* A party must be joined under Rule 19(a) if, in its absence, "the court cannot accord complete relief among the parties," or if that party "claims an interest relating to the subject of the action" and its absence would inhibit its ability to protect the interest or "leave an existing party subject to a substantial risk of incurring multiple, or otherwise inconsistent obligations because of the interest." Fed. R. Civ. P. 12(a)(1).



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**Stonebridge Ventures, LLC**

**Chapter 7**

Here, Colangelo failed to name both Escrow Agents and Jensen as defendants. Escrow Agents is a necessary party under Rule 19(a) as transferee of the \$1.3 million at issue. Jensen is also necessary as she apparently paid approximately \$550,000 of the \$1.3 million at issue. However, there is nothing in the record indicating that that joining either or both is not still feasible. Therefore, the court rejects Trustee's argument that failure to name Jensen and Escrow Agents warrants dismissal under FRCP 12(b)(7).

**E. Dismissal Without Leave to Amend**

"If a complaint is dismissed for failure to state a claim upon which relief can be granted, leave to amend may be denied, even if prior to a responsive pleading, if amendment of the complaint would be futile." *Albrecht v. Lund*, 845 F. 2d 193, 195 (9th Cir. 1988). Given that Colangelo did not oppose the court could simply accede to the request that dismissal be with prejudice.

But the leave to amend standard is used liberally where justice so requires. Here, aside from the claim for Accounting, Recovery of Improper Transfer under §549 and Turnover under §542, Colangelo has made claims with formalistic deficiencies that could benefit from an amended pleading toward possibly viable theories. There is arguable futility regarding a missed compulsory counterclaim. But the court suspects a lesser sanction would be more appropriate since in other pleadings regarding the disposition of the Property proceeds it appears that the Trustee in fact controls the \$1.3 million funds and that may prove indispensable in fashioning an equitable resolution.

Grant *without leave to amend* as to the Second through 4th Claims for Relief (§§549, 542 and Accounting). Grant with leave to amend within 30 days as to remaining. Appearance required.

**Party Information**

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw  
Diana Torres-Brito

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**Chapter 7**

**Defendant(s):**

Stonebridge Ventures, LLC	Pro Se
Brentwood Finance Company, LLC	Represented By David W. Meadows
Renewable Farms	Pro Se
AB CAPITAL LFD, INC.	Pro Se
A Cisneros	Represented By Nathan F Smith

**Plaintiff(s):**

Joe Colangelo	Represented By Christopher Hewitt
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**Trustee(s):**

Arturo Cisneros (TR)	Represented By Arturo Cisneros Nathan F Smith William Malcolm
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Santa Ana  
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**8:22-11556 Stonebridge Ventures, LLC**

**Chapter 7**

Adv#: 8:23-01086 Jensen v. Stonebridge Ventures, LLC et al

**#28.00** Chapter 7 Trustee's Motion To Dismiss Plaintiff's Complaint 12(b)(6)

Docket 8

**Tentative Ruling:**

Tentative for November 9, 2023

This is Chapter 7 Trustee A. Cisneros's ("Trustee") motion to dismiss Plaintiff Monika Jensen's ("Plaintiff") complaint pursuant to FRCP 12(b)(6) ("Motion"). Trustee brings this Motion because he believes the record makes evident that Plaintiff's claims are barred by *res judicata*, that Plaintiff fails to state a claim upon which relief can be granted on multiple counts, and that Plaintiff failed to join a necessary party.

On April 23, 2020, Plaintiff, Joe Colangelo ("Colangelo") her estranged husband and Debtor entered into an agreement whereby they agreed to pay Debtor \$2,595,000.00 as the purchase price for the Property ("Purchase Agreement") commonly known as 2 Makena Lane, Rancho Mirage, California 92270 ("Property"). Motion p. 5 at lines 5-7. Plaintiff wired \$550,034.58 to Escrow Experts in connection with the Purchase Agreement. *Id.* at lines 8-10. On February 9, 2023, Trustee filed a complaint against Colangelo and Plaintiff for turnover of the Property and unjust enrichment. Motion p. 7, lines 26-27. In June 2023, Plaintiff filed an answer wherein she did not assert any counterclaims against Trustee or the Estate and stated that she "has no liens against property of the Estate." Motion p. 7-8, lines 28, 1. On July 25, 2023, the court approved a sale of the Property to a winning overbidder for \$3,332,000.00. *Id.* at lines 8-10. Plaintiff filed the instant complaint against Debtor, Brentwood Finance Company, LLC, Renewable Farms, AB Capital LFD, Inc., and Trustee ("Defendants") on August 5, 2023.

**(1) The *Res Judicata* Argument**

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FRCP 13, made applicable in bankruptcy proceedings by Federal Rule of Bankruptcy Procedure ("FRBP") 7013, defines both compulsory and permissive counterclaims. A counterclaim is compulsory if it arises out of the same transaction or occurrence as the opposing party's claim; is not the subject of another pending action; and does not require the joinder of a party over which the court cannot acquire jurisdiction. Fed. R. Civ. P. 13(a). "If a party fails to plead a compulsory counterclaim, he is held to waive it and is precluded by res judicata from ever suing upon it again." *Local Union No. 11, Int'l Bhd. Of Elec. Workers, AFL-CIO v. G.P. Thompson Elec., Inc.*, 363 F.2d 181, 184 (9th Cir. 1966).

To determine whether a claim arises out of the "same transaction or occurrence," a "logical relationship" test is applied. *Mattel, Inc. v. MGA Entertainment, Inc.*, 705 F.3d 1108, 1110 (9th Cir. 2013). "A logical relationship exists when . . . the same operative facts serve as the basis of both claims or the aggregate core of facts upon which the claim rests activates additional legal rights otherwise dormant in the defendant." *Id.* The "transaction or occurrence" language must be read broadly. *Pochiro v. Prudential Ins. Co. of Am.*, 827 F.2d 1246, 1252 (9th Cir. 1987).

Here, Trustee filed suit against Colangelo and Jensen for turnover of the Property and unjust enrichment based on their occupation without payment on February 9, 2023. Plaintiff filed an answer but failed to file a counterclaim. Applying the logical relationship test, it is apparent that the same operative facts served as the basis for both claims—Trustee's suit with Plaintiff's answer and the suit at bar. Read broadly, as case law dictates, the operative facts of the claims on both sides revolve around the Property and the transactions associated with it. The suit involves the same parties as well as the same broad controversy. As such, the claims arise out of the same transaction or occurrence. However, there has been no final judgment in this case nor in the turnover action, so the doctrine of *res judicata* is inapplicable. What is still applicable is the fact that the logical relationship test shows this should have been a compulsory counterclaim. Thus, the complaint could be dismissed for failure to raise a compulsory counterclaim pursuant to FRCP

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13, but the question is whether that is the appropriate remedy.

**(2) The FRCP 12(b)(6) Standard**

Dismissal is warranted under Rule 12(b)(6) where the complaint lacks a cognizable legal theory, or where it presents a cognizable legal theory yet fails to plead essential facts to support that theory. *Neitzke v. Williams*, 490 U.S. 319, 326-27 (1989). The purpose of a 12(b)(6) motion is "to allow the court to eliminate actions that are fatally flawed in their legal premises and destined to fail, and thus to spare litigants the burdens of unnecessary pretrial and trial activity." *Advanced Cardiovascular Sys., Inc. v. Scimed Life Sys., Inc.*, 988 F.2d 1157, 1160 (Fed. Cir. 1993). Pleadings must contain more than labels and unsupported conclusions. *Ashcroft v. Iqbal*, 556 U.S. 662, 677-80 (2009). The court is not required to "accept legal conclusions cast in the form of factual allegations if those conclusions cannot reasonably be drawn from the facts alleged." *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754-55 (9th Cir. 1994). In evaluating a motion to dismiss, the Court must construe plaintiff's complaint "in the light most favorable to the plaintiff and must accept all well-pleaded factual allegations as true." *Shwarz v. U.S.*, 234 F.3d 428, 435 (9th Cir. 2000). But it is only necessary that the complaint contain facts supporting a plausible theory for relief. 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

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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 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.*

### (3) Dismissal For The California Civil Code Claim

Ca. Civil Code § 3050 provides that a purchaser "who pays to the owner any part of the price of real property under an agreement for the sale thereof, has a special lien upon the property, independent of possession, for such part of the amount paid as he may be entitled to recover back, in case of a failure of consideration." *Collins v. Wolf*, 591 B.R. 752, 777 (S.D. Cal. 2018), *aff'd*, 835 F. App'x 905 (9th Cir. 2020). "Where a vendee is not in default, but the vendor refuses or neglects to convey, being under duty to do so, 'his default authorizes the vendee to treat the contract as at an end, and to recover the money which has been paid.'" *Moresco v. Foppiano*, 7 Cal.2d 242, 247 (1936). However, "[w]ithout a default, there can be no statutory lien." *Collins*, 591 B.R. at 777.

Here, Plaintiff alleges that she entered into the Purchase Agreement for the Property and paid \$550,034.58 to Escrow Experts under the Purchase Agreement. Plaintiff never explicitly alleges there was default under the Purchase Agreement. Plaintiff also did not explicitly allege that Debtor had a duty to convey the Property to her and that the duty was breached. However, this appears to be form over substance. In her complaint, Plaintiff alleges that after her deposit, Debtor encumbered the Property in favor of the Defendants, and then fraudulently transferred the Property to another party. Plaintiff therefore plausibly pleaded breach of the Purchase Agreement by the Debtor.

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While it is true that Plaintiff did not formally allege a duty to transfer the Property to her, this can easily be remedied through an amendment. In viewing this claim in the light most favorable to the Plaintiff, there was a substantive default under the Purchase Agreement, and this claim should not be dismissed pursuant to FRCP 12(b)(6).

**(4) FRCP 12(b)(6)'s Application to the Claim Arising Under 11 U.S.C. § 542(a)**

Pursuant to 11 U.S.C. § 542(a): "an entity, other than a custodian, in possession custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title . . . shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate."

This argument is at issue because Plaintiff never makes a claim regarding turnover under § 542. But as stated above, Plaintiff has plausibly stated a claim regarding the alleged statutory lien. Plaintiff is asserting a claim as an alleged secured creditor. The only time §542 appears in the Plaintiff's complaint is an unchecked box on page 115. On the same page, Plaintiff clearly indicates that she is seeking return of money, not property. Thus, Trustee's claim is irrelevant.

**(5) Plaintiff's Failure to Join Necessary Parties**

A defendant may move to dismiss an action for "failure to join a party under Rule 19." Fed. R. Civ. P. 12(b)(7). To determine whether to grant a motion to dismiss under Rule 12(b)(7), a court conducts a three-part inquiry. *Klamath Irrigation Dist. V. U.S. Bureau of Reclamation*, 48 F.4th 934, 943 (9th Cir. 2022). First, the court determines whether the party must be joined under Rule 19(a). *Id.* If so, the court next determines whether joinder is feasible. *Id.* If the party is necessary but joinder is infeasible, the court then "determines whether, in equity and good conscience, the action should proceed among the existing parties or should be dismissed." *Id.* A party must be joined under

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Rule 19(a) if, in its absence, "the court cannot accord complete relief among the parties," or if that party "claims an interest relating to the subject of the action" and its absence would inhibit its ability to protect the interest or "leave an existing party subject to a substantial risk of incurring multiple, or otherwise inconsistent obligations because of the interest." Fed. R. Civ. P. 12(a)(1).

Plaintiff failed to name Escrow Experts, the entity to which the \$550,034.58 was paid, as a party in this suit. Escrow Expert's direct involvement with the sum at issue indicates that its absence could leave other parties in the suit subject to inconsistent obligations because of their need to navigate the relationship with Escrow Experts. However, there is nothing in the record indicating that joining Escrow Experts is not still feasible. Considering the nature of Escrow Experts' relation to this case, it appears to be in the interest of all parties for Escrow Experts to be added to these proceedings. Trustee's argument that failure to join Escrow Experts as a party warrants dismissal is inconsistent with the record.

**(6) Dismissal Without Leave to Amend?**

"If a complaint is dismissed for failure to state a claim upon which relief can be granted, leave to amend may be denied, even if prior to a responsive pleading, if amendment of the complaint would be futile." *Albrecht v. Lund*, 845 F.2d 193, 195 (9th Cir. 1988) (internal citations omitted). But the leave to amend standard is used liberally where justice so requires. Here, Plaintiff has made claims with formalistic deficiencies that could benefit from an amended pleading. There is arguable futility only regarding a missed compulsory counterclaim. But the court suspects a lesser sanction would be more appropriate since in other pleadings regarding the disposition of the Property proceeds it appears that the Trustee in fact controls the \$550,034 deposit and that may prove indispensable in fashioning an equitable resolution.

*Grant with leave to amend. Appearance required.*

**Party Information**

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw



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**Chapter 7**

Diana Torres-Brito

**Defendant(s):**

Stonebridge Ventures, LLC

Pro Se

Brentwood Finance Company, LLC

Represented By  
David W. Meadows

Renewable Farms, Inc.

Represented By  
Michael G Spector

AB Capital, LFD, Inc.

Pro Se

Arturo Cisneros

Represented By  
Nathan F Smith

Joe Colangelo

Pro Se

**Plaintiff(s):**

Monika Jensen

Represented By  
Nicholas W Gebelt

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Arturo Cisneros  
Nathan F Smith  
William Malcolm

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8:22-11556 Stonebridge Ventures, LLC

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#28.10 Motion For Order Authorizing Disbursement Of \$1,300,000 In Sale Proceeds To Brentwood Finance Company  
**(cont'd from 11-07-23 per order continuing hrg on mtn for order authorizing disbursement entered 11-06-23)**

Docket 263

**Tentative Ruling:**

Tentative for November 9, 2023

This is Chapter 7 Trustee Arturo Cisneros' ("Trustee") motion for order authorizing him to disburse \$1.3 million Brentwood Finance Company ("BFC") of the approximately \$3 million in sale proceeds currently in his possession following the sale of the real property commonly known as 2 Makena Lane, Rancho Mirage, California 92270 ("Property").

The court is unclear whether there is really a dispute here that needs to be litigated before the proceeds can be disbursed to the lien holder, Brentwood. All parties seem to agree that the Trustee is holding proceeds of sale sufficient to pay the Brentwood lien which, after the approved §363(f) sale, attached to proceeds, but also likely enough to cover the return of the \$550,034.58 deposit to Escrow Experts to Jensen/Colangelo as well. Jensen's Opposition seems primarily fixed upon her alleged vendee's lien arguably preceding Brentwood's in priority. But,.... so what? Is there really any possibility of her lien claim being eclipsed and left with insufficient proceeds in the end? One practical consequence and motivation is to cut off accruing interest early on the Brentwood lien (pegged at \$13,000 per month), a dead loss which must be of concern to the Trustee on behalf of unsecured creditors. So, even if the parties are determined to continue litigating (over what exactly is not clear, see #28) there is every reason for the Trustee to want to narrow it down to save needless damage to the estate. So, the court must ask, why isn't the solution a settlement agreement whereby the Brentwood lien is paid immediately, the \$550,034 is paid immediately to Colangelo/Jensen in lieu of any other claim, and maybe even the Renewable Farms lien is paid? The court reads that the Trustee perhaps disputes that

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Jensen and Colangelo are entitled to anything under some theory that the deposit was nonrefundable and/or because of some alleged breaches that excuse counter performance or prevent attachment of a vendee's lien, or maybe under some compulsory counter claim or necessary party joinder theory. Maybe,.... but the court is really not clear whether this is worth the candle in this estate. There must be something else the court is missing that stands in the way of this obvious solution.

*Grant absent better explanation of insuperable problems as stated above.  
Appearance required.*

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

**Debtor(s):**

Stonebridge Ventures, LLC

Represented By  
Summer M Shaw  
Diana Torres-Brito

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Arturo Cisneros  
Nathan F Smith  
William Malcolm

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

**Chapter 7**

Adv#: 8:20-01100 Peleus Insurance Company v. BP Fisher Law Group, LLP et al

**#29.00 STATUS CONFERENCE RE: Adversary Complaint for Declaratory Relief  
(cont'd from 4-27-23)  
(cont'd from 7-27-23)  
(cont'd from 11-02-23 per court's own mtn)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2-08-24 AT 11:00 A.M.  
PER ORDER APPROVING STIPULATION FOR CONTINUANCE OF  
STATUS CONFERENCE AND MOTIONS TO DISMISS OF MATTHEW  
BROWNDORF AND ANDREW CORCORAN ENTERED 11-09-23**

**Tentative Ruling:**

Tentative for November 9, 2023  
Status of withdrawal of reference? Appearance required.

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Tentative for 7/27/23:  
According to a stipulation filed April 26, 2023, a motion to withdraw the  
reference was still pending before the District Court. The April 27 hearing was  
continued to this date by stipulation of the parties. Updated status?

Appearance: required

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Tentative for 4/27/23:  
The court is aware of a stipulation to continue these hearings for a further 90  
days. The court will adopt the stipulation unless there is some reason not to  
do so.

Appearance: optional

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

**Chapter 7**

Tentative for 1/12/23:

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Tentative for 10/6/22:

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Tentative for 6/23/22:  
Where are we on withdrawal of the reference?

Appearance: suggested

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Tentative for 4/14/22:  
Where do we stand on the motion for withdrawal of the reference? The court would appreciate a written update.

Appearance: optional

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Tentative for 10/28/21:  
Continue to January 6, 2022 at 11:00 a.m. Appearance waived.

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Tentative for 6/24/21:  
See #s 17 and 18. What is status on withdrawal of reference? Continue to August 26 @ 11:00 a.m.

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Tentative for 4/22/21:  
Continue to June 23 @ 10:00AM to allow district court's ruling.

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Tentative for 12/10/20:  
Continue to April 22, 2021 @ 10:00 a.m.

Appearance: optional

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Tentative for 9/3/20:  
It would appear there are several preliminary questions concerning jurisdiction and proper venue. It makes sense to sort these out first before discovery commences and deadlines are imposed. Consequently, the status conference will be continued to December 10, 2020 @ 2020. In meantime, the parties are ordered to file such motions as are necessary and appropriate to resolve the questions about proper venue and /or withdrawal of reference. By the continued status conference the court expects those issues to be resolved.

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

**Debtor(s):**

BP Fisher Law Group, LLP

Represented By  
Marc C Forsythe  
Michael S Myers

**Defendant(s):**

BP Fisher Law Group, LLP

Pro Se

LF Runoff 2, LLC

Pro Se

Matthew Browndorf

Pro Se

Andrew Corcoran

Pro Se

Shannon Kreshtool

Pro Se

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

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Ditech Financial, LLC      Pro Se

SELECT PORTFOLIO      Pro Se

BP Peterman Legal Group, LLC      Pro Se

**Plaintiff(s):**

Peleus Insurance Company

Represented By  
Linda B Oliver  
Andrew B Downs

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Marc C Forsythe  
Charity J Manee

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

**Chapter 7**

Adv#: 8:20-01100 Peleus Insurance Company v. BP Fisher Law Group, LLP et al

- #30.00** Andrew R. Corcoran's Motion To Dismiss Or In The Alternative Stay Or Transfer  
(cont'd from 4-27-23)  
(cont'd from 7-27-23)  
(cont'd from 11-02-23 per court's own mtn)

Docket 38

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2-08-24 AT 11:00 A.M.  
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Status of withdrawal of reference? Appearance required.

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Tentative for 7/27/23:

Status of withdrawal of reference?

Appearance: optional

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Tentative for 4/27/23:

See #19.

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Tentative for 1/12/23:

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Tentative for 10/6/22:

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Tentative for 6/23/22:

See #9.

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Tentative for 4/14/22:

See #5.

Appearance: optional

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Tentative for 10/28/21:

See #8.

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Tentative for 6/24/21:

Status of withdrawal of reference?

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Tentative for 4/22/21:

The stay should likely remain in effect until after Judge Kronstadt has issued a ruling on the motion to withdraw the reference. By that time, the District Court in Maryland will likely have ruled on the 12(b)(7) motion and we will have a much clearer picture of what is and needs to be happening to move this matter forward, including revisiting this motion.

*Stay proceedings pending a renewed status conference in approximately 45 days.*

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Tentative for 12/10/20:

This is a Motion to Dismiss this adversary proceeding based on lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2), or in the alternative, to stay or transfer this adversary proceeding, of defendant Andrew Corcoran joined by Defendant Matthew Browndorf (collectively "Defendants"). The motion is opposed by plaintiff, Peleus Insurance Company ("Plaintiff").

1. Defendants' Alternative Remedy of Staying This Adversary Proceeding Is Warranted

The parties report that there is a matter currently pending in Maryland District Court that involves the substantially the same parties and subject matter. Furthermore, that matter was initiated several months prior to this adversary proceeding. Plaintiff believes that this court is the proper venue as it argues that this court can exercise personal jurisdiction over all necessary parties. Plaintiff also reports that there is a motion to dismiss in the Maryland matter based on an alleged failure to join a necessary party under Rule 12(b) (7). Plaintiff believes that motion to dismiss will succeed. Defendants believe the Maryland motion to dismiss will fail and assert that this court cannot properly exercise personal jurisdiction.

According to the status report filed on 12/3, Plaintiff reports that the Maryland motion to dismiss is expected to be fully briefed by 12/14 (just after the hearing on this motion). The hearing date for the Maryland motion to dismiss is unknown, but likely not too long after the completion of the briefing. Plaintiff has also filed a motion with the District Court of the Central District of California to withdraw the reference. That motion is set for hearing before Judge Kronstadt on March 29, 2021.

There is a lot going on in this case to say the least. The motion and subsequent papers indicate that the threshold issue of personal jurisdiction is likely to be complex and hotly contested. There are also two pending motions

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that could have a major impact on this adversary proceeding, but the outcome of those motions is obviously uncertain at present. Matters will clarify one way or another soon. Thus, for reasons of judicial economy, comity, deterrence of potential forum shopping, and the need to avoid parallel litigation and/or inconsistent rulings, this court will grant a stay of proceedings as an alternative form of relief as suggested in the motion. This relief can likely be justified under the "First to File" doctrine, a discretionary rule in which the court must consider whether a complaint containing the same issues and parties has already been filed in another district. *Alltrade, Inc. v. Uniweld Prods.*, 946 F.2d 622, 625 (1991). This rule is not to be applied mechanically or too rigidly and the policy underlying the rule should not be disregarded lightly. *Id.* at 625, 627-28. In other words, the rule does not require perfect identity of issues and parties. See *Audio Entertainment Network, Inc. v. AT&T*, 1999 U.S. App. LEXIS 34500 at \*3. "[I]t is not an abuse of discretion, and therefore not reversible error, for a district court judge to weigh the facts and conclude that the rule should apply." *Alltrade*, 946 F.2d at 628.

The stay should likely remain in effect until after Judge Kronstadt has issued a ruling on the motion to withdraw the reference in late March or early April. By that time, the District Court in Maryland will likely have also ruled on the 12(b)(7) motion and we will have a much clearer picture of what is and needs to be happening to move this matter forward, including potentially revisiting this motion.

*Grant a temporary stay of proceedings pending the outcome of both the Maryland motion to dismiss and the motion to withdraw the reference. A continued status conference is scheduled April 8, 2021 at which time the court requires a full update and, if then appropriate consistent with other rulings, will establish deadlines.*

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

**Debtor(s):**

BP Fisher Law Group, LLP

Represented By  
Marc C Forsythe

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**Chapter 7**

Michael S Myers

**Defendant(s):**

BP Fisher Law Group, LLP

Represented By  
Marc C Forsythe

LF Runoff 2, LLC

Pro Se

Matthew Browndorf

Pro Se

Andrew Corcoran

Pro Se

Shannon Kreshtool

Represented By  
Samuel G Brooks

Ditech Financial, LLC

Represented By  
Christopher O Rivas

SELECT PORTFOLIO

Represented By  
Lauren A Deeb

BP Peterman Legal Group, LLC

Pro Se

**Plaintiff(s):**

Peleus Insurance Company

Represented By  
Linda B Oliver  
Andrew B Downs

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Marc C Forsythe  
Charity J Manee

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**Chapter 7**

Adv#: 8:20-01100 Peleus Insurance Company v. BP Fisher Law Group, LLP et al

- #31.00** Matthew C. Browndorf's Motion To Dismiss Or In The Alternative Stay Or Transfer  
(cont'd from 4-27-23)  
(cont'd from 7-27-23)  
(cont'd from 11-02-23 per court's own mtn)

Docket 43

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2-08-24 AT 11:00 A.M.  
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BROWNDORF AND ANDREW CORCORAN ENTERED 11-09-23**

**Tentative Ruling:**

Tentative for November 9, 2023  
Status on withdrawal of reference? Appearance required.

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Tentative for 7/27/23:  
See #11.

Appearance: optional

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Tentative for 4/27/23:  
See #19.

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Tentative for 1/12/23:

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

**Thursday, November 9, 2023**

**Hearing Room      5B**

11:00 AM

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

**Chapter 7**

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Tentative for 10/6/22:

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Tentative for 6/23/22:  
See #9.

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Tentative for 4/14/22:  
See #5.

Appearance: optional

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Tentative for 10/28/21:  
See #8.

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Tentative for 6/24/21:  
Status of withdrawal of reference?

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Tentative for 4/22/21:  
See #7

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Tentative for 12/10/20:  
See #12.

**Party Information**

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

**Thursday, November 9, 2023**

**Hearing Room 5B**

11:00 AM

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

**Chapter 7**

**Debtor(s):**

BP Fisher Law Group, LLP

Represented By  
Marc C Forsythe  
Michael S Myers

**Defendant(s):**

BP Fisher Law Group, LLP

Represented By  
Marc C Forsythe

LF Runoff 2, LLC

Pro Se

Matthew Browndorf

Pro Se

Andrew Corcoran

Pro Se

Shannon Kreshtool

Represented By  
Samuel G Brooks

Ditech Financial, LLC

Represented By  
Christopher O Rivas

SELECT PORTFOLIO

Represented By  
Lauren A Deeb

BP Peterman Legal Group, LLC

Pro Se

**Plaintiff(s):**

Peleus Insurance Company

Represented By  
Linda B Oliver  
Andrew B Downs

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Marc C Forsythe  
Charity J Manee