

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

Thursday, November 21, 2024

Hearing Room 5B

10:00 AM
8:00-00000

Chapter

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

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ZoomGov meeting number: 161 349 6169

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completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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8:21-12001 Joseph L Sanders

Chapter 7

Adv#: 8:22-01034 Watcher et al v. Sanders

- #1.00** STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. Section 523(A)(6) and Objection to Debtor's Discharge Pursuant to 11 U.S.C. Section 727 (a)(2)(B),(a)(3),(a)(4)(A), and (a)(4)(D) (cont'd from 6-02-22 per amended notice of continuance filed 6-01-22) (cont'd from 3-30-23 per order approving stip. to cont. s/c entered 3-24-23) (cont'd from 10-05-23 per court's own mtn) (cont'd from 4-11-24 per order approving stip to cont. s/c entered 4-11-24) (cont'd from 10-10-24 per order cont. case s/c entered 9-19-24)

Docket 1

Tentative Ruling:

Tentative for November 21, 2024

This adversary proceeding is stayed and the conditions for relieving the stay have not been met (pending state court litigation). *Appearance is optional.*

Tentative for April 11, 2024

Status? Appearance required.

Tentative for October 12, 2023

Continue status conference per request to April 11, 2024 at 10:00 a.m. in view of pending *Watcher v. Floyd* matter in Superior Court. Appearance is optional.

Party Information

Debtor(s):

Joseph L Sanders

Represented By
Todd J Cleary

Defendant(s):

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CONT... Joseph L Sanders

Chapter 7

Joseph L. Sanders

Pro Se

Plaintiff(s):

John Watcher

Represented By
Rebecca M Wicks

Mabel Watcher

Represented By
Rebecca M Wicks

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Nathan F Smith

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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

**#2.00 STATUS CONFERENCE RE: After Remand
(set per court's order on 5-31-24)
(cont'd from 8-01-24)
(cont'd from 10-03-24 per order continuing status conf. after remand
entered 9-19-24)**

Docket 562

Tentative Ruling:

Tentative for November 21, 2024

In view of the appeal to the Ninth Circuit of the District Court's order, what can be done at this juncture? *Appearance required.*

Tentative for August 1, 2024

Reportedly, there is still pending a motion brought by Plaintiff for Rehearing and/or Clarification from June 5 which was reportedly taken under submission by the District Court July 10. It seem prudent to await disposition of that motion before proceeding further here. *Appearance required.*

Party Information

Debtor(s):

Parks Diversified, LP

Represented By
Marc C Forsythe
Charity J Manee

Defendant(s):

David Klein

Pro Se

Todd B. Becker

Represented By
Greg Emdee
James J Kjar

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CONT... Parks Diversified, LP

Chapter 11

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

Klein & Wilson

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

Michael S. Leboff

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

Goe Forsythe & Hodges LLP

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

Marc Forsythe

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

David Klein

Pro Se

Darrell P. White

Represented By
Paul A. Grammatico

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CONT... Parks Diversified, LP

Chapter 11

Plaintiff(s):

Lucia Parks

Represented By
Michael G Dawe
Tom Roddy Normandin

Talon Diversified Holdings, Inc.

Represented By
Tom Roddy Normandin
Michael G Dawe

North Valley Mall II, LLC

Represented By
Michael G Dawe
Tom Roddy Normandin

Parks Diversified L.P.

Represented By
Michael G Dawe
Tom Roddy Normandin

Richard Parks

Represented By
Michael G Dawe
Tom Roddy Normandin

North Valley Regional Center LLC

Represented By
Michael G Dawe
Tom Roddy Normandin

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10:00 AM

8:23-10433 Patricia C. Pham

Chapter 7

Adv#: 8:23-01043 Do et al v. Pham

- #3.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt [11 U.S.C. §§ 523(a)(2)(A), 523(a)(4), and 523(a)(6)]
(another summons issued on 7-25-23)
(cont'd from 7-11-24 per order granting stip. requesting continuance of s/c entered 7-02-24)
(cont'd from 10-10-24 per order continuing case status conference entered 9-19-24)**

Docket 11

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED -
ORDER APPROVING STIPULATION FOR DISMISSAL OF ADVERSARY
PROCEEDING - SEE DOC #50**

Tentative Ruling:

Tentative for November 14, 2023

See #2. Perhaps a stay of proceedings in this adversary proceeding would be appropriate pending determination in state court? Schedule holding status conference approximately 6 months hence, say April 11 @10 a.m.?

Appearance is optional.

Tentative for November 7, 2023

Continue to coincide with other hearing on November 14, 2023 at 10:00 a.m.
Appearance is optional.

Tentative for October 12, 2023

Reportedly plaintiff will ask for a stay pending resolution of related state court matter. Continue about 60 days to allow such a motion for stay to be filed and heard. Appearance required.

Party Information

Debtor(s):

Patricia C. Pham

Represented By

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CONT... Patricia C. Pham

Chapter 7

Thomas J Polis

Defendant(s):

Patricia C. Pham

Represented By
Thomas J Polis
Ryan Jackman

Plaintiff(s):

Vincent Do

Represented By
Misty A Perry Isaacson

Linh Tuong Do

Represented By
Misty A Perry Isaacson

Trustee(s):

Karen S Naylor (TR)

Pro Se

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8:23-11672 Hugo Fabian Flores Flores

Chapter 7

Adv#: 8:23-01135 Reyes Falcon v. Flores Flores

#4.00 STATUS CONFERENCE RE: Complaint To Determine Non-Dischargeability Of Debt And Remedies
(cont'd from 4-11-24)
(cont'd from 5-30-24)
(cont'd from 6-13-24 per court's own mtn)
(cont'd from 10-03-24 per order cont. case status conference entered 9-19-24)

Docket 1

Tentative Ruling:

Tentative for November 21, 2024
Status? *Appearance required.*

Tentative for June 27, 2024
See #11. *Appearance required.*

Tentative for May 30, 2024
See #3.1. *Appearance required.*

Tentative for April 11, 2024
We apparently are awaiting processing of default and prove up. Status?
Appearance required.

Tentative for February 8, 2024
Status of service/default? *Appearance required.*

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8:19-10526 LF Runoff 2, LLC

Chapter 7

Adv#: 8:24-01061 Marshack v. Waldorf=Astoria Management LLC

**#5.00 STATUS CONFERENCE RE: Second Amended Complaint To Avoid And Recover Voidable Transfers
(another summons issued on 8-05-24)
(cont'd from 10-24-24 per order apprvng second stip. extending time to answer or otherwise respond to the second amended complt to avoid & recover voidable transfers entered 10-08-24 - see doc #21)**

Docket 14

***** VACATED *** REASON: CONTINUED TO 12-12-24 AT 10:00 A.M.
PER ORDER APPROVING THIRD STIPULATION EXTENDING TIME
TO ANSWER OR OTHERWISE RESPOND TO THE SECOND AMEND
COMPLAINT ENTERED 11-06-24 SEE DOC #26**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LF Runoff 2, LLC

Represented By
Marc C Forsythe

Defendant(s):

Waldorf=Astoria Management LLC

Pro Se

Plaintiff(s):

Richard A. Marshack

Represented By
Lauren N Gans

Trustee(s):

Richard A Marshack (TR)

Represented By
David Wood
D Edward Hays
Thomas J Polis
Laila Masud

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CONT... LF Runoff 2, LLC

Chapter 7

Roye Zur
Lauren N Gans

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8:23-12227 Hugo Gonzalez

Chapter 7

Adv#: 8:24-01100 Kosmala v. Bernabe

#6.00 STATUS CONFERENCE RE: Complaint For: (1) Authorization To Sell Real Property In Which Co-Owner Holds Interest Pursuant to 11 U.S.C. §363(h); (2) Payment Of Costs Of Sale Pursuant To §363(j)
(cont'd from 10-10-24 per order continuing case status conference entered 9-19-24)

Docket 1

Tentative Ruling:

Tentative for November 21, 2024

Continue to coincide with default judgment hearing Dec. 5, 2024 at 11:00 a.m.

Appearance is optional.

Party Information

Debtor(s):

Hugo Gonzalez

Represented By
Halli B Heston

Defendant(s):

Daisy L Bernabe

Pro Se

Plaintiff(s):

Weneta M.A. Kosmala

Represented By
Ryan W Beall

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Ryan W Beall
Jeffrey I Golden

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8:24-11279 TA Partners Apartment Fund II LLC, a California li

Chapter 11

Adv#: 8:24-01127 RUC14 Playa LLC v. TA Partners LLC et al

#7.00 STATUS CONFERENCE RE: Notice Of Removal

Docket 1

***** VACATED *** REASON: OFF CALENDAR - ORDER GRANTING
STIPULATION REGARDING MOTION TO COMPEL ARBITRATION
AND MOTION TO REMAND - SEE DOC #27**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

TA Partners Apartment Fund II LLC,	Represented By Garrick A Hollander Peter W Lianides
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Defendant(s):

TA Partners LLC	Pro Se
Johnny Lu	Pro Se
ALFA IDG LLC	Pro Se
Yaojun Liu	Pro Se
Thriving Future LLC	Pro Se
Greenwell HHC LLC	Pro Se
Zhongjun Zheng	Pro Se
LCS Consulting Group LLC	Pro Se
Caiyang Chang	Pro Se
Hankey Capital LLC	Represented By Thomas M Geher
Chicago Title Insurance Company	Pro Se

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CONT... TA Partners Apartment Fund II LLC, a California li Chapter 11

Varde Partners, Inc. Pro Se

VP Irvine Lender LLC Pro Se

TA Partners Apartment Fund II LLC Pro Se

Plaintiff(s):

RUC14 Playa LLC

Represented By
Michael R Pinkston

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8:22-11039 Craig Chang

Chapter 7

Adv#: 8:22-01087 Fransen v. Chang

**#8.00 STATUS CONFERENCE RE: Third Amended Complaint
(another summons was issued on 8-22-24)
(cont'd from 10-03-24 per order cont. pre-trial conf entered 9-19-24)
(cont'd from 11-07-24)**

Docket 110

Tentative Ruling:

Tentative for November 21, 2024
See #10. *Appearance required.*

Tentative for November 7, 2024
Status conference continued to: November 21, 2024 at 11:00 a.m. to coincide
with Rule 12 motion. *Appearance required.*

Party Information

Debtor(s):

Craig Chang

Represented By
John M Boyko

Defendant(s):

Craig Chang

Represented By
John M Boyko

Plaintiff(s):

Arthur Fransen

Represented By
Mary Liu

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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11:00 AM

8:22-11039 Craig Chang

Chapter 7

Adv#: 8:22-01087 Fransen v. Chang

- #9.00** PRE-TRIAL CONFERENCE RE: Complaint To Determine Non-Dischargeability Of Debt Pursuan To 11 USC Section 523(a)(2)(A)
(cont'd from 2-2-23)
(set from s/c hrg held on 3-09-23)
(cont'd from 8-08-24 per court's own mtn)
(cont'd from 8-01-24 hrg held on a mtn for leave to file third amended complaint)
(cont'd from 10-03-24 per order contiuiung pre-trial conference entered 9-19-24)
(cont'd from 11-07-24)

Docket 1

Tentative Ruling:

Tentative for November 21, 2024
See #10 at 11:00 a.m. *Appearance required.*

Tentative for November 7, 2024
Continue and consolidate with #2 to be heard November 21, 2024 at 11:00 a.m.
Appearance required.

Tentative for February 15, 2024
Continue about 90 days to accommodate extension of discovery and pretrial motion deadline extensions. *Appearance required.*

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CONT... Craig Chang

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Tentative for February 1, 2024

Nothing has been filed in connection with this pretrial conference. Continue to hearing on Motions to compel and for relief of scheduling order 2/15.

Appearance required.

Tentative for 3/9/23:

Particularly in view of the motion to dismiss, do any deadlines already established need to change?

Tentative for 2/2/23:

Deadline for completing discovery: September 1, 2023

Last date for filing pre-trial motions: September 8, 2023

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

Appearance: required

Tentative for 12/15/22:

In view of recent hearing on motion to dismiss, and expected amendment, continue about 45 days?

Appearance: required

Party Information

Debtor(s):

Craig Chang

Represented By
John M Boyko

Defendant(s):

Craig Chang

Pro Se

Plaintiff(s):

Arthur Fransen

Represented By

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Robert P Goe

Chapter 7

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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8:22-11039 Craig Chang

Chapter 7

Adv#: 8:22-01087 Fransen v. Chang

**#10.00 Motion To Dismiss Third Amended Complaint For Failure To State A Claim
12(b)6**

Docket 122

Tentative Ruling:

Tentative for November 21, 2024

This is Defendant/Debtor Craig Chang's ("Defendant's") motion to dismiss Plaintiff Arthur Fransen's ("Plaintiff") third amended complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).

On July 10, 2024, Plaintiff filed a motion for leave to file a third amended complaint, proposing to expand the current adversary proceeding by alleging 23 claims and adding 13 additional defendants. On August 1, 2024, the court granted Plaintiff's motion as to the additional issues under Section 523(a)(4), 727(a)(3), and 727(a)(5), but denying any amendment to add the remaining purported claims and defendants. The court heard and denied Defendant's Motion to Strike on October 24, 2024 because Defendant provided a chart with the listed allegations and labels for each as "impertinent", "immaterial" or "redundant" without further explanation or reasoning as to why.

Plaintiff filed the Third Amended Complaint ("TAC") bringing four claims for relief:

- (a) Determine Nondischargeability under Section 523(a)(2)(A) based on Defendant's "actual" fraud;
- (b) Declaratory Relief of Nondischargeability under Section 523(a)(4) based on Defendant's purported fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny
- (c) Declaratory Relief of Nondischargeability under Section 727(a)(3) based on Defendant's purported failure to produce certain, but unidentified, bank statements; and

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(d) Declaratory Relief of Nondischargeability under Section 727(a)(5) which fails to state any basis for the claim.

A. Background

Plaintiff asserts the following factual allegations that led to this adversary complaint:

Around September 2021, Defendant/Debtor defrauded Plaintiff, took over Plaintiff's 100% interest in Paragon Tactical, Inc. ("Paragon"), and stole all Paragon's \$1,200,000 assets. Since then, Defendant used all of Paragon's assets for his personal benefit and as a means to maintain his lifestyle until all of Paragon's \$1,200,000 assets were depleted.

Defendant's fraudulent acts also caused Plaintiff to be responsible for the SBA Loan in the amount of \$650,000, which was obtained by Plaintiff because it was a conditions in the Stock Purchase Agreement ("SPA"). This SBA Loan is now overdue and is being enforced against Plaintiff for repayments. Defendant also defrauded Plaintiff and caused Plaintiff to be responsible for Defendant's failure to repay Paragon's business lines of credit payments in the amount of \$62,583.28 to Wells Fargo Bank.

Wells Fargo Bank filed a complaint against Plaintiff in a Riverside State Court Action ("State Court Action") for Paragon's default caused by Defendant on a Wells Fargo business line of creditor. In order to defend this lawsuit, Plaintiff incurred attorney's fees and costs. Defendant also defrauded Plaintiff and caused Plaintiff to be responsible for Debtor's fraudulent acts that caused harms in the amount of \$784,398.73 to Argonaut Insurance Company, the surety who issued bonds to Paragon. On November 30, 2023, Argonaut Insurance Company filed a complaint against Plaintiff in the United States District Court ("Argonaut Action") based on numerous bond claims caused by Debtor/Defendant. In order to defend the lawsuit, Plaintiff incurred attorney fees and costs. On November 7, 2023, Hainan Huanghua Group USA ("HGG") sued Plaintiff for \$100,000 because Defendant used the names of Paragon and Plaintiff to defraud HGG. Plaintiff had to also defend this lawsuit and incurred attorney's fees and costs.

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On December 4, 2023, Plaintiff filed a cross-complaint in the State Court Action. This State Court Action involves 13 cross-defendants and alleged 35 causes of action which mainly center around Plaintiff's entering into a Stock Purchase Agreement with Debtor for the sale of Paragon Tactical Inc. from Plaintiff to Debtor in reliance on Debtor's false representations. It is alleged that Defendant utilizes a number of corporate entities to defraud creditors including Plaintiff and have, through a pattern of racketeering activity, directly and indirectly invested, maintained an interest, participated in operation, and conspired to do the fraudulent acts in an enterprise that affects interstate commerce that violate the mail and wire fraud provision of the Federal Racketeer Influenced and Corrupt Organization Sections of Title IX of the Organized Crime Control Act of 1970 18 U. S. C. §§ 1961 et. Seq. In order to hinder and delay assets from being discovered by creditors, Defendant would transfer his assets to third parties, including friends, relatives, and associates. Defendant became insolvent as a result of these transfers, which were allegedly made with the intent to hinder, delay, and defraud creditors, including Plaintiff. Even after filing bankruptcy, Defendant still has not reported assets of Paragon and failed to provide Plaintiff any accounting for the period that he was in control of Paragon's financial affairs. Defendant's conduct was a substantial factor in causing Plaintiff harm in an amount that exceeds \$3,000,000.

Plaintiff was granted Relief from the Automatic Stay on March 19, 2024 to proceed with the OC State Court Action under the condition that no levies of any process may be taken absent further consent by the bankruptcy court. The court also granted Relief from the Automatic Stay as to the Argonaut Action, and the Wells Fargo Action, both for liquidation of the claims only.

B. Legal Standard

When considering a motion under FRCP 12(b)(6), a court takes all the allegations of material fact as true and construes them in the light most favorable to the nonmoving party. *Parks School of Business v. Symington*, 51 F.3d 1480, 1484 (9th Cir. 1995). A complaint should not be dismissed unless a plaintiff could prove no set of facts in support of his claim that would entitle him to relief. *Id.* Motions to dismiss are viewed with disfavor in the federal

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

C. Motion to Dismiss

1. First Cause of Action under Section 523(a)(2)(A)

Section 523(a)(2)(A) excepts from discharge debts incurred under false pretenses, based on false representations, or based on actual fraud. To establish fraud, Plaintiff must prove the following elements by a preponderance of evidence: (1) that the debtor made the representation(s); (2) that at the time he knew they were false; (3) that he made them with the intention and purpose of deceiving the creditor; (4) that the creditor relied on such representations; and (5) that the creditor sustained the alleged loss and damage as the proximate result of the representations having been made. *In re Eashai*, 87 F.3d 1082, 1086 (9th Cir. 1996). With regards to the third element, intent to deceive can also include reckless disregard for the truth. *In re Gertsch* 237 B.R. 160, 167 (B.A.P. 9th Cir. 1999). Allegations of fraud are subject to a heightened pleading standard in which a party must state with particularity the circumstances constituting fraud or mistake. FRCP 9(b).

Defendant/Debtor Chang argues that Plaintiff’s allegations of fraud are vague, incomprehensible, conclusory, and fail to describe with particularity required

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by the “heightened pleading standard” of Rule 9 as to what specific misrepresentations form the basis of plaintiff’s claim under Section 523(a)(2) (A) and/or when they were, or the circumstances under which they were made, how or why the plaintiff reliance were reasonable or justified. Plaintiff disagrees and argues that all elements of fraud have been sufficiently pled. First, Plaintiff alleges that Defendant convinced Plaintiff to enter into the SPA to sell shares of Paragon by representing to Plaintiff that he would pay him the purchase price of \$1,200,000 and that Defendant had the financial ability to do so. Defendant also allegedly misrepresented that the Small Business Loan guaranteed by Plaintiff would go toward the operation of Paragon. Second, Defendant allegedly knew these representations were false because he had a history of deception (although this history is not explained in detail). Third, the complaint does not provide any specific explanation or allegations to show Defendant made these representation with the intent to deceive, other than the blatant legal conclusion and that Defendant has a history of doing this to other creditors. Fourth, all of Plaintiff’s acts including transferring shares of Paragon to Defendant and obtaining the SBA Loan apparently show justifiable reliance, but the court disagrees. There needs to be some further explanation as to why Plaintiff was justified in believing Defendant’s representations. Finally, the third amended complaint alleges that Defendant caused Plaintiff to be responsible for the SBA Loan, the business line of credit from Wells Fargo, the litigation costs in defending the Argonaut Action, and the other actions involved. Defendant makes a connection to how these damages were incurred as a result of the fraudulent acts.

However, the court does agree with Defendant that many of the allegations of fraud are stated in a conclusory and vague way. We know that Defendant allegedly committed some fraudulent acts against Plaintiff, but we do not know how or why and are not provided with any context to fill in the gaps. The Iqbal and Twombly standard is notoriously a low one, and the court does not expect Plaintiff to prove all elements of the case with evidentiary support at this stage. That being said, the factual allegations have to be “sufficiently pled” and “plausible on its face”, meaning that a clear and complete story that when taken as true, demonstrates all of the elements of fraud. These factual allegations also must be stated with particularity under Rule 9. As written, the court does not find that the facts pled are sufficient to meet the heightened pleading standard of Rule 9 or the Iqbal and Twombly standard.

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2. **Second Cause of Action under Section 523(a)(4)**

Debts for fraud and defalcation while acting in a fiduciary capacity are nondischargeable. 11 U.S.C. § 523(a)(4). To establish fraud or defalcation by someone acting in a fiduciary capacity, a plaintiff must prove not only the defendant's fraud or defalcation, but also that the defendant was acting in a fiduciary capacity when he or she committed the fraud or defalcation. In re Honkanen, 446 B.R. 373, 378 (B.A.P. 9th Cir. 2011). A fiduciary relationship is one that arises from an express or technical trust that was imposed before the wrongdoing that caused the debt. Id. "Under California Law, an express trust requires five elements: 1) present intent to create a trust, 2) trustee, 3) trust property, 4) a proper legal purpose, and 5) a beneficiary." Id. at 379, fn.6. Defalcation is defined as the misappropriation of money held in any fiduciary capacity or the failure to properly account for such funds. In re Lewis 97 F.3d 1182, 1186-1187 (9th Cir. 1996).

Defendant contends that there is no factual based allegations in the Third Amended Complaint of any fiduciary relationship recognized as a basis for Plaintiff's claim under Section 523(a)(4). Plaintiff responds in the opposition that Defendant owed a fiduciary duty to Plaintiff because while Defendant took control over Paragon, Plaintiff was and is still responsible for the debts and liabilities caused by Paragon, including the issues with Wells Fargo and the Argonaut Action. Plaintiff allegedly placed a special trust, confidence, and reliance in and is influenced by Defendant who has a fiduciary duty to act for protecting the benefit of Plaintiff. In Defendant's reply, it is emphasizes that there is a significant difference between a "fiduciary duty" and "fiduciary capacity" under Section 523.

From the court's view of the Third Amended Complaint, Plaintiffs has two obstacles here. The first is that the allegations of fraud or defalcation are already not sufficiently pled, for the reasons stated above. Second, and importantly, nothing is alleged or explained more clearly how Defendant and Plaintiff had a fiduciary relationship in any way. One could potentially infer that Stock Purchase Agreement created some fiduciary relationship where Plaintiff entered into the SPA for the sale of Paragon based on Defendant's false representation that Defendant would pay \$1,200,000 and put the SBA

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Loan towards Paragon. However, this does not meet the elements of an express or technical trust under California law as stated above. All that Plaintiff alleges regarding Section 523(a)(4) is that Defendant engaged in grossly reckless conduct sufficient to establish defalcation while acting in a fiduciary capacity. How? What is the fiduciary relationship that was established between the parties? These are critical questions that needed answered through factual allegations in the complaint in order to meet the plausibility standard under Iqbal and Twombly.

3. Third Cause of Action under Section 727(a)(3)

Under Section 727(a)(3), a debtor will not be granted discharge if the debtor has concealed, destroyed, mutilated, falsified, or failed to keep or preserve any recorded information, including books, documents, records, and papers, from which the debtor's financial condition or business transactions might be ascertained, unless such act or failure to act was justified under all of the circumstances of the case. "In order to state a prima facie case under section 727(a)(3), a creditor objecting to discharge must plead: (1) that the debtor failed to maintain and preserve adequate records, and (2) that such failure makes it impossible to ascertain the debtor's financial condition and material business transactions." *Lansdowne v. Cox (In re Cox)*, 41 F.3d 1294, 1296 (9th Cir.1994).

In this case, Plaintiff alleges that Debtor failed to produce certain bank statements from his account as a basis for a finding that Debtor had concealed information. Defendant argues that this does not detail any of the factual predicates to support this contention and that this statement is conclusory. Plaintiff elaborates in the opposition that the Third Amended Complaint alleges that Debtor transferred undisclosed assets to friends, relatives, and associates in order to hide assets from the bankruptcy court, US Trustee, and creditors, and through this fraudulent scheme, stole and dissipated Paragon's corporate assets and embezzled the funds for his own gain. Even after filing bankruptcy Debtor still has not reported the assets of Paragon and failed to provide Plaintiff any accounting for the period that he was in control of the financial affairs of Paragon. Because the complaint is written confusingly regarding this claim for relief, the court is not entirely clear what Plaintiff is alleging but gathers from both parties' arguments that

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Defendant has allegedly concealed assets by means of transferring these assets stolen from Plaintiff to friends, family and third parties prior to the bankruptcy. These alleged concealed records (bank statements reflecting the transfers) are the reason why Debtor's financial conditions or alleged fraudulent transactions cannot be ascertained. If this is a correct interpretation, the court urges Plaintiff to amend the Third Amended Complaint to reflect this in a clear way. Only then would the court consider this to meet the plausibility standard.

4. Fourth Cause of Action under Section 727(a)(5)

A claim under § 727(a)(5) requires the plaintiff to prove: (1) debtor at one time, not too remote from the bankruptcy petition date, owned identifiable assets; 2) on the date the bankruptcy petition was filed or order of relief granted, the debtor no longer owned the assets; and (3) the bankruptcy pleadings or statement of affairs do not reflect an adequate explanation for the disposition of the assets. In re Retz, 606 F.3d at 1205 (quoting Olympic Coast Inv., Inc. v. Wright (In re Wright), 364 B.R. 51, 79 (Bankr. D. Mont. 2007)).

As stated by Defendant, Plaintiff's Third Amended Complaint provides only a recitation of the effect of an adverse findings but does not make any factual or charging allegations. In Plaintiff's opposition, more explanation is provided to show that enough is sufficiently pled to meet the Iqbal and Twombly standard. First, the Third Amended Complaint alleges that Debtor transferred undisclosed assets to friends, relatives, and associates in order to hide the assets from the bankruptcy court, the US Trustee, and creditors. Debtor allegedly stole and dissipated Paragon's corporate assets and embezzled the funds for his own gain. Even after filing bankruptcy, Debtor did not report the assets of Paragon. The court appreciates Plaintiff's explanation of how its allegations demonstrate a cause of action under Section 727(a)(5), but this should have been clearly articulated in the Third Amended Complaint and not in the opposition brief. It may be sprinkled in the general factual allegations, but there is nothing to connect it to the elements of Section 727(a)(5) or to demonstrate how this cause of action has been adequately pled.

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D. Leave to Amend

There is great liberality afforded to pleadings in the Ninth Circuit (See *Carvalho v. Equifax Info. Servs. LLC.*, 629 F.3d 876, 892 (9th Cir. 2010); Fed. R. Civ. P. 15(a)). However, “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 citation omitted).

Although Defendant requests that this motion to dismiss be granted with prejudice, the court will offer Plaintiff one last opportunity to amend this complaint. This court needs to decide whether this adversary will move forward once and for all, and so far, Plaintiff has provided the court with theories, but with little detail, structure, or clear explanation as to how these theories are plausible. Plaintiff should focus on rewriting the general allegations in a clear timeline that explains how Defendant and Plaintiff’s relationship began to where we are now. The court needs more detail in how Defendant allegedly defrauded Plaintiff, and each causes of action needs to include factual allegations of how each element is met, if taken as true.

Appearance required.

Party Information

Debtor(s):

Craig Chang

Represented By
John M Boyko

Defendant(s):

Craig Chang

Represented By
John M Boyko

Plaintiff(s):

Arthur Fransen

Represented By
Mary Liu

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Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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Adv#: 8:24-01065 Marshack v. United Airlines, Inc.

#11.00 STATUS CONFERENCE RE: Complaint To Avoid And Recover Voidable Transfers
(cont'd from 8-01-24)
(cont'd from 10-31-24 per court's own mtn)
(cont'd from 11-14-24 per order approving stip. to cont. s/c entered 10-17-24 - see doc #30)

Docket 1

Tentative Ruling:

Tentative for November 21, 2024
See #12. *Appearance required.*

Tentative for August 1, 2024
See #31. *Appearance required.*

Tentative for June 27, 2024
Status conference continued to: August 1, 2024 at 11:00 a.m. to coincide with motion to dismiss. *Appearance required.*

Party Information

Debtor(s):

LF Runoff 2, LLC

Represented By
Marc C Forsythe

Defendant(s):

United Airlines, Inc.

Pro Se

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Plaintiff(s):

Richard A. Marshack

Represented By
Lauren N Gans

Trustee(s):

Richard A Marshack (TR)

Represented By
David Wood
D Edward Hays
Thomas J Polis
Laila Masud
Roye Zur
Lauren N Gans

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#12.00 United Airlines, Inc.'s Motion To Dismiss Plaintiff's First Amended Complaint Pursuant To Fed. R. Civ. P. **12(b)(6)**

Docket 25

Tentative Ruling:

Tentative for November 21, 2024

This is Defendant United Airlines, Inc.'s ("Defendant") Motion to Dismiss Chapter 7 Trustee Richard Marshack's ("Plaintiff") First Amended Complaint ("FAC") pursuant to Federal Rule of Civil Procedure 12(b)(6).

A. Background

This adversary proceeding arises from the underlying bankruptcy of LF Runoff 2, LLC ("Debtor"). Reportedly, the Matthew Browndorf Living Trust (the "Browndorf Trust") was the managing member of the Debtor and Matthew Browndorf ("Browndorf") was the CEO of the Living Trust. The Debtor acted as a holding company for multiple mortgage default foreclosure law firms (the "Foreclosure Firms") across the nation. Debtor was responsible for the administration of these Foreclosure Firms including collecting and remitting payroll taxes, filing the appropriate payroll tax forms with the IRS, remitting funds associated with an employee pension benefit plan, and remitting funds associated with a health care benefit program. These Foreclosure Firms had offices across the United States. Additionally, some of Debtor's subsidiaries and affiliates operated in foreign countries, including Poland and Luxembourg. Aside from being CEO, Browndorf also held roles in many of the Foreclosure Firms and their affiliates. From 2015 to 2018, the Debtor used its American Express Card to purchase approximately 288 flights from the Defendant in the approximate amount of \$400,000, with some of the tickets allegedly meant to be for the benefit of Browndorf's family and friends (and not directly or indirectly for debtor). In particular, the Debtor paid for approximately sixty flights for Browndorf between 2015 and 2018 to Poland,

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London, Frankfurt, Cologne, Cancun, and Miami. However, the Plaintiff's complaint also alleges that some of the flights were purchased for the benefit of the Foreclosure Firms, which are the Debtor's affiliates and subsidiaries. Furthermore, the Plaintiff in the Complaint alleges that the Debtor did not receive any benefit from the transfers to the Defendant. Defendant contends that no sufficient facts were pled in support of this assertion. Trustee claims that at the time of the transfers, these Foreclosure Firms and affiliates were insolvent and Debtor's interests in certain of the non-debtor affiliates had negative value. However, Defendant contends that no specific facts are alleged that support this allegation and Trustee does not allege that any of these allegedly insolvent entities filed petitions in bankruptcy.

The Debtor filed its bankruptcy petition on February 15, 2019. The Plaintiff, Richard Marshack, was appointed as the trustee of the Debtor's bankruptcy estate on September 5, 2019. The Plaintiff filed this adversary proceeding on April 12, 2024 in an effort to avoid the transfers comprised of purchases of flights by the Debtor from United. However, the Complaint does not contain allegations that there was a relationship between the Debtor and United or between Browndorf and United. Furthermore, there are no allegations that United knew the Debtor was solely a holding company and had no other business. While Mr. Browndorf was indicted in 2022 for various federal crimes, there are no facts alleged suggesting that United knew or should have known of this indictment when the flights were purchased.

B. Claims for Relief

Trustee pleads three claims for relief:

1. First Cause of Action under Section 544(b) and California Civil Code §§ 3439.04(a)(2), 3439.05, 3439.07. Trustee pleads that United did not provide Debtor with reasonably equivalent value for the Transfers and Debtor's books and records show that Since January 31, 2015, Debtor's liabilities significantly exceeded its assets and Debtor was insolvent at the time of the transfers.

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2. Second Cause of Action is Under Section 548 of the Bankruptcy Code: Trustee does not allege any additional facts but incorporates by reference all prior paragraphs.

3. Third Cause of Action Under Section 550: Trustee seeks to recover the value of the transfers. This is only viable if Trustee is able to establish a claim under Section 544 or 548.

C. Legal Standard

When considering a motion under FRCP 12(b)(6), a court takes all the allegations of material fact as true and construes them in the light most favorable to the nonmoving party. *Parks School of Business v. Symington*, 51 F.3d 1480, 1484 (9th Cir. 1995). A complaint should not be dismissed unless a plaintiff could prove no set of facts in support of his claim that would entitle him to relief. *Id.* Motions to dismiss are viewed with disfavor in the federal courts because of the basic precept that the primary objective of the law is to obtain a determination of the merits of a claim. *Rennie & Laughlin, Inc. v. Chrysler Corporation*, 242 F.2d 208, 213 (9th Cir. 1957). But the standard governing Rule 12 motions has evolved. "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 court must accept as true all factual

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allegations is not applicable to legal conclusions. Id.

D. Trustee's Powers to Avoid Transfers

Pursuant to 11 U.S.C. § 544, a Trustee may avoid any transfer of property of the debtor that is avoidable under state law. Plaintiff cites to two relevant California statutes: Cal. Civ. Code § 3439.04(a)(2) and Cal. Civ. Code § 3439.05. Under Cal. Civ. Code § 3439.04(a)(2), a transfer may be voided if the debtor made the transfer without receiving a reasonably equivalent value in exchange for the transfer, as long as the debtor was either: (1) engaged or was about to engage in a business or transaction for which the remaining assets were unreasonably small in relation to the business or transaction; and (2) intending to incur, or believe or reasonably should have believed that debts would be incurred beyond the debtor's ability to pay. Cal. Civ. Code § 3439.05 states that a transfer may be avoidable if the debtor made the transfer without receiving a reasonably equivalent value in exchange while the debtor was insolvent or became insolvent as a result of the transfer. Similarly, 11 U.S.C. § 548 provides that a trustee may avoid any transfer made or incurred on or within 2 years before the date of the filing if the debtor received less than reasonably equivalent value in exchange for the transfer and was: (1) insolvent on the date that such transfer was made; (2) engaged or about to engage in business or a transaction for which any property remaining with the debtor was an unreasonably small capital; and (3) intending or believing to incur debts that would be beyond debtor's ability to pay.

Under § 544 and § 548, a trustee must allege the following elements to establish that the claim is plausible: (1) the transfer must have involved property of the debtor; (2) the debtor must not have received a reasonably equivalent in exchange; (3) the debtor must have been insolvent at the time of transfer or made insolvent by the transfer; and (4) the adversary proceeding must be brought in a timely manner under each statute. *In re United Energy Corp.*, 944 F.2d 589, 594-95 (9th Cir. 1991). The two elements that remain in dispute in Trustee's FAC are whether Debtor received reasonably equivalent value in exchange and whether Debtor was insolvent at the time of the

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transfers or made insolvent by the transfers. Both are explored further below.

1. Reasonably Equivalent Value of the Transfers

Defendant argues in the motion that, once again, Trustee fails to plead the elements showing that Debtor did not receive reasonably equivalent value of the Transfers. Under *Frontier Bank v. Brown (In re Northern Merchandise, Inc.)*, 371 F.3d 1056, 1058 (9th Cir. 2004), it is well settled that "reasonably equivalent value can come from one other than the recipient of the payments, a rule which has become known as the indirect benefit rule." Per the court's instruction from the previous tentative, Trustee does now provide a chart of the purported Transfers with the alleged purchase amounts. Trustee asserts that the flights were not purchased for the Debtor's benefit, but for either Debtor's affiliated, subsidiary companies, and/or third parties, such as family and friends. To support this, Trustee alleges that the Transfers are comprised of airfares paid by Debtor for three categories of individuals: (1) Mr. Browndorf, (2) employees of Browndorf's subsidiaries and affiliates, and (3) Mr. Browndorf's family and friends, including his wife, son, and assistant. The court agrees that additional detail has been provided regarding the individual passengers, the destinations (including whether they are related to one non-debtor subsidiary or affiliate) and the prices of the airfare. However, Defendant contends that Trustee still fails to provide well-pled facts sufficient to negate the inference that Debtor received an indirect benefit from the Transfers under *Northern Merchandise*. As emphasized in the previous tentative, the court is not looking for a forensic analysis of each transaction at this stage, but that the Plaintiff provide facts distinguishing who the Transfers allegedly benefited and, importantly, why the Debtor did not benefit from each Transfer. The court finds, through its analysis of each category below, that the first requirement has likely been met, but the indirect benefit requirement has not.

As to the first and second category (flights taken by My. Browndorf and employees of the subsidiaries and affiliates), the destinations of the flights included Poland, London, Frankfurt, Cologne, Cancun, and Miami, which are according to Defendant some of the destinations where Debtor's subsidiaries

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conducted business. Defendant argues that Plaintiff fails to explain how Debtor did not receive an indirect benefit by having Mr. Browndorf, as officer of Debtor and manager of many of these subsidiaries and affiliates, travel to these locations for potential business. Trustee argues that the FAC makes a specific allegation that Debtor had no business in the destinations to which Browndorf traveled. Further, Trustee asserts that it is not his burden to disprove (at the pleading stage) any alleged indirect benefit to the Debtor from the Transfers. Trustee cites to *In re TriGem Am. Corp.*, 431 B.R. 855, 867-68 (Bankr. C.D. Cal. 2010) for the proposition that "indirect benefits can suffice as reasonably equivalent value if they are fairly concrete and identifiable" from the standpoint of the debtor's creditors. "Once the plaintiff makes a prima facie showing that no sufficient direct benefit was received in the transaction, it is the defendants' burden to prove sufficient indirect benefit that is tangible and concrete." *Id.* at 868 (emphasis added). In other words, Trustee argues that he is not required at this point to disprove an affirmative defense by United that it provided an indirect benefit to Debtor in exchange for the Transfers. If the court disagrees, Trustee asserts that he has adequately negated the "indirect benefit" to Debtor since the subsidiaries and affiliates that Browndorf was officer of were insolvent at the time of the Transfers.

Defendant contends that Trustee has confused the burden of proof and burden of production at summary judgment with Plaintiff's burden at the pleading stage. At this stage, the issue is whether Trustee has pled sufficient facts to provide a plausible claim of constructive fraudulent transfer against United. Part of this requirement is showing that Debtor did not receive reasonably equivalent value, which includes not receiving a direct nor indirect benefit either. Moreover, Trustee's argument that there was no indirect benefit to Debtor because the holding company and the subsidiaries/affiliates were insolvent is not persuasive to the court in comparison to the cases cited by Trustee. *In Murphy v. Avianca, Inc. (In re Duque Rodriguez)*, 77 B.R. 937 (Bankr. S.D. Fla. 1987), *aff'd*, *In re Rodriguez*, 895 F.2d 725 (11th Cir. 1990), the subsidiaries in that case filed for bankruptcy about two months after the transfers were made. In this case, only one of the subsidiaries, BP Fisher, filed bankruptcy, and most of the Transfers were made four years prior to

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Debtor's bankruptcy filing.

As has been raised before, the court is troubled with the central premise in this case surrounding the question on lack of equivalent value, i.e. why isn't it enough that airline tickets bought at retail and in fact used to fly are not reasonably equivalent to the prices paid?

Finally, for flights allegedly taken by Mr. Browndorf's family and friends (Browndorf's wife, son, and assistant), Defendant contends that Mrs. Browndorf was also working for Debtor and the FAC fails to allege why these Transfers were not of indirect benefit to the Debtor. While that may be the case, the court is mindful of Trustee's allegations that Browndorf took his family and friends to fancy vacations at Debtor's expense, and that there may be no indirect benefit here to Debtor. But the truth of it must remain for further proceedings; at present in a Rule 12 motion, it is sufficient if plausible allegation has been made, and the court finds the complaint adequate on that front. These Transfers could be considered to meet the requirements of a constructively fraudulent transfer, but an issue remains with insolvency, which the court explains below that has not been sufficiently pled by Trustee.

2. Insolvency

Ninth Circuit precedent provides that insolvency is not to be assumed, and that where the alleged transfers are not close in time to the bankruptcy petition, it is particularly important that insolvency be pled with supporting facts. *In re Blue Earth, Inc.*, 2019 WL 4929933, *6-9 (B.A.P. 9th Cir. 2019) *rev. in part In re Blue Earth* (Dec. 21,2020) docket no. 19-60054. Furthermore, courts in the Ninth Circuit have held that a debtor who stays in business for more than a few months following the alleged transfer was not insolvent at the time of the transfer. *Id. Blue Earth, Inc.*, establishes three tests to establish insolvency under 11 U.S.C. § 548: (1) the balance sheet test, which requires the trustee to allege facts that show debtor's liabilities exceeded its assets at the time of the transfers; (2) the adequate capital test, which requires the trustee to allege facts that the transfers left the debtor with unreasonably small capital; and (3) the cash flow test, which requires that the trustee allege facts that show the debtor never truly intended to pay its debts because the debtor was actually or constructively aware that the debt

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exceeded its ability to pay.

Defendant argues that the FAC does not plead a single fact that establishes that Debtor was insolvent at the time of the Transfers, but instead, only pleads the elements of his claims. In the FAC it is alleged that "The Debtor's books and records reflect that, as early as January 31, 2015, and at all relevant times thereafter, the Debtor's liabilities significantly exceeded its assets and, accordingly, on a balance sheet basis, the Debtor was insolvent." [Complaint p.9 at lines 8-16]. Trustee contends in his opposition that the Ninth Circuit has held that general allegations of insolvency are sufficient under Rules 8 of the Federal Rules of Civil Procedure. See *Danning v. Lavine*, 572 F.2d 1386, 1389 (9th Cir. 1978) (concluding that a complaint's allegation that "At the time of said transfer, [the debtor] was, or was thereby rendered, insolvent" was adequate under Rule 8); *In re Cent. Ill. Energy Cooperative*, 561 B.R. 699, 714 (Bankr. C.D. Ill. 2016) (applying *Danning* and concluding that "the date or dates of the Co-op's insolvency is an issue of fact not subject to determination upon a Rule 12(b)(6) motion. The Trustee's general allegation of insolvency is sufficient at this stage"). Trustee argues that *Danning* is the controlling Ninth Circuit precedent that the court must follow. Additionally, the facts in *Blue Earth*, unpublished precedent, show that the trustee was required to allege facts showing why Debtor's publicly filed balance sheet was inaccurate. This is different from our case where Debtor does not have any public filings indicating solvency or insolvency.

Defendant argues in the reply that *Danning* is a Ninth Circuit precedent published twenty-two years prior to the *Iqbal* decision. The Supreme Court has established a new standard for pleadings in the federal courts under *Iqbal* and *Twombly*. Further, the nonbinding bankruptcy court decisions that apply *Danning* prior to *Iqbal* and *Twombly* are also allegedly improper. The more recent nonbinding bankruptcy court decisions also involve different causes of action and circumstances. While *Blue Earth* may be unpublished, Defendant contends that it is a recent decision by the BAP, applying *Iqbal* and *Twombly* to evaluate the sufficiency of pleading of insolvency for constructively fraudulent transfer claims. The court agrees with Defendant that it is at least unclear whether *Danning* may reflect the Ninth Circuit's current interpretation

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of the law now that *Iqbal* and *Twombly* have been introduced, and/or *Blue Earth* may presents a similar and more persuasive line of thinking.

Reportedly footnote 3 of Trustee's opposition to the motion indicates that Debtor's 2015-2016 balance sheet shows that Debtor was insolvent on a balance sheet basis because it had negative assets (ranging in value from negative \$4.6 million to negative \$200,000, and liabilities ranging from \$100,000 to \$5.1 million). [Opposition, p.11 at lines 26-28]. However, Defendant argues that one year's balance sheet is insufficient to represent the subsequent four years of the Debtor's financial status. Further, even when Debtor filed its petition for bankruptcy, *public filing reportedly showed that Debtor's assets were greater than its liability*. Finally, Debtor allegedly remained in business during the four years that the alleged Transfers took place and for multiple months following the last alleged Transfer. The court expects Trustee to provide more from the "books and records" showing Debtors' liabilities exceeding its assets on a balance sheet basis (but for more than just one year). What about the other years prior to bankruptcy? Without this information, it is difficult for the court to conclude in the FAC that insolvency has been sufficiently pled under the *Iqbal* and *Twombly* standard as interpreted in *Blue Earth*. It may be necessary for the Trustee to allege, in effect, a zombie existence for the subsidiaries for the entire period in question and up to petition.

Given the court's concerns about the central promise of this case on reasonably equivalent value, it is incumbent upon the Trustee to allege more fulsomely that as to each of these transfers the debtor was insolvent at the time by giving more reference to why the 2015-16 balance sheet was correct on the question of solvency and/ or why other indications of possible solvency were false and misleading.

Grant with leave to further amend. Appearance required.

Party Information

Debtor(s):

LF Runoff 2, LLC

Represented By

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

Thursday, November 21, 2024

Hearing Room 5B

11:00 AM

CONT... LF Runoff 2, LLC

Chapter 7

Marc C Forsythe

Defendant(s):

United Airlines, Inc.

Represented By
Mackenzie C. Foellmer

Plaintiff(s):

Richard A. Marshack

Represented By
Lauren N Gans
Roye Zur

Trustee(s):

Richard A Marshack (TR)

Represented By
David Wood
D Edward Hays
Thomas J Polis
Laila Masud
Roye Zur
Lauren N Gans