Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

10:00 AM 8:00-0000

Chapter

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

For information about appearing in person (or a hybrid hearing) please visit https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert.

Case participants may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Video/audio web address: https://cacb.zoomgov.com/j/1605680329

Theodor Albert, Presiding Courtroom 5B Calendar

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Hearing Room

5B

10:00 AM **CONT...**

Chapter

ZoomGov meeting number: 160 568 0329

Password: 582160

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- 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.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have

Theodor Albert, Presiding Courtroom 5B Calendar

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Chapter

<u>10:00 AM</u>

CONT... completed your appearance(s).

0

Docket

Tentative Ruling:

- NONE LISTED -

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

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5B

10:00 AM

8:22-11039 Craig Chang

Chapter 7

Adv#: 8:22-01085 Hainan Guanghua Group USA v. Chang

#1.00 STATUS CONFERENCE RE: Complaint For: 1. Intentional Misrepresentation -- Count One; 2. Intentional Misrepresentation -- Count Two; 3. Intentional Misrepresentation -- Count Three; 4. Conversion; 5. Breach Of Fiduciary Duty; 6. Declaratory Relief Regarding The Non-Dischargeability Of The Debt Under § 727(a)(3); 7. Declaratory Relief Regarding The Non-Dischargeability Of The Debt Under § 727(a)(5); 8. Declaratory Relief Regarding The Non-Dischargeability Of The Debt Under § 523(a)(2); And 9. Declaratory Relief Regarding The Non-Dischargeability Of The Debt Under § 523(a)(4) (cont'd from 10-05-23 per court's own mtn) (cont'd from 5-09-24 per court's own mtn) (cont'd from 5-30-24)

Docket 1

Tentative Ruling:

Tentative for December 12, 2024

By stipulation the court will continue the stay of the adversary proceeding pending further status conference June 5, 2025 at 10:00 a.m. *Appearance is optional.*

Tentative for May 30, 2024

Reportedly the state court matter is no longer set for trial, and may not be fully at issue. What are the projections? *Appearance required*.

Tentative for October 12, 2023

Stayed pending resolution of matter set for trial in state court April 2024. Absent other reason continue for status conference May 9, 2024 at 10:00 a.m. Appearance is optional.

Santa Ana Ior Albert, Presidin

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

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10:00 AM

CONT... Craig Chang

Chapter 7

Tentative for 3/16/23:

Is state court matter still pending and should the status conference be continued? A status report was expected but not filed.

Appearance: required

Party Information

Debtor(s):

Craig Chang Represented By

John M Boyko

Defendant(s):

Craig Chang Pro Se

Plaintiff(s):

Hainan Guanghua Group USA Represented By

Helen Quan Carrie Kane Chan

Trustee(s):

Jeffrey I Golden (TR) Pro Se

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

10:00 AM

8:21-11703 DGWB, Inc.

Chapter 7

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

#2.00 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 4-11-24 per order approving stip to cont. s/c entered 4-01-24) (cont'd from 6-27-24)

(cont'd from 10-03-24 per order approving stip to cont. s/c entered 9-19-24) (cont'd from 11-14-24)

Docket

*** VACATED *** REASON: OFF CALENDAR - ORDER GRANTING STIPULATION FOR ORDER DISMISSING ADVERSARY PROCEEDING ENTERED 11-20-24 - SEE DOC #53

Tentative Ruling:

Tentative for November 14, 2024

Continue in favor of a Rule 9019 motion? Appearance required.

Tentative for June 27, 2024

Refer to mediation. Order appointing mediator to be lodged by plaintiff within 10 days. One day of mediation to be completed by Oct. 1, 2024. Status conference continued to: 10/03/24 at 10:00 a.m.

Appearance is optional.

Party Information

Debtor(s):

DGWB, Inc.

Represented By Thomas J Polis

Santa Ana Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024 Hearing Room 5B

10:00 AM

CONT... DGWB, Inc. Chapter 7

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

David M Goodrich

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

10:00 AM

8:19-10526 LF Runoff 2, LLC

Chapter 7

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

#3.00 STATUS CONFERENCE RE: Second Amended Complaint To Avoid And Recover Voidable Transfers

(another summons isssued on 8-05-24)

(cont'd from 10-24-24 per order apprvg 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)

(cont'd from 11-21-24 per order approving third stip extending time to answer or otherwise respond to the second amd cmplt entered 11-06-24 - see order #26)

Docket 14

*** VACATED *** REASON: CONTINUED TO 3-13-25 AT 10:00 A.M. PER ANOTHER SUMMONS ISSUED ON THIRD AMENDED COMPLAINT ON 12-05-24 - SEE DOC #34

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

12/11/2024 1:44:16 PM

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Theodor Albert, Presiding Courtroom 5B Calendar

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10:00 AM CONT	LF Runoff 2, LLC		Cha	pter 7
		Thomas J Polis		
		Laila Masud		

Roye Zur Lauren N Gans

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

10:00 AM

8:22-11091 Martin Arnold Van Der Hoeven

Chapter 7

Adv#: 8:24-01125 Troiano v. Van Der Hoeven

#4.00 STATUS CONFERENCE RE: Complaint To Determine Dischargeability Of Debt Pursuant To Section 523(a) And To Deny Discharge Pursuant To Section 727(a)

Docket 1

Tentative Ruling:

Tentative for December 12, 2024 Not at issue yet? *Appearance required*.

Party Information

Debtor(s):

Martin Arnold Van Der Hoeven Represented By

Leonard M Shulman

Defendant(s):

Martin Arnold Van Der Hoeven Pro Se

Plaintiff(s):

Daniel Troiano Represented By

Ellen S. Robbins

Trustee(s):

Karen S Naylor (TR) Pro Se

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

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5B

10:00 AM

8:20-10477 Serenity Oak Farms, LLC

Chapter 7

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

#5.00 PRE-TRIAL CONFERENCE RE: Complaint To Avoid Voidable Transactions (cont'd from 5-5-22) (Another summons issued 4/8/22) (cont'd from 2-29-24 per order approving stip. to cont. status conference entered 2-09-24) (re-scheduled from 6-27-24 to 4-25-24 per order approving stip. re: adversary proceeding schedule entered 4-04-24) (cont'd from 4-25-24 per order approving stip to cont. adversary status conference entered 4-18-24) (set from s/c hrg held on 5-02-24)

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

Docket 1

*** VACATED *** REASON: OFF CALENDAR - ORDER APPROVING STIPULATION TO DISMISS ADVERSARY PROCEEDING AND TO VACATE ALL FUTURE HEARINGS ENTERED 12-09-24 - SEE DOC #145

Tentative Ruling:

Tentative for May 2, 2024
Deadline for completing discovery is October 31, 2024
Last date for filing pre-trial motions is November 15, 2024
Pre-trial conference on December 12, 2024 at 10:00 a.m.
Joint pre-trial order due per local rules.
Appearance required.

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

Santa Ana

Theodor Albert, Presiding Courtroom 5B Calendar

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10:00 AM

CONT... Serenity Oak Farms, LLC

Chapter 7

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

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

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

10:00 AM

8:23-10500 Nasser Ghodsifar

Chapter 7

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

#6.00 PRE-TRIAL 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)

(cont'd from 11-09-23)

(cont'd from 1-11-24 per another summons issued on 12-11-23)

(cont'd from s/c hrg held on 2-29-24)

(cont'd from 10-10-24 per order approving stip. to extend discovery cutoff & related dates entered 8-30-24 - see doc #34)

Docket 5

*** VACATED *** REASON: OFF CALENDAR - ORDER ON STIPULATION DISMISSING SECOND AMENDED COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT PURSUANT TO 11 U.S.C. § 523(a)(2)(A) AND § 523(a)(4) ENTERED 12-09-24 - SEE DOC #40

Tentative Ruling:

Tentative for February 29, 2024

Why no status report? Appearance required.

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

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10:00 AM

CONT... Nasser Ghodsifar

Chapter 7

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

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

10:00 AM

8:22-11776 Elaheh Yazdi

Chapter 7

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

#7.00 PRE-TRIAL CONFERENCE RE: Complaint To Determine Dischargeability Of Debts (1) 11 USC Section 523(a)(4), (2) 11 USC Section 523(a)(6) (set from s/c hrg held on 7-11-24) (cont'd from 11-07-24 per order approving stip. to cont. pre-trial conf entered 10-23-24 - see doc #87)

Docket 1

*** VACATED *** REASON: CONTINUED TO 01-09-25 AT 10:00 A.M. PER ORDER APPROVING STIPULATION TO CONTINUE PRE-TRIAL CONFERNCE ENTERED 12-02-24 - SEE DOC #14

Tentative Ruling:

Tentative for July 11, 2024

Deadline for completing discovery: October 1, 2024 Last date for filing pre-trial motions: October 18, 2024 Pre-trial conference on: November 7, 2024 at 10:00 a.m. Joint pre-trial stipulation and/or order due per local rules. *Appearance required*.

. .

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

Tentative for November 30, 2023

See #8.

Tentative for 5/4/23:

See #6.

Party Information

Debtor(s):

Elaheh Yazdi

Represented By

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CONT... Elaheh Yazdi

Chapter 7

Defendant(s):

Elaheh Yazdi

Pro Se

Plaintiff(s):

Verdugo Plaza Pharmacy, Inc.

Represented By Stella A Havkin

Ahren A Tiller

Lawrence T Wong

Represented By Stella A Havkin

Trustee(s):

Richard A Marshack (TR)

Represented By

Melissa Davis Lowe

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

10:00 AM

Adv#: 8:24-01005

8:19-10158 BP Fisher Law Group, LLP

Marshack v. Browndorf

Chapter 7

#8.00 PRE-TRIAL CONFERENCE RE: Complaint to Avoid, Recover, and Preserve:(1) Actual Fraudulent Transfers [11 U.S.C. §§ 548, 550, and 551]; (2) Constructive Fraudulent Transfers [11 U.S.C. §§ 548, 550, and 551]; (3) Actual Fraudulent Transfers [11 U.S.C. §§ 544, 550, and 551]; Cal Civ. Code § 3934.04, 3439.07]; (4) Constructive Fraudulent Transfers [11 U.S.C. §§ 544, 550, and 551; Cal Civ. Code § 3439.05, 3439.07]; and (5) Breach of Contract (set from s/c hrg held 5-23-24)

Docket 1

*** VACATED *** REASON: CONTINUED TO 2-12-25 AT 10:00 A.M. PER ORDER GRANTING MOTION TO EXTEND SCHEDULING ORDER DATES AND DEADLINES ENTERED 10-18-24 - SEE DOC #29

Tentative Ruling:

Tentative for May 23, 2024

Deadline for completing discovery is November 1, 2024

Last date for filing pre-trial motions is November 15, 2024

Pre-trial conference is on December 12, 2024 at 10:00 a.m.

Joint pre-trial stipulation and/or 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 September 15, 2024.

Appearance required.

Tentative for March 28, 2024

Continue per plaintiff's request to May 23, 2024 at 10:00 a.m. to explore default questions. Appearance suggested.

Party Information

Debtor(s):

BP Fisher Law Group, LLP

Represented By Marc C Forsythe Michael S Myers

Santa Ana Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

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5B

10:00 AM

CONT... BP Fisher Law Group, LLP

Chapter 7

Defendant(s):

Matthew Browndorf Pro Se

Plaintiff(s):

Richard A. Marshack Represented By

David Wood D Edward Hays

Trustee(s):

Richard A Marshack (TR)

Represented By

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

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

10:00 AM

8:19-10526 LF Runoff 2, LLC

Chapter 7

Adv#: 8:24-01006 Marshack v. Browndorf

#9.00 PRE-TRIAL CONFERENCE RE: Complaint to Avoid, Recover, and Preserve:(1) Actual Fraudulent Transfers [11 U.S.C. §§ 548, 550, and 551]; (2) Constructive Fraudulent Transfers [11 U.S.C. §§ 548, 550, and 551]; (3) Actual Fraudulent Transfers [11 U.S.C. §§ 544, 550, and 551]; Cal Civ. Code § 3934.04, 3439.07]; (4) Constructive Fraudulent Transfers [11 U.S.C. §§ 544, 550, and 551; Cal Civ. Code § 3439.05, 3439.07]; and (5) Breach of Contract (set from s/c hrg held 5-23-24)

Docket 1

*** VACATED *** REASON: CONTINUED TO 2-12-25 AT 10:00 A.M. PER ORDER GRANTING MOTION TO EXTEND SCHEDULING ORDER DATES AND DEADLINES ENTERED 10-18-24 - SEE DOC #14

Tentative Ruling:

Tentative for May 23, 2024

Deadline for completing discovery is November 1, 2024

Last date for filing pre-trial motions is November 15, 2024

Pre-trial conference is on Deember 12, 2024 at 10:00 a.m.

Joint pre-trial stipulation and/or 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 September 15, 2024.

Appearance required.

Tentative for March 28, 2024

Related to #3. Continue to May 23, 2024 at 10:00 a.m. Appearance suggested.

Party Information

Debtor(s):

LF Runoff 2, LLC

Represented By
Marc C Forsythe

Santa Ana Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024 Hearing Room 5B

10:00 AM

CONT... LF Runoff 2, LLC Chapter 7

Defendant(s):

Matthew Browndorf Pro Se

Plaintiff(s):

Richard A. Marshack Represented By

David Wood D Edward Hays

Trustee(s):

Richard A Marshack (TR)

Represented By

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

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

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5B

11:00 AM

8:18-10203 Phillip Barry Greer

Chapter 7

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

#10.00 Emergency Motion To Enforce Terms Of The Settlement Agreement Pursuant To Stipulation In Adversary Proceeding No. 8:18-AP-01069 TA

Docket 175

*** VACATED *** REASON: CONTINUED TO 1-09-25 AT 11:00 A.M. PER ORDER GRANTING STIPULATION TO CONTINUED THE HEARING ON THE EMERGENCY MOTION TO ENFORCE TERMS ENTERED 12-05-24 - SEE DOC #181

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Barry Greer Represented By

Phillip B Greer

Defendant(s):

Arlene C Biden Represented By

Phillip B Greer

Plaintiff(s):

Chriss W. Street Represented By

Timothy C Aires

Richard A Marshack Represented By

Ryan D O'Dea

Trustee(s):

Richard A Marshack (TR)

Represented By

James C Bastian Jr Ryan D O'Dea

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

11:00 AM

8:24-10717 Henry George Brennan

Chapter 11

Adv#: 8:24-01130 Acclaim Recovery Management, LLC., v. Brennan et al

#11.00 Defendants' Motion To Dismiss Plaintiff's 11 U.S.C. § 727 Claims for Relief - 12(b)6

Docket 4

Tentative Ruling:

Tentative for December 12, 2024

Defendants argue that Plaintiff's first through fourth claims for relief are brought under Section 727, and because Defendants are in a Chapter 11 proceeding, the claims must be dismissed without leave to amend as they are barred as a matter of law. Plaintiff does not appear to disagree with this argument but contends that this would not be the case if: (a) Debtors case were converted to Chapter 7 or (b) the provisions of Section 1141(d)(3) applied. The court agrees with both arguments. Plaintiffs request in the opposition that the court continue the hearing on this motion to dismiss to January 9, 2025, the same day as the status conference and apparently to coincide with a motion to convert to chapter 7 that Plaintiff intends to file. If the court converts, then the Section 727 claims would be permitted unless Defendants filed a motion to dismiss under alternative theories. However, no hearing has actually been set for this motion to convert, nor has any motion been filed as of December 6, 2024. To be heard on January 9, the motion to convert would need to be filed by December 19 to comply with the 21 day requirement under the LBRs. Since there is no actual date that the motion to convert will be heard as yet, perhaps instead of continuing the motion to dismiss, the court could stay the Section 727 claims now until a motion to convert is actually filed, set for hearing, and ruled on by this court.

Stay the Section 727 claims until the Motion to Convert to Chapter 7 is heard or March 1, 2025, whichever first occurs. *Appearance required*.

Party Information

Debtor(s):

Henry George Brennan

Represented By

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11:00 AM
CONT... Henry George Brennan Chapter 11

M. Candice Bryner Craig G Margulies

Defendant(s):

Henry George Brennan Represented By

M. Candice Bryner

Lisa Ann Brennan Represented By

M. Candice Bryner

Joint Debtor(s):

Lisa Anne Brennan Represented By

M. Candice Bryner Craig G Margulies

Plaintiff(s):

Acclaim Recovery Management, Represented By

James A Dumas Jr

Trustee(s):

Arturo Cisneros (TR) Pro Se

Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024

Hearing Room

5B

11:00 AM

8:24-11278 Stewart Vincent Taddeo

Chapter 7

Adv#: 8:24-01116 Stark et al v. Taddeo et al

#12.00 Defendants Stewart And Yasuyo Taddeos' Motion To Dismiss Plaintiffs' Complaint For Non Dischargeability **12b(6)**

(moved from 11-14-24 see doc #13) - This matter has been moved back to 11-14-24 per Amna on 11-07-24

Docket 6

*** VACATED *** REASON: THIS MATTER WILL BE HEARD ON ORIGINAL DATE & TIME 11-14-24 AT 11:00 A.M. PER LAW CLERK

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stewart Vincent Taddeo Represented By

Dennis Connelly

Defendant(s):

Stewart Vincent Taddeo Represented By

Dennis Connelly

Yasuyo Kangu Taddeo Represented By

Dennis Connelly

Joint Debtor(s):

Yasuyo Kangu Taddeo Represented By

Dennis Connelly

Plaintiff(s):

Larry S. Stark Represented By

Lazaro E Fernandez

Betty I. Stark Represented By

Lazaro E Fernandez

Santa Ana Theodor Albert, Presiding Courtroom 5B Calendar

Thursday, December 12, 2024 Hearing Room 5B

11:00 AM

CONT... Stewart Vincent Taddeo Chapter 7

Trustee(s):

Jeffrey I Golden (TR) Pro Se