

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, January 7, 2026

Hearing Room 301

10:30 AM

1: -

Chapter

#0.00 All hearings on this calendar will be conducted in Courtroom 301 at 21041 Burbank Boulevard, Woodland Hills, California, 91367. All parties in interest, members of the public and the press may attend the hearings on this calendar in person.

Additionally, (except with respect to evidentiary hearings, or as otherwise ordered by the Court) parties in interest (and their counsel) may connect by ZoomGov audio and video free of charge, using the connection information provided below. Members of the public and the press may only connect to the zoom audio feed, and only by telephone. Access to the video feed by these individuals is prohibited.

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Docket 0

Tentative Ruling:

- NONE LISTED -

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1:25-10761 Vahe Vince Delakyan

Chapter 11

**#1.00 Final Fee Application of Subchapter V Trustee For Approval
of Fees And Reimbursement Of Expenses**

Docket 65

Tentative Ruling:

John-Patrick Fritz, subchapter V trustee ("Applicant") – approve fees of \$3,187.50 on a final basis.

Applicant must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by Applicant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Vahe Vince Delakyan

Represented By
Michael Jay Berger

Movant(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:25-10761 Vahe Vince Delakyan

Chapter 11

#1.01 First and Final Application for Compensation and Reimbursement
of Expenses of Michael Jay Berger

Docket 69

Tentative Ruling:

The Law Offices of Michael J. Berger ("Applicant"), bankruptcy counsel to the debtor – approve fees of \$20,719.50 and expenses of \$1,024.93, for the period of May 2, 2025 through December 11, 2025, on a final basis.

Applicant may apply the remaining prepetition retainer balance in the amount of \$20,646.50 and receive payment in full of the balance of the approved fees and the approved expenses.

Applicant to submit the order within seven (7) days.

Note: No response had been filed. Accordingly, no court appearance by Applicant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Vahe Vince Delakyan

Represented By
Michael Jay Berger

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:00 PM

1:25-10602 World of Mistry, LLC

Chapter 11

#2.00 Confirmation hearing re: Debtor's Chapter 11 Liquidating
Plan Dated July 9, 2025, As Modified

fr. 11/26/25

Docket 104

Tentative Ruling:

Continued to **1:00 p.m. on February 25, 2026** [docs. 137 and 141].

Appearances on January 7, 2026 are excused.

Party Information

Debtor(s):

World of Mistry, LLC

Represented By

Ron Bender

Todd M Arnold

Anthony A. Friedman

Katherine Bunker

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1:25-10602 World of Mistry, LLC

Chapter 11

#3.00 Status conference re: chapter 11 case

fr. 6/11/25; 6/18/25; 8/20/25; 11/5/25; 11/26/25

Docket 1

Tentative Ruling:

The Court will continue the chapter 11 case status conference to **1:00 p.m. on February 25, 2026**, to be held concurrently with the hearing on confirmation of the debtor's chapter 11 plan [doc. 104]. *See* docs. 137 and 141.

Appearances on January 7, 2026 are excused.

Party Information

Debtor(s):

World of Mistry, LLC

Represented By

Ron Bender

Todd M Arnold

Anthony A. Friedman

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1:24-10859 Krystal Heedly Cain

Chapter 7

#4.00 Motion to Approve Compromise with Anthony Cain

fr. 11/12/25; 11/26/25; 12/10/25

Stipulation to continue filed

Docket 43

***** VACATED *** REASON: Hearing continued to 1/21/26 at 1:30 p.m.
per Order entered 12/30/25.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Krystal Heedly Cain

Represented By
Stella A Havkin

Movant(s):

David Keith Gottlieb (TR)

Represented By
Laila Rais
Tinho Mang

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Rais
Tinho Mang

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1:24-11748 Lytton Vineyard & Winery, L.P. and Daniel Chapman

Chapter 11

#5.00 Omnibus Motion to Disallow The Claims of Limited Partners
Zhi Hong Zang; Chunting Want; Tong Jin; Yunning Ahao And
Mei Yang, Filed as Proof of Claim Nos. 21-1, 22-1, 23-1,
24-1, and 25-1

fr. 8/27/25 (stip); 9/24/25(stip); 10/8/25 (stip); 11/5/25(stip); 12/3/25

Docket 221

***** VACATED *** REASON: Pursuant to Order entered 12/30/25. [Dkt.
373]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

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1:24-11748 Lytton Vineyard & Winery, L.P.

Chapter 11

**#6.00 Motion to Disallow the Claim of S. Lytton Associates, L.P.
Filed as Proof of Claim No. 26-1**

fr. 9/25/25(stip); 10/8/25 (stip); 11/5/25(stip); 12/3/25 (Stip)

Docket 246

***** VACATED *** REASON: Voluntary dismissal of motion filed 12/29/25.
[Dkt. 370]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

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1:24-11748 Lytton Vineyard & Winery, L.P.

Chapter 11

**#7.00 Motion to Disallow the Claim of Maribeth Levine Filed
as Proof of Claim No. 27-1**

fr. 9/24/25(stip); 10/8/25 (stip); 11/5/25(Stip); 12/3/25 (Stip;

Docket 245

***** VACATED *** REASON: Voluntary dismissal of motion filed 12/29/25.
[Dkt. 369]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

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1:24-11748 Lytton Vineyard & Winery, L.P.

Chapter 11

#8.00 Motion to Disallow the Claim of Susan Lytton and The
Estate of Sheldon Lytton Filed as Proof of Claim No. 30-1

fr. 9/24/25 (stip); 11/5/25(stip); 12/3/25(Stip);

Docket 247

***** VACATED *** REASON: Voluntary dismissal of motion filed 12/29/25.
[Dkt. 371]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

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1:25-11327 Lenasi, Inc.

Chapter 11

#9.00 Motion to Disallow Claim No. 10 of WMCV Phase 2 SPE, LLC

Docket 81

Tentative Ruling:

The Court will grant the debtor Lenasi, Inc.'s *Motion to Disallow Claim No. 10 of WMCV Phase 2 SPE, LLC* [doc. 81] and reclassify the claim no. 10-1 of WMCV Phase 2 SPE, LLC as an unsecured nonpriority claim in the amount of \$265,481.43.

Movant must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Lenasi, Inc.

Represented By
Vahe Khojayan

Movant(s):

Lenasi, Inc.

Represented By
Vahe Khojayan

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
John-Patrick M Fritz

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1:25-11619 Forest Robin and Deborah Robin

Chapter 7

#10.00 Motion to Extend Time to File a Complaint Under 11 U.S.C. §§ 727 and 523

Docket 12

Tentative Ruling:

The Court will continue the hearing.

I. BACKGROUND

On September 3, 2025, Forest Robin and Debora Robin ("Debtors") filed a chapter 7 petition, initiating bankruptcy case no. 1:25-bk-11619-VK. Nancy J. Zamora was appointed as the chapter 7 trustee (the "Trustee"). The deadline for any party in interest to object to discharge or challenge whether certain debts are dischargeable is December 1, 2025 (the "Deadline"). *See Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline* (the "Notice"), p. 2 [doc. 2].

On October 1, 2025, the Trustee held and concluded the § 341(a) meeting of creditors. The same day, the Trustee filed a *Chapter 7 Trustee's Report of No Distribution*.

In their schedule E/F, Debtors disclosed nonpriority unsecured claims totaling approximately \$229,000. Debtors did not disclose any secured claims or any priority unsecured claims.

On November 26, 2025, Pamela G. Vorsatz ("Movant") filed the Motion [doc. 12]. [FN1] In the Motion, Movant requests that the Court extend the Deadline by 45 days pursuant to Fed. R. Bankr. P. ("Rule") 4004(b) and 4007(c). To the Motion, Movant attached her declaration ("November Vorsatz Decl."). In her declaration, Movant states, in pertinent part:

I am a creditor.

I provided funds not listed by the debtor.

...

I request a 45 day extension.

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CONT... Forest Robin and Deborah Robin

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November Vorsatz Decl., ¶¶ 1-2 and 5.

On December 24, 2025, Debtors filed an opposition to the Motion (the "Opposition") [doc. 10]. To the Opposition, Debtors attached the Declaration of Forest Robin ("Robin Decl.") and the Declaration of Dennis Batten ("Batten Decl."). In his declaration, Mr. Robin states, in relevant part:

I did not borrow money from [Movant], nor did I agree to repay her any money personally.

At the request of Dennis Batten and [Movant] (partners in the entity – MBark, LLC), I temporarily assisted MBark by receiving and distributing funds solely to pay MBark vendors.

I acted only as a payment conduit and did not originate, control, or redirect the purpose of the funds.

On limited occasions, I retained small amounts as compensation for my limited services at Dennis Batten's direction.

I had no contractual, fiduciary, or debtor-creditor relationship with [Movant] individually.

Any funds received were not loans, investments, or advances to me personally.

Robin Decl., ¶¶ 2-7. In his declaration, Mr. Batten states, in pertinent part:

I am a co-founder and managing member of MBark, LLC, a California limited liability company co-owned by myself and Pamela Vorsatz.

MBark engaged software programmers to develop a mobile application. Those programmers were retained by the LLC as independent contractors and were paid for their services using funds provided for MBark's business operations.

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Forest Robin and Deborah Robin

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During the relevant period, MBark did not have fully operational banking services capable of facilitating all necessary electronic payments. As a result, and for the limited purpose of paying MBark's vendors, I requested assistance from Forest Robin to temporarily receive and distribute funds on MBark's behalf.

At my direction, and with the understanding and approval of [Movant], funds were transmitted to Forest Robin solely so that he could forward those funds to MBark's vendors or, in some instances, to me for further distribution.

Mr. Robin did not originate the payments, determine their purpose, or exercise independent control over the funds beyond carrying out the requested distributions.

On one occasion, a cashier's check was issued in connection with MBark's payment obligations, in that the amount exceeded daily limits for electronic payments, for which Mr. Robin deposited the cashier's check into an account associated with his LLC for the sole purpose of making further payments to MBark's vendors. EXHIBIT A.

At no time did I, or [Movant] treat the funds transmitted to Mr. Robin as a loan, advance, or investment to him personally, nor did we expect repayment of any such funds from him.

On limited occasions, I authorized Mr. Robin to retain a small portion of the funds as compensation for his time assisting with payment distribution. This compensation was not a loan, did not create any obligation of repayment, and was not connected to any personal indebtedness owed by Mr. Robin to myself, [Movant], or MBark, LLC.

At no time did I understand, represent, or agree that Forest Robin owed any debt to [Movant] individually arising out of these transactions, nor that the transactions created a creditor-debtor relationship.

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Forest Robin and Deborah Robin

Chapter 7

All funds transmitted through Mr. Robin were for the benefit of MBark, LLC and its vendors, and not for Mr. Robin's personal use.

Batten Decl., ¶¶ 2-11.

On December 24, 2025, Movant filed a reply to the Opposition [doc. 22] and Movant's declaration ("December Vorsatz Decl.") [doc. 23]. In her declaration, Movant states, in relevant part:

I personally transmitted funds to Debtor Forest Robin. Debtor disputes the characterization of those transfers.

I seek an extension of time solely to investigate whether those transfers give rise to nondischargeable claims under the Bankruptcy Code...

Facts relevant to the nature, use, and disposition of those funds remain exclusively within Debtor's control.

December Vorsatz Decl., ¶¶ 2-3 and 4.

II. LEGAL STANDARDS

Fed. R. Bankr. P. ("Rule") 4004 states, in pertinent part:

(a) Time to Object to Discharge; Notice.

(1) *Chapter 7*. In a chapter 7 case, a complaint, or a motion under §727(a)(8) or (9) – objecting to a discharge must be filed within 60 days after the first date set for the §341(a) meeting of creditors.

...

(b) Extension the Time to File an Objection.

(1) *Motion Before the Time Expires*. On a party in interest's motion and after notice and hearing, the court may, for cause, extend the time to object to a discharge. The motion

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CONT... Forest Robin and Deborah Robin

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must be filed before the time has expired...

Rule 4004(a)(1) and (b)(1). The movant has the burden of proof to demonstrate cause for an extension of time to file a complaint to preclude receipt of a discharge under 11 U.S.C. § 727. *See* Rule 4004(b)(1); *see also In re Bomarito*, 448 B.R. 242, 248 (Bankr. E.D. Cal. 2011) ("The power to extend the 60-day deadlines prescribed in the Rules rests entirely within the discretion of the bankruptcy judge and should not be granted without a showing of good cause, and without proof that the creditor acted diligently to obtain facts within the bar date...but was unable to do so.") (internal quotation omitted).

Rule 4007 provides, in relevant part:

- (c) Chapter 7, 11, 12, or 13-Time to File a Complaint Under § 523(c); Notice of Time; Extension. ...[A] complaint to determine whether a debt is dischargeable under § 523(c) must be filed within 60 days after the first date set for the § 341(a) meeting of creditors....On a party in interest's motion filed before the time expires, the court may, after notice and a hearing and for cause, extend the time to file.

Rule 4007(c). The advisory committee's note to Rule 4007 explains:

Subdivision (c)...impos[es] a deadline for filing complaints to determine the issue of dischargeability of debts set out in § 523(a)(2), (4) or (6) of the Code. The bankruptcy court has exclusive jurisdiction to determine dischargeability of these debts. If a complaint is not timely filed, the debt is discharged. *See* § 523(c).

In *In re Sanderson (Willms v. Sanderson)*, 723 F.3d 1094, 1098 (9th Cir. 2013), two creditors filed a motion to extend the deadline for filing a complaint objecting to the debtor's discharge or a motion to dismiss the debtor's case. At the hearing on the creditors' motion, the bankruptcy court *sua sponte* extended the time for the creditors to file a complaint under 11 U.S.C. § 523(c). *Id.* On appeal, the Ninth Circuit Court of Appeals held that the bankruptcy court "abused its discretion by granting the time extension without either a showing or a finding of cause." *Id.* at 1103. As the Court

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CONT... **Forest Robin and Deborah Robin**
of Appeals explained:

Chapter 7

At a minimum, "cause" means excusable neglect. *See Pioneer Inv. Servs. Co. v. Brunswick Assocs. LP*, 507 U.S. 380, 382, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993)...The bankruptcy court did not attempt to find cause for the time extension—either at the hearing or in its subsequent order. Nor did the [creditors'] motion provide a basis for such a finding.

The [creditors] asserted only that they needed additional time "to complete an investigation and evaluate whether or not a complaint objecting to discharge or a motion to dismiss is warranted." Critically, they failed to explain *why* they did not complete their investigation prior to the deadline. While the "cause" standard may be a lenient one, accepting the [creditors'] request for more time so that they could determine whether or not they even *had* a viable argument for nondischargeability—without any explanation why they could not have made this determination within the time set by Rule 4007—would render the standard toothless. *See 9 Collier on Bankruptcy, supra*, at ¶ 4007.04 ("[T]he cause for an extension [under Rule 4004] must be compelling and a creditor must show why it was not able to comply with the deadline as originally set."). The bankruptcy court therefore erred in granting the time extension. [FN 8]

* * *

FN 8: In fact, the bankruptcy court abused its discretion merely by failing to apply the *Pioneer* factors. *See Oyama v. Sheehan (In re Sheehan)*, 253 F.3d 507, 515 (9th Cir. 2001).

Id. at 1103-04.

"The court may extend the time to...act under Rules...4004(a), [and] 4007(c)...but only as permitted by [that] rule...." Rule 9006(b)(3)(A). "It is well established that a creditor who learns of a bankruptcy filing has a duty to inquire into the relevant deadlines." *In re Dewalt*, 961 F.2d 848, 851 n.3 (9th Cir. 1992) (citing *In re Price*,

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871 F.2d 97, 99 (9th Cir. 1989)). "[T]he 30-day notice provision of Rule 4007(c) provides a guide to the minimum time within which it is reasonable to expect a creditor to act at penalty of default." *Dewalt*, 961 F.2d at 851.

III. ANALYSIS

Here, Movant timely filed the Motion prior to the expiration of the Deadline. As a result, the Court may extend the deadline to file a complaint objecting to discharge or to establish nondischargeability of a debt, for cause.

Debtors contend that Movant is not a party in interest; Movant asserts that she is a creditor. *See* Robin Decl., ¶¶ 2-7; November Vorsatz Decl., ¶ 1. Movant further represents that she needs additional time to investigate whether the funds that she allegedly personally transmitted to Mr. Robin give rise to a nondischargeable debt under the Bankruptcy Code. December Vorsatz Decl., ¶¶ 2-3.

Movant does not explain why she was unable to, within the time set by Rules 4004 and 4007, gather the facts and information necessary to determine whether or not she has viable arguments for nondischargeability or objection to discharge. However, Movant was not identified as a creditor in Debtors' schedules and it appears the Movant was not served with a copy of the Notice. As a result, it is unclear how much time Movant had to investigate her claims, once she had actual knowledge of the case and the Deadline. Accordingly, the Court cannot determine at this time whether Creditor has established that cause exists to grant the Motion.

IV. CONCLUSION

The Court will continue the hearing to **1:30 p.m. on February 4, 2026**.

No later than **January 21, 2025**, Movant must file and serve on Debtors a supplemental declaration addressing: (1) when Movant became aware of Debtors' bankruptcy case; and (2) Movant's efforts to investigate her claims between the time she became aware of the bankruptcy case and the Deadline.

The Court will prepare the order.

FOOTNOTES

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FN1: Debtors did not disclose any claim owed to Movant (disputed or otherwise) in their schedules.

Party Information

Debtor(s):

Forest Robin	Pro Se
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Joint Debtor(s):

Deborah Robin	Pro Se
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Movant(s):

Pamela G Vorsatz	Pro Se
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Trustee(s):

Nancy J Zamora (TR)	Pro Se
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1:25-12255 Alberto Mendez

Chapter 7

#11.00 Debtor's Motion to Convert Case Under 11 U.S.C. §§ 706(a) or 1112(a)

Docket 9

Tentative Ruling:

The debtor must address how his income has increased so substantially from the amount set forth in his statement of financial affairs from 2023 through 2025 and whether and if so, how the chapter 7 trustee or the U.S. Trustee have indicated that the debtor is not eligible to obtain a discharge in a chapter 7 case.

In his original schedule I, the debtor indicated that his monthly income is \$13,100.00. In his original schedule J, the debtor represented that his monthly expenses total \$13,222.00, leaving a net monthly income of -\$122.00 [doc. 1].

In his statement of financial affairs, the debtor indicated that his entire gross income from January 1, 2025 through December 4, 2025 was \$55,000.00, that his entire gross income during 2024 was \$28,855.00 and that his entire gross income for 2023 was \$46,547.00. This is far less in gross income than \$13,100.00 per month [doc. 1].

In his amended schedule A/B, the debtor disclosed additional cash of approximately \$18,000.00 held in checking accounts. In his amended schedule I, the debtor identified an additional resource to pay expenses of \$500.00 per month which will come from "savings." Amended schedules A/B and I [doc. 12].

In his chapter 13 plan (the "Plan") [doc. 15], the debtor proposes to make plan payments of \$200.00 per month for 60 months (*see* Plan, p. 2). The debtor does not provide for any arrearages on a deed of trust or a vehicle loan to be paid in the Plan; based on the Plan, the debtor does not have any. In his schedule E, the debtor does not disclose any priority unsecured claims, and the debtor does not provide for payment of any priority unsecured claims in the Plan.

In this situation, the Court questions whether the debtor's receipt of a discharge may be needlessly delayed and hampered if the motion is granted and the debtor's chapter 7 case is converted to one under chapter 13.

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CONT... Alberto Mendez

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Debtor(s):

Alberto Mendez

Represented By
Kevin T Simon

Trustee(s):

Amy L Goldman (TR)

Pro Se

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1:25-11678 Jordan Gene Pearlman

Chapter 7

#11.01 Motion to: (1) Compel Debtor To Comply With LBR 1002-1(a)(1);
(2) Compel Debtor To Complete Schedule I;
(3) Permit Service Under FRBP 9016 On Elizabeth Hunter By Mail

Docket 79

Tentative Ruling:

The Court will continue the hearing.

Local Bankruptcy Rule ("LBR") 9013-1(d)(1) provides that:

Except for a motion under LBRs 2014-1(b), 2016-1(a)(2), 3015-1(w) and (x), 7026-1(c), and 9075-1, and subject to LBR 2002-2(a) and FRBP 9034, a motion and notice thereof must be served **upon the adverse party** (by serving the adverse party's attorney of record, if any; or if the adverse party is the debtor, by serving **the debtor and the debtor's attorney**, if any; or **the adverse party, if there is no attorney of record**).

Emphasis added.

Contrary to LBR 9013-1(d)(1), the movant did not serve *Peter Kleidman's Motion to: 1) Compel Debtor to Comply with LBR 1002-1(a)(1); 2) Compel Debtor to Complete Schedule I; 3) Permit Service Under FRBP 9016 on Elizabeth Hunter by Mail* (the "Motion") [doc. 79] on the debtor and the debtor's spouse Elizabeth Hunter, both of whom are adverse parties. See docs. 83 and 84.

In light of the foregoing, the Court will continue the hearing on the Motion to **1:30 p.m. on February 4, 2026**.

No later than January 12, 2026, the movant must file and serve notice of the continued hearing (the "Notice"), the Motion and the movant's accompanying

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San Fernando Valley
Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, January 7, 2026

Hearing Room 301

1:30 PM

CONT...

Jordan Gene Pearlman

Chapter 7

declaration [doc. 80] on Ms. Hunter via U.S. mail at 3336 S. La Cienega Blvd., #150, Los Angeles, CA 90016 (the address which the debtor provided for Ms. Hunter in his schedule E/F).

The Notice must advise Ms. Hunter that, **no later than January 21, 2026**, she may file and serve on the movant a response to the Motion, and that, **no later than January 28, 2026**, the movant may file and serve on Ms. Hunter a reply to any response.

Because the debtor already has filed an opposition to the Motion, the Court will excuse the movant's failure to serve the debtor, as well as the debtor's counsel, with these pleadings.

The Court will prepare the order.

Appearances on January 7, 2025 are excused.

Party Information

Debtor(s):

Jordan Gene Pearlman

Represented By
Michael G Spector

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
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Wednesday, January 7, 2026

Hearing Room 301

2:00 PM

1:25-12027 Titan Group Logistics, Inc.

Chapter 11

#12.00 Debtor-In-Possessions Motion For (I) Authority To Incur Secured Debt In The Form Of A Factoring Agreement With Phoenix Capital Group; (II) To Use Cash Collateral; And (III) To Provide Adequate Protection Pursuant To 11 U.S.C. §§ 363 And 364

fr. 12/17/25

Docket 37

Tentative Ruling:

12/17/25 Tentative Ruling

On October 30, 2025, Titan Group Logistics, Inc. ("Titan") filed a chapter 11 petition. Approximately one month later, on November 25, 2025, Titan filed *Debtor-in-Possession's Motion for (I) Authority to Incur Secured Debt in the Form of a Factoring Agreement with Phoenix Capital Group; (II) to Use Cash Collateral; and (III) to Provide Adequate Protection Pursuant to 11 U.S.C. §§ 363 and 364* (the "Motion") [doc. 37]. In support of the Motion, Titan filed the Declaration of Tetiana Postovyk.

In its schedule A, Titan states it does not have any accounts receivable. In its schedule D, Titan represents that the only property of the estate that is subject to a lien of Gulf Coast Bank & Trust Company is a Bank of America checking account, with an alleged balance in the amount of \$3,525.43 [doc. 1, at p. 19]. In schedule D, Titan states that the amount owed to Gulf Coast Bank & Trust Company is "unknown."

In response to item 3 in Part 2 of its statement of financial affairs, in which Titan is required to list "payments or transfers - including expense reimbursements - to any creditor . . . within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$8,755," Titan states that it made no payments or transfers to Gulf Coast Bank & Trust Company [doc. 1, at p. 26].

Under Local Bankruptcy Rule ("LBR") 4001-2(a), "[e]ach motion to obtain credit or to approve the use of cash collateral, debtor in possession financing, and/or cash

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Chapter 11

management under 11 U.S.C. §§ 363 or 364, or related stipulation (collectively, "Financing Motion") must be accompanied by mandatory court-approved form F 4001-2.STMT.FINANCE."

Contrary to LBR 4001-2(a), Titan has not submitted the mandatory court-approved form F 4001-2.STMT.FINANCE.

"Chapter 11 debtors in possession are required to obtain the approval of the bankruptcy court when they wish to incur secured debt." *In re Harbin*, 486 F.3d 510, 521 (9th Cir. 2007). As the Court of Appeals explained in *Harbin*: "This obligation stems from section 362 of the Bankruptcy Code, which prohibits post-petition encumbrances on the bankruptcy estate. After a debtor files for bankruptcy, an automatic stay goes into effect prohibiting, among other actions, 'any act to create, perfect, or enforce any lien against property of the estate.'" *Id.* (quoting 11 U.S.C. § 362; internal citations omitted).

11 U.S.C. § 364(c)(2) provides an exception to the prohibition against creating a lien on property of the bankruptcy estate. Pursuant to § 364(c)(2), after notice and a hearing, the bankruptcy court "may authorize the obtaining of credit or the incurring of debt . . . secured by a lien on property of the estate that is not otherwise subject to a lien."

The Court of Appeals has "interpreted section 364(c)(2) as requiring a debtor to obtain the bankruptcy court's authorization *before* incurring secured debt." *Id.* (emphasis in original). "[I]f the debtor fails to obtain prior authorization, the bankruptcy court may exercise its corrective power to rescind the transaction." *Id.* (citing *Thompson v. Margen (In re McConville)*, 110 F.3d 47, 50 (9th Cir. 1997)).

On the other hand, "nothing in the language of the Bankruptcy Code precludes the court from considering *nunc pro tunc* authorization" of secured financing "as one possible remedy in response to the 'equities of the situation' before it." *Id.*, at 522 (quoting *McConville*, 110 F.3d at 50).

In *Harbin*, the Court of Appeals identified the following factors for a bankruptcy court to consider in determining whether to exercise its equitable discretion to grant *nunc pro tunc* approval of post-petition financing under section 364(c)(2):

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CONT... Titan Group Logistics, Inc.

Chapter 11

- (1) whether the financing transaction benefits the bankruptcy estate;
- (2) whether the creditor has adequately explained its failure to seek prior authorization or otherwise established that it acted in good faith when it failed to seek prior authorization;
- (3) whether there is full compliance with the requirements of section 364(c)(2); and
- (4) whether the circumstances of the case present one of those rare situations in which retroactive authorization is appropriate.

Id. at 523. "Provided these criteria are met, the bankruptcy court may, but need not, grant an application for *nunc pro tunc* authorization." *Id.*

Pursuant to the Motion, Titan seeks to obtain authorization to incur secured debt payable to Gulf Coast Bank & Trust Company dba Phoenix Capital Group ("Phoenix"). Titan asserts that it must receive advances from Phoenix to operate post-petition, i.e., to pay Titan's operating and labor costs and insurance premiums. According to Titan, its post-petition agreement with Phoenix is governed by an existing agreement between Titan and Phoenix, which is attached to the Motion as Exh. A.

Apparently, without Court authorization, Titan already has transferred to Phoenix (or encumbered to secure financing from Phoenix), receivables which Titan generated post-petition. As noted above, absent Court approval, the post-petition transfer and/or encumbrance of Titan's accounts receivable, and any other assets of the bankruptcy estate, is improper.

With respect to the Motion, Titan must address the factors set forth above.

In addition, Titan must answer the following questions:

Which receivables did Titan generate post-petition which Phoenix allegedly has acquired?

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CONT... Titan Group Logistics, Inc.

Chapter 11

What amount of financing (or proceeds from its alleged acquisition of Titan's accounts receivable) has Phoenix provided to Titan post-petition?

Party Information

Debtor(s):

Titan Group Logistics, Inc.

Represented By
Tamar Terzian

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se