

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

Wednesday, March 6, 2024

Hearing Room 301

9:30 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.

Parties in interest may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Members of the public, the press and parties in interest may participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate remotely and there are no fees for doing so. No pre-registration or prior approval is required.

The audio portion of each hearing will be recorded electronically by the Court and that recording will constitute its official record. Recording, retransmitting, photographing or imaging Court proceedings by any means is strictly prohibited.

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Password: 352084

For more information on appearing before Judge Kaufman by ZoomGov, please see the information entitled "Tips for a Successful ZoomGov Court Experience" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-victoria-s-kaufman> under the tab "Telephonic Instructions."

Docket 0

Tentative Ruling:

- NONE LISTED -

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1:23-11148 D'RIA Group Inc.

Chapter 11

#1.00 Motion for relief from stay [AN]

JAIME BLANCO-MACIEL, ET AL
VS
DEBTOR

fr. 2/7/24

Docket 52

Tentative Ruling:

Deny.

Contrary to the Court's ruling on February 7, 2024, movant has not provided proof that the motion, notice of the continued hearing and the deadline to file a written response were properly served on the creditors included on the list filed under Fed. R. Bankr. P. 1007(d).

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

February 7, 2024 Ruling

Unless an appearance is made at the hearing on February 7, 2024, the hearing is continued to March 6, 2024 at 9:30 a.m., and movant must cure the deficiencies noted below on or before February 9, 2024.

In accordance with Fed. R. Bankr. P. 4001(a)(1), movant must properly serve the motion and notice of the continued hearing and the deadline to file a written response on the creditors included on the list filed under Fed. R. Bankr. P. 1007(d). *See* doc. 15 [List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders].

Appearances on February 7, 2024 are excused.

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CONT... D'RIA Group Inc.

Chapter 11

Party Information

Debtor(s):

D'RIA Group Inc.

Represented By
Michael Jay Berger

Movant(s):

Jaime Blanco-Maciel

Represented By
Bryn Letsch

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1:24-10067 Maria Gomez

Chapter 7

#2.00 Motion for relief from stay [UD]

TYLER SOLLOWAY
VS
DEBTOR

Docket 10

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2).

Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies to obtain possession of the property.

The order is binding and effective in any bankruptcy case commenced by or against the debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the property.

The 14-day stay prescribed by FRBP 4001(a)(3) is waived.

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):

Maria Gomez

Pro Se

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CONT... Maria Gomez

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

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1:23-11200 Windsor Terrace Healthcare, LLC

Chapter 11

#3.00 Motion for relief from stay [AN]

JOYCE JOHNSON AND SANDRA JOHNSON
VS
DEBTOR

Docket 615

Tentative Ruling:

Deny.

In December 2023, this Court entered orders denying motions for relief from stay to liquidate the claims concerning two former residents of the debtors' facilities [docs. 508 and 510]. The movants sought to terminate the automatic stay to pursue actions pending in state court, which actions were filed before the relevant petition date(s). The movants sought recovery against any applicable insurance.

After briefing and argument, the Court denied these motions with prejudice, barring the movants from filing further motions for relief from the automatic stay through the earlier of (i) conversion of the debtors' chapter 11 cases to cases under chapter 7, or (ii) September 1, 2024.

Here, Joyce and Sandra Johnson, as successors in interest to Gerald Johnson, seek to commence a state court lawsuit against Windsor Elmhaven Care Center, LLC ("Windsor Elmhaven") to liquidate claims involving the care provided to Mr. Johnson. The Johnsons contend that the standards for granting relief from the automatic stay under 11 U.S.C. § 362(d)(1) are satisfied because (1) they seek recovery from applicable insurance; (2) the claims are nondischargeable in nature and can be most expeditiously resolved in the nonbankruptcy forum; (3) the claims arise under nonbankruptcy law and can be most expeditiously resolved in the nonbankruptcy forum; and (4) Windsor Elmhaven filed its bankruptcy case in bad faith.

Taking into account the facts, the evidence regarding the insufficiency of Windsor Elmhaven's insurance coverage, the applicable legal standards and case law set forth in the Court's rulings on the prior motions [docs. 491 and 493], the Court will deny

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CONT... Windsor Terrace Healthcare, LLC Chapter 11

the Johnsons' motion, with prejudice, until the earlier of: (i) the conversion of the chapter 11 case of Windsor Elmhaven to one under chapter 7; or (ii) September 1, 2024.

The debtors must submit the order within seven (7) days.

Party Information

Debtor(s):

Windsor Terrace Healthcare, LLC

Represented By
Ron Bender
Juliet Y. Oh
Monica Y Kim
Lindsey L Smith
Robert Carrasco

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1:24-10200 Steve Orocio

Chapter 13

#3.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 16

Tentative Ruling:

The debtor has not complied with the Court's notice instructions regarding the hearing set on shortened time. Pursuant to the *Order Granting Application and Setting Hearing on Shortened Notice* [doc. 18], no later than March 1, 2024 at 3:00 p.m., the debtor was to provide telephonic notice of the hearing to all secured creditors.

In her declaration regarding notice of the hearing [doc. 21], Dana Douglas does not state that secured creditors were notified of the hearing by telephone, and her declaration is not signed under penalty of perjury.

Assuming that the debtor properly provided notice of the hearing on the motion, the Court will deny the motion.

In the debtor's prior case, 1:23-bk-11519-VK (the "Prior Case"), the debtor submitted a chapter 13 plan which provided for plan payments in the amount of \$200.00 per month for months one through six and in the amount of \$19,634.00 per month for months 7 through 60.

Private Money Solutions, Inc. ("Secured Creditor"), as the holder of a promissory note secured by a first deed of trust encumbering the debtor's residence, objected to the debtor's chapter 13 plan. Secured Creditor noted that the Internal Revenue Service had filed a substantial claim, which included a priority claim in the amount of \$114,000. The debtor's chapter 13 plan did not provide for payment of that priority claim.

As further noted by the Secured Creditor:

Looking at 11 U.S.C. § 1325, the subsections make it clear that this Debtor is not in compliance, nor can be in compliance at any time. For example, § 1325(a)(1) requires that the Plan comply with the

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Steve Orocio

Chapter 13

provisions of the chapter and other applicable provisions, and subsection 3 requires that the Plan is proposed in good faith, subsection 5 requires that the secured creditor either accept the Plan (which is not happening), or that the value, as of the effective date of the Plan, to be distributed as in the form of periodic payments, and that such periodic payments be in equal monthly amounts. Subsection 6 requires that the Debtor be able to make all payments, and subsection 7 requires that the action of the Debtor in filing the Petition itself was in good faith.

Debtor filed this Petition on the eve of losing an application for a temporary restraining order as to PMS' foreclosure, in the Federal District Court, Judge Wilson in Case Number 23-cv-08500-SVW.

Assuming, without deciding, that a Chapter 13 Debtor may stretch out a fully due secured loan, which is oversecured, as noted earlier, those payments must be equal monthly payments. In re Collier-Abbott, 616 BR 117 (Bankr E.D. Cal. 2020); citing In re Palacios, 2013 WL 1615790 (9th Cir. BAP 2013).

At the confirmation hearing, based on the terms of the debtor's chapter 13 plan and the Secured Creditor's objection to confirmation, the Court dismissed the debtor's first case as not having been filed in good faith.

In this case, in his schedule J, the debtor represents that his monthly net income is \$114.86. In his schedule D, the debtor has identified four secured creditors with liens against his residence: FCI Lender Services, the Franchise Tax Board, the Internal Revenue Service and Los Angeles County Treasurer & Tax Collector, holding secured claims in an aggregate amount exceeding \$950,000.

In his first amended chapter 13 plan, the debtor has proposed plan payments in the amount of \$114.86 for months 1 through 60, "plus 1 balloon payment at approximately 9 months equal to prepetition income and real property tax liabilities funded by mortgage refinance and outside of plan." Like the chapter 13 plan filed in the Prior Case, the chapter 13 plan filed in this case does not meet the standards for confirmation under 11 U.S.C. § 1325(a)(5); the chapter 13 plan does not provide for periodic payments in equal payment amounts to secured creditors. Moreover, the

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Steve Orocio

Chapter 13

debtor has not submitted credible evidence about his ability to refinance any secured debt within the period of time set forth in his chapter 13 plan.

Because the debtor has not demonstrated that the filing of this case is in good faith as to the creditors to be stayed, and the Court cannot conclude that this case will be concluded with a confirmed plan that will be fully performed, the Court will deny the motion.

Party Information

Debtor(s):

Steve Orocio

Represented By
Dana M Douglas

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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2:00 PM

1:23-11082 Philip M. Lawrence, II

Chapter 7

Adv#: 1:23-01053 Moi et al v. Lawrence, II

#4.00 Motion of Defendant Philip M. Lawrence, II, to Dismiss For Failure
To State A Claim

Docket 4

***** VACATED *** REASON: Plaintiff to file amended complaint by 3/5/24
pursuant to order entered on 2/13/24. See docs. 7 and 9.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

Defendant(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

Movant(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

Plaintiff(s):

Patrizio Moi

Represented By
Matthew D. Resnik

Moi Productions, Inc., a Delaware

Represented By
Matthew D. Resnik

The Record Plant, Inc., a Delaware

Represented By
Matthew D. Resnik

Trustee(s):

David Keith Gottlieb (TR)

Represented By

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CONT...

Philip M. Lawrence, II

Ron Bender
Jeffrey S Kwong

Chapter 7