

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

Thursday, March 20, 2025

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).

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Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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1:21-10902 Martha Ofelia Torres

Chapter 13

#1.00 Motion for relief from stay [RP]

WELLS FARGO BANK, NA
VS
DEBTOR

fr. 3/6/25(stip)

Docket 47

Tentative Ruling:

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

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

Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the debtor by telephone or written correspondence to offer such an agreement.

The co-debtor stay of 11 U.S.C. § 1201(a) and § 1301(a) is terminated, modified or annulled as to the co-debtor, on the same terms and conditions as to the debtor.

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):

Martha Ofelia Torres

Represented By

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Martha Ofelia Torres

Giovanni Orantes

Chapter 13

Movant(s):

Wells Fargo Bank, NA, as Trustee,

Represented By
Chad L Butler
Fanny Zhang Wan
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:25-10068 Consuelo Maria Saldana

Chapter 7

#2.00 Motion for relief from stay [AN]

WILLIAM CAMPANA
VS
DEBTOR

Docket 10

Tentative Ruling:

Movant having belatedly provided a Judges' Copy of the motion, the Court will continue the hearing to **9:30 a.m. on April 3, 2025**. Movant must serve notice of the continued hearing on the debtor and debtor's counsel no later than March 21, 2025.

Appearances on March 20, 2025 are excused.

Party Information

Debtor(s):

Consuelo Maria Saldana

Represented By
Kevin Tang

Movant(s):

William Campana

Represented By
Matthew D. Resnik

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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1:24-11965 Marisol V. Perez

Chapter 13

#3.00 Motion for relief from stay [UD]

NEIGHBOR TO NEIGHBOR HOMES, LLC
VS
DEBTOR

Docket 16

***** VACATED *** REASON: Motion is moot; this case was dismissed on 3/13/25 and an order granting relief from stay under 11 U.S.C. § 362(d)(4) has been entered in bankruptcy case no. 24-12623, filed in the U.S. Bankruptcy Court for the Eastern District of California.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marisol V. Perez

Represented By
Donald Iwuchukwu

Movant(s):

Neighbor to Neighbor Homes, LLC

Represented By
Sam Chandra

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:25-10091 Peyman Elyasi

Chapter 13

#4.00 Motion for relief from stay [PP]

MERCEDES-BENZ VEHICLE TRUST
VS
DEBTOR

2021 Mercedes-Benz GLS450W4

Docket 22

Tentative Ruling:

This concerns a leased vehicle. There is at least one postpetition payment that is in arrears. In addition, although the debtor indicated in his chapter 13 plan (the "Plan") [doc. 2] that he intended to assume the lease with the movant, the lease matured on March 4, 2025. *See* Plan, p. 11; Declaration of Edna Reyna, ¶ 7.e. [doc. 22]. Finally, the debtor does not contest the movant's assertion that proof of insurance on the subject vehicle has not been provided to the movant.

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

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

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

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

Party Information

Debtor(s):

Peyman Elyasi

Represented By
Joshua Sternberg

Movant(s):

Mercedes-Benz Vehicle Trust

Represented By

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CONT...

Peyman Elyasi

Sheryl K Ith

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:23-10854 Offer Frank Sabag

Chapter 13

#5.00 Motion for relief from stay [PP]

MERCEDES-BENZFINANCIAL SERVICES USA LLC
VS
DEBTOR

Docket 73

*** VACATED *** REASON: APO entered on 3/11/25 [doc. 83].

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Offer Frank Sabag

Represented By
Kevin T Simon

Movant(s):

Mercedes-Benz Financial Services

Represented By
Sheryl K Ith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:24-10805 Raymond R Leefe

Chapter 13

#6.00 Motion for relief from stay [RP]

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION
VS
DEBTOR

Docket 33

***** VACATED *** REASON: Contrary to Local Bankruptcy Rule 5005-2 (d)(1) and Judge Kaufman's procedures regarding service of judge's copies, exhibits to the judge's copy of the motion are not appropriately tabbed. Post-it notes are not sufficiently durable to serve as appropriate tabs.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond R Leefe

Represented By
Steven Abraham Wolvek

Movant(s):

U.S. Bank Trust Company, National

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:25-10054 Brianna Davis

Chapter 13

#7.00 Motion for relief from stay [RP]

GOOD NEIGHBOR HOMES, LLC
VS
DEBTOR

Docket 14

***** VACATED *** REASON: Contrary to Local Bankruptcy Rule 5005-2
(d)(1) and Judge Kaufman's procedures regarding service of judge's copies,
an appropriately-tabbed judge's copy of the motion has not been provided to
the Court.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brianna Davis

Pro Se

Movant(s):

Good Neighbor Homes, LLC

Represented By
Meghan Elizabeth Turner

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:22-10486 Richard Jesus Henriquez

Chapter 13

#8.00 Motion for relief from stay [RP]

US BANK TRUST NATIONAL ASSOCIATION
VS
DEBTOR

Docket 50

Tentative Ruling:

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

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

Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the debtor by telephone or written correspondence to offer such an agreement.

The co-debtor stay of 11 U.S.C. § 1201(a) and § 1301(a) is terminated, modified or annulled as to the co-debtor, on the same terms and conditions as to the debtor.

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

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CONT... Richard Jesus Henriquez

Chapter 13

Debtor(s):

Richard Jesus Henriquez

Represented By
Matthew D. Resnik

Movant(s):

US Bank Trust National Association,

Represented By
Asaph Abrams

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-11089 Howard A. Bender

Chapter 13

#9.00 Motion for relief from stay [RP]

LOGIX FEDERAL CREDIT UNION
VS
DEBTOR

Docket 41

*** VACATED *** REASON: Order approving stipulation entered
3/19/25. [Doc. #47]

Tentative Ruling:

The Court will approve the *Stipulation Re: Adequate Protection Order* [doc. 45], which will resolve the motion.

Appearances on March 20, 2025 are excused.

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

Party Information

Debtor(s):

Howard A. Bender

Represented By
Allan S Williams

Movant(s):

Logix Federal Credit Union

Represented By
Chad L Butler

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10035 Varunkumar Pankajbhai Suthar

Chapter 7

Adv#: 1:24-01009 EQUATE MEDIA, INC., et al v. Suthar et al

#10.00 Pre-trial conference re: complaint to determine dischargeability of debt pursuant to 11 U.S.C. section 523 (a) and objecting to discharge under 11 USC Section 727

fr. 6/12/24; 6/26/24; 8/21/24; 3/19/25

Docket 1

***** VACATED *** REASON: Continued to 5/22/25 at 1:30 pm per order entered 2/5/25 [dkt.#41]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan

Defendant(s):

Varunkumar Pankajbhai Suthar

Pro Se

Disha Virendrabhai Suthar

Pro Se

Joint Debtor(s):

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan

Plaintiff(s):

EQUATE MEDIA, INC.,

Represented By
Leslie A Cohen

BUDGET VAN LINES, INC.

Represented By
Leslie A Cohen

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CONT... Varunkumar Pankajbhai Suthar

Chapter 7

QUOTE RUNNER, LLC.

Represented By
Leslie A Cohen

HOME EXPERT, INC.

Represented By
Leslie A Cohen

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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2:00 PM

1:23-11223 Brenda Lou Fisher

Chapter 7

Adv#: 1:23-01049 Gomez et al v. Fisher

#11.00 Ruling re: Trial on First Amended Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. § 523

fr. 2/26/25

Docket 19

Tentative Ruling:

The Court will continue the hearing to be held **at 2:00 p.m. on April 24, 2025.**

Appearances on March 20, 2025 are excused.

Party Information

Debtor(s):

Brenda Lou Fisher

Represented By
Sevan Gorginian

Defendant(s):

Brenda Lou Fisher

Represented By
Sevan Gorginian

Plaintiff(s):

Gina Nuccio Gomez

Represented By
John C Clough
Nicholas S Couchot

RSA Productions LLC

Represented By
John C Clough
Nicholas S Couchot

RSA Talent Management LLC

Represented By
John C Clough

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CONT... Brenda Lou Fisher

Nicholas S Couchot

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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1:24-10035 Varunkumar Pankajbhai Suthar

Chapter 7

Adv#: 1:24-01009 EQUATE MEDIA, INC., et al v. Suthar et al

#12.00 Defendants' Motion to Compel The Rule 30(B)(1) Deposition of Charlie Katz and For Sanctions Against Plaintiffs and Plaintiffs' Attorneys of Record

Docket 44

Tentative Ruling:

The Court will grant in part and deny in part the *Motion to Compel the Rule 30(b)(1) Deposition of Charlie Katz and for Sanctions Against Plaintiffs and Plaintiffs' Attorneys of Record* [doc. 44]. Plaintiffs must produce Charlie Katz for deposition under Fed. R. Civ. P. 30(b)(1) before March 28, 2025. The Court will not award sanctions under LBR 7026-1(c)(4).

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

Party Information

Debtor(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan

Defendant(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan
Robert A Kashfian

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan
Robert A Kashfian

Joint Debtor(s):

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan

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CONT... Varunkumar Pankajbhai Suthar

Chapter 7

Movant(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan
Robert A Kashfian

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan
Robert A Kashfian

Plaintiff(s):

EQUATE MEDIA, INC.,

Represented By
Leslie A Cohen

BUDGET VAN LINES, INC.

Represented By
Leslie A Cohen

QUOTE RUNNER, LLC.

Represented By
Leslie A Cohen

HOME EXPERT, INC.

Represented By
Leslie A Cohen

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
Devan De los Reyes

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Chapter 7

Adv#: 1:24-01009 EQUATE MEDIA, INC., et al v. Suthar et al

#13.00 Defendants' Motion to Compel the Deposition of Plaintiffs' Rule 30(B)(6) Witness and For Sanctions Against Plaintiffs and Plaintiffs' Attorneys of Record

Docket 45

Tentative Ruling:

The Court will grant in part and deny in part the *Motion to Compel the Deposition of Plaintiffs' Rule 30(b)(6) Witness and for Sanctions Against Plaintiffs and Plaintiffs' Attorneys of Record* [doc. 45]. Plaintiffs must produce their designated representative for deposition under Fed. R. Civ. P. ("Rule") 30(b)(6) before March 28, 2025. The Court will not award sanctions under LBR 7026-1(c)(4).

Additionally, plaintiffs have designated Charlie Katz as their representative under Rule 30(b)(6). *Declaration of Silvana Naguib*, ¶ 7 [doc. 57]. Plaintiffs must produce Mr. Katz for deposition under Rule 30(b)(1) before March 28, 2025. *See* cal. no. 12. If defendants no longer wish to depose Mr. Katz under Rule 30(b)(6) after the deposition under Rule 30(b)(1), defendants must promptly notify plaintiffs' counsel.

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

Party Information

Debtor(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan

Defendant(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan
Robert A Kashfian

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan
Robert A Kashfian

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CONT... Varunkumar Pankajbhai Suthar

Chapter 7

Joint Debtor(s):

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan

Plaintiff(s):

BUDGET VAN LINES, INC.

Represented By
Leslie A Cohen

QUOTE RUNNER, LLC.

Represented By
Leslie A Cohen

HOME EXPERT, INC.

Represented By
Leslie A Cohen

EQUATE MEDIA, INC.,

Represented By
Leslie A Cohen

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
Devan De los Reyes

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Chapter 7

Adv#: 1:24-01009 EQUATE MEDIA, INC., et al v. Suthar et al

#14.00 Defendant Varunkumar Pankajbhai Suthars' Motion to Compel Plaintiffs' Responses For Production, Set One (1) and For Sanctions Against Plaintiffs And Plaintiffs' Attorneys of Record

Docket 48

Tentative Ruling:

For the reasons set forth below, the Court will: (1) grant the motion to compel plaintiffs' responses to defendants' requests for production, and (2) award attorney's fees in favor of defendants in the amount of \$3,600.00.

I. BACKGROUND

A. *The District Court Case*

On January 13, 2021, Equate Media, Inc., Budget Van Lines, Inc., Quote Runner, LLC, and Home Expert, Inc. (collectively, "Plaintiffs") filed a complaint against Varunkumar Pankajbhai Suthar ("Varun") and Disha Virendrabhai Suthar (together with Varun, "Defendants") and Prime Marketing, LLC (together with Defendants, "Judgment Debtors") in the United States District Court for the Central District of California, initiating case no. 2:21-cv-00314-RGK-AGR (the "District Court Action"). In the District Court Action, Plaintiffs tried claims for: (1) misappropriation of trade secrets (Cal. Civ. Code § 3426, *et seq.*) against Defendants and Prime, and (2) breach of contract against Defendants.

On May 27, 2022, the jury rendered a verdict in favor of Plaintiffs and against Judgment Debtors on both claims [District Court Action, doc. 157]. *Complaint*, Ex. A [doc. 1]. On June 22, 2022, the district court entered judgment as a matter of law for Judgment Debtors on both claims [District Court Action, docs. 162 and 164]. Plaintiffs appealed the district court's entry of judgment notwithstanding the verdict, and on November 6, 2023, the Ninth Circuit Court of Appeals reversed the district court and taxed costs against Judgment Debtors in the amount of \$2,160 [District

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Court Action, docs. 176 and 178]. *Complaint*, Ex. B [doc. 1]. On December 27, 2023, the district court entered an order reinstating the jury verdict [District Court Action, doc. 179]. *Complaint*, Ex. C [doc. 1].

On January 11, 2024, the district court entered judgment in favor of Plaintiffs and against Judgment Debtors, *nunc pro tunc* to December 27, 2023 [District Court Action, doc. 186]. On February 27, 2024, the district court entered an order taxing costs in favor of Plaintiffs and against Judgment Debtors in the amount of \$37,029.12 [District Court Action, doc. 204].

B. The Bankruptcy Case

On January 9, 2024 (the "Petition Date"), Defendants filed a voluntary chapter 7 petition, initiating case no. 1:24-bk-10035-VK (the "Bankruptcy Case") [Bankruptcy Case, doc. 1].

C. The Adversary Proceeding

On April 10, 2024, Plaintiffs filed a complaint (the "Complaint") against Defendants, initiating this adversary proceeding [doc. 1]. In the Complaint, Plaintiffs seek a determination of nondischargeability as to damages and costs awarded in their favor and against Defendants in the District Court Action for: (1) false pretenses, false representations and actual fraud under 11 U.S.C. § 523(a)(2)(A); (2) larceny under 11 U.S.C. § 523(a)(4); and (3) willful and malicious injury under 11 U.S.C. § 523(a)(6). Plaintiffs also sought denial of Defendants' discharge under 11 U.S.C. § 727(a)(2).

1. The Motion to Dismiss

On May 1, 2024, Defendants filed a motion to dismiss the Complaint [doc. 4]. On July 1, 2024, the Court entered an *Order on Motion to Dismiss* [doc. 15]. In the order, the Court granted the motion to dismiss with leave to amend as to Plaintiffs' claim under § 727(a)(2) and denied the motion to dismiss as to all other claims. Plaintiffs elected not to amend the Complaint [doc. 18].

2. Discovery Developments to Date

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On June 26, 2024, the Court held an initial status conference. On August 21, 2024, the Court held a continued status conference. On August 29, 2024, the Court entered a *Scheduling Order Following Adversary Status Conference* (the "Scheduling Order") [doc. 21]. In the Scheduling Order, the Court set the deadline for the parties to complete discovery as January 17, 2025.

On December 20, 2024, Defendants' counsel propounded via email and personal service *Defendant Varunkumar Pankajbhai Suthar's Requests for Production, Set One* (the RFP). *Declaration of Attorney Ryan D. Kashfian* ("Kashfian Decl."), ¶ 3 and Ex. 1 thereto [doc. 48]; *Declaration of Silvana Naguib* ("Naguib Decl."), ¶ 37 and Ex. 23 thereto [doc. 57].

On December 24, 2024, Defendants filed a motion for continuance of the deadlines in the Scheduling Order (the "Motion for Continuance") [doc. 27].

On January 17, 2025, Plaintiffs served by email on Defendants' counsel their objections to the RFP (the "Objection"). *Kashfian Decl.*, ¶ 5 and Ex. 2 thereto; *Naguib Decl.*, ¶ 39 and Ex. 26 thereto. For the majority of the individual responses in the Objection, Plaintiffs stated that Defendants' requests for production were improper because, among other reasons, the issue of fact underlying the respective request "is res judicata." *See id.*

Id. On January 30, 2025, the Court held a hearing on the Motion for Continuance and continued the deadline for the parties to complete discovery to March 28, 2025 [doc. 41]. On January 31, 2025, Plaintiffs filed a *Notice of Request for and Consent to Email Service* [doc. 39].

On February 6, 2025, Defendants' counsel mailed and emailed a letter to Plaintiffs' counsel regarding the Objection and requesting that Plaintiffs: (1) clarify whether they would provide supplemental responses to the RFP by February 10, 2025, and (2) provide a time to meet and confer in advance of Defendants' anticipated motion to compel. *Kashfian Decl.*, ¶ 7 and Ex. 3 thereto; *Naguib Decl.*, ¶ 40 and Ex. 28 thereto. "Plaintiffs' counsel inadvertently failed to respond to the February 6, 2025 letter regarding the [RFP], amidst other correspondence regarding [other discovery

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matters]." *Naguib Decl.*, ¶ 41.

On February 25, 2025, the parties' counsel exchanged emails. *Kashfian Decl.*, ¶ 8 and Ex. 4 thereto; *Naguib Decl.*, ¶ 41 and Ex. 29 thereto. In response to an email from Plaintiffs' counsel regarding depositions, Defendants' counsel stated "we have an outstanding letter on written discovery, which your office completely ignored in violation of the local rules. ... [P]lease explain why you refused to meet and confer concerning our outstanding written discovery and ignored our written letters." *Id.* Plaintiffs replied, "[w]e'll get back to you on the written discovery letter. I'm assuming you're referring to the letter from February 6? Please confirm." *Id.*

On February 26, 2025, Defendants' counsel stated:

[Y]ou had 7 days to arrange the meeting of counsel for our February 7, letter which you completely ignored without explanation, which we specifically asked you to explain, and instead you said you would get back to us. See LBR 7026-1(c)(2)... In light of your refusal to cooperate on that matter and your blatant violation of the local rules, which you have not explained, we will proceed accordingly and ask for further sanctions against you and [Plaintiffs] for your refusal to cooperate.

Kashfian Decl., ¶ 9 and Ex. 5 thereto; *Naguib Decl.*, ¶ 41 and Ex. 31 thereto. Plaintiffs' counsel responded, "[Defendants'] requests for production were propounded before the discovery deadline was extended, and the untimeliness of the requests was part of the basis for [Plaintiffs'] objections. Now that the deadlines have been extended, [Plaintiffs] are addressing the need to provide amended responses." *Id.* To date, Plaintiffs have not responded to the February 6, 2025 letter from Defendants' counsel. *Kashfian Decl.*, ¶ 10.

3. The Motion, the Joint Stipulation and the Opposition

On February 27, 2025, Defendants filed a *Motion to Compel Plaintiffs' Responses to Defendant's Requests for Production, Set One (1) and for Sanctions Against Plaintiffs and Plaintiffs' Attorneys of Record* (the "Motion") [doc. 48]. Defendants filed

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concurrently with the Motion a separate statement in lieu of a joint stipulation and declarations of Ryan D. Kashfian and Troy D. Krouse in support of the Motion. Defendants have incurred \$3,600.00 in attorney's fees to date regarding the Motion. *Declaration of Troy D. Krouse*, ¶ 10.a [doc. 48-4].

On March 6, 2025, Plaintiffs filed an opposition to the Motion [docs. 60] and a declaration of Silvana Naguib in support of the opposition. On March 12, 2025, Defendants filed a reply to the opposition [docs. 64].

II. LEGAL STANDARDS

A. *Requests for Production*

Fed. R. Civ. P. ("Rule") 26(b)(1) permits discovery in civil actions of "any matter, not privileged, that is relevant to the claim or defense of any party...." With respect to requests for production of documents, Rule 34(b)(2) provides, in relevant part:

- (A) *Time to Respond*. The party to whom the request is directed must respond in writing within 30 days after being served or—if the request was delivered under Rule 26(d)(2)—within 30 days after the parties' first Rule 26(f) conference. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.
- (B) *Responding to Each Item*. For each item or category, the response must either state that inspection and related activities will be permitted as requested or state with specificity the grounds for objecting to the request, including the reasons. The responding party may state that it will produce copies of documents or of electronically stored information instead of permitting inspection. The production must then be completed no later than the time for inspection specified in the request or another reasonable time specified in the response.
- (C) *Objections*. An objection must state whether any responsive materials are being withheld on the basis of that objection. An

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objection to part of a request must specify the part and permit inspection of the rest.

Rule 37(a)(3)(B)(iv) provides that a party may move for an order compelling production if a party fails to produce documents as requested under Rule 34. "The party who resists discovery has the burden to show that discovery should not be allowed, and has the burden of clarifying, explaining, and supporting its objections." *DIRECTV, Inc. v. Trone*, 209 F.R.D. 455, 458 (C.D. Cal. 2002) (citing *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975)). Rule 37(a) further provides:

(4) *Evasive or Incomplete Disclosure, Answer, or Response.* For purposes of this subdivision (a), an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond.

(5) *Payment of Expenses; Protective Orders.*

(A) *If the Motion Is Granted (or Disclosure or Discovery Is Provided After Filing).* If the motion is granted—or if the disclosure or requested discovery is provided after the motion was filed—the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees. But the court must not order this payment if:

(i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;

(ii) the opposing party's nondisclosure, response, or objection was substantially justified; or

(iii) other circumstances make an award of expenses unjust.

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A litigant's opposition to discovery is substantially justified if he or she has a "reasonable basis both in law and fact" for his or her position. *See Pierce v. Underwood*, 487 U.S. 552, 565 (1988).

B. Local Bankruptcy Rule 7026-1(c)

Local Bankruptcy Rule 7026-1(c) provides, in relevant part:

- (1) General. Unless excused from complying with this rule by order of the court or for good cause shown, a party must seek to resolve any dispute arising under FRBP 7026-7037 or FRBP 2004 in accordance with this rule.
- (2) Meeting of Parties. Prior to the filing of any motion relating to discovery, the parties must meet in person or by telephone in a good faith effort to resolve a discovery dispute. It is the responsibility of the moving party to arrange the conference. Unless altered by agreement of the parties or by order of the court for cause shown, the opposing party must meet with the moving party within 7 days of service upon the opposing party of a letter requesting such meeting and specifying the terms of the discovery order to be sought.
- (3) Moving Papers. If the parties are unable to resolve the dispute, the party seeking discovery must file and serve a notice of motion together with a written stipulation by the parties.
 - (A) The stipulation must be contained in 1 document and must identify, separately and with particularity, each disputed issue that remains to be determined at the hearing and the contentions and points and authorities of each party as to each issue.
 - (B) The stipulation must not simply refer the court to the

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document containing the discovery request forming the basis of the dispute. For example, if the sufficiency of an answer to an interrogatory is in issue, the stipulation must contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions, separately stated.

(C) In the absence of such stipulation or a declaration of a party of noncooperation by the opposing party, the court will not consider the discovery motion.

(4) Cooperation of Parties; Sanctions. The failure of any party either to cooperate in this procedure, to attend the meeting of parties, or to provide the moving party the information necessary to prepare the stipulation required by this rule within 7 days of the meeting of parties will result in the imposition of sanctions, including the sanctions authorized by FRBP 7037 and LBR 9011-3.

C. Issue Preclusion

"Although the Latin terms 'res judicata' and 'collateral estoppel' have historically been used to describe preclusion principles generally, in modern usage these terms have been retitled and their distinct meanings emphasized. 'Res judicata' is now referred to as claim preclusion, and 'collateral estoppel' is referred to as issue preclusion." *In re Yaikian*, 508 B.R. 175, 182 (Bankr. S.D. Cal. 2014).

Issue preclusion "generally refers to the effect of a prior judgment in foreclosing successive litigation of an issue of fact or law actually litigated and resolved in a valid court determination essential to the prior judgment, whether or not the issue arises on the same or a different claim." *New Hampshire v. Maine*, 532 U.S. 742, 749, 121 S.Ct. 1808, 149 L.Ed.2d 968 (2001); *see Oyeniran v. Holder*, 672 F.3d 800, 806 (9th Cir. 2012). Issue preclusion applies in discharge exception proceedings pursuant to § 523(a). *Grogan v. Garner*, 498 U.S. 279, 285 n.11, 111 S.Ct. 654, 112 L.Ed.2d 755 (1991); *see also In re Bugna*, 33 F.3d 1054, 1056 (9th Cir. 1994).

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"Where a federal court has decided the earlier case, federal law controls the collateral estoppel analysis." *McQuillion v. Schwarzenegger*, 369 F.3d 1091, 1096 (9th Cir. 2004); *In re Frye*, 2008 WL 8444822, at *5 n.12 (B.A.P. 9th Cir. Aug. 19, 2008) (holding that, regarding excepting debt from discharge under § 523(a)(6), on appeal of order applying issue preclusion to district court's award of damages for willful copyright infringement, copyright infringement and misappropriation of trade secrets, "whether issue preclusion should apply to a federal court decision is always a matter of federal common law.") (citing *Taylor v. Sturgell*, 128 S.Ct. 2161, 2171 (2008)).

Under federal law, four elements must be present for collateral estoppel to apply:

- (1) the issue at stake was identical in both proceedings;
- (2) the issue was actually litigated and decided in the prior proceedings;
- (3) there was a full and fair opportunity to litigate the issue; and
- (4) the issue was necessary to decide the merits.

Oyeniran, 672 F.3d at 806. "The party seeking to assert collateral estoppel has the burden of proving all the requisites for its application." *In re Kelly*, 182 B.R. 255, 258 (B.A.P. 9th Cir. 1995), *aff'd*, 100 F.3d 110 (9th Cir. 1996). "To sustain this burden, a party must introduce a record sufficient to reveal the controlling facts and pinpoint the exact issues litigated in the prior action. Any reasonable doubt as to what was decided by a prior judgment should be resolved against allowing the collateral estoppel effect." *Id.* See also *Sturgeon-Garcia v. Cagno*, 567 B.R. 364, 370 (N.D. Cal. 2017).

III. ANALYSIS

To the extent Plaintiffs object to the RFP for reasons not discussed in their opposition to the Motion (e.g., that the RFP is unduly broad or burdensome, etc.), Plaintiffs have not met their burden to show that discovery should not be allowed. Moreover, the Objection does not comply with Rule 34(b)(2)(C) because in it, Plaintiffs do not state whether any responsive materials are being withheld.

With respect to Plaintiffs' objections to the RFP on the grounds that the underlying issues of fact are subject to the doctrine of issue preclusion, the Objection is insufficient. If Plaintiffs are relying solely on documents submitted for trial in the

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District Court Action in prosecuting this adversary proceeding, Plaintiffs must indicate that in their supplemental response to the RFP and sufficiently identify each of those documents. If Plaintiffs are relying on documents other than those submitted for trial in the District Court Action, Plaintiffs must produce such documents in their supplemental response.

Plaintiffs have not met their burden of proving that their incomplete and insufficient discovery responses provided before the filing of the Motion were substantially justified or harmless. Accordingly, pursuant to Rule 37(a)(5)(A), Plaintiffs must pay Defendants' reasonable expenses incurred in making the Motion, including attorney's fees, in the amount of \$3,600.00.

IV. CONCLUSION

The Court will grant the Motion and compel Plaintiffs to produce supplemental responses to the RFP without objections no later than March 28, 2025.

The Court will award attorney's fees in favor of Defendants and against Plaintiffs in the amount of \$3,600.00.

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

Party Information

Debtor(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan

Defendant(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan
Robert A Kashfian

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan
Robert A Kashfian

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Joint Debtor(s):

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan

Plaintiff(s):

BUDGET VAN LINES, INC.

Represented By
Leslie A Cohen

QUOTE RUNNER, LLC.

Represented By
Leslie A Cohen

HOME EXPERT, INC.

Represented By
Leslie A Cohen

EQUATE MEDIA, INC.,

Represented By
Leslie A Cohen

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
Devan De los Reyes

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1:25-10291 Rene E. Carcamo

Chapter 13

**#15.00 Debtor's Emergency Motion to Vacate Dismissal For
Failure to File Initial Petition Documents**

Docket 18

Tentative Ruling:

Grant.

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

Appearances on March 20, 2025 are excused.

Party Information

Debtor(s):

Rene E. Carcamo

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se