

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

Wednesday, April 10, 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.

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Docket 0

Tentative Ruling:

- NONE LISTED -

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1:24-10268 Michael Jordan Raskin and Patricia Raasch

Chapter 7

#1.00 Motion for relief from stay [PP]

WILSHIRE CONSUMER CREDIT
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 repossess and sell 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):

Michael Jordan Raskin

Represented By
Sevan Gorginian

Joint Debtor(s):

Patricia Raasch

Represented By
Sevan Gorginian

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CONT... Michael Jordan Raskin and Patricia Raasch

Chapter 7

Movant(s):

Wilshire Consumer Credit

Represented By
Cheryl A Skigin

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:22-10258 Gayane Khachatryan

Chapter 13

#2.00 Motion for relief from stay [PP]

FIRST INVESTORS SERVICING CORPORATION
VS
DEBTOR

Docket 71

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 repossess and sell 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):

Gayane Khachatryan

Represented By
Sevan Gorginian

Movant(s):

First Investors Servicing Corporation

Represented By
Sheryl K Ith

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CONT... Gayane Khachatryan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:22-11047 Boris Flores and Cristina Flores

Chapter 13

#3.00 Motion for relief from stay [RP]

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

Docket 46

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 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.

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CONT... Boris Flores and Cristina Flores

Chapter 13

Debtor(s):

Boris Flores

Represented By
Leonard Pena

Joint Debtor(s):

Cristina Flores

Represented By
Leonard Pena

Movant(s):

U.S. Bank National Association, as

Represented By
Theron S Covey
Dane W Exnowski
Fanny Zhang Wan
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10383 Marine Amirkhanyan

Chapter 13

#4.00 Motion for relief from stay [RP]

PS FUNDING, INC.
VS
DEBTOR

Docket 10

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(4).

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.

If recorded in compliance with applicable state laws governing notices of interests or liens in real property, the order is binding in any other case under this title purporting to affect the property filed not later than 2 years after the date of the entry of the order by the court, except that a debtor in a subsequent case under this title may move for relief from the order based upon changed circumstances or for good cause shown, after notice and hearing.

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

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CONT... Marine Amirkhanyan Chapter 13

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):

Marine Amirkhanyan

Pro Se

Movant(s):

PS Funding, Inc.

Represented By
Eric S Pezold
Andrew Still

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10377 Philmar Studios Inc

Chapter 11

#5.00 Motion for relief from stay [UD]

1032 N. SYCAMORE OWNER (LA), LLC
VS
DEBTOR

Docket 33

Tentative Ruling:

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

BACKGROUND

On May 31, 2016, Albert Sweet and Ronald Sweet entered into a Standard Form Industrial Lease (the "Lease") with Record Plant Realty Corp., a Delaware corporation, regarding the nonresidential real property located at 1032 North Sycamore Ave., Los Angeles CA 90038 (the "Property"). The term of the Lease was for seven years, i.e., until May 31, 1998.

It appears that all right, title and interest of Record Plant Realty Corp., a Delaware corporation, as the tenant under the Lease, was assigned to Philmar Studios, Inc., a Delaware corporation ("Debtor"). Pursuant to an Amended and Restated Addendum to the Lease, entered into as of December 7, 2016 (the "2016 Addendum"), the term of the Lease was extended to December 31, 2026, unless sooner terminated in accordance with the terms of the 2016 Addendum.

Pursuant to an Assignment and Assumption of Leases, as of June 7, 2022, it appears that 1032 N. Sycamore Owner (LA), LLC, a Delaware limited liability company ("Movant"), obtained the interest of the landlord under the Lease, as amended by the 2016 Addendum and other amendments to the Lease.

On September 29, 2023, Movant served on Debtor a Five-Day Notice to Pay Rent or Quit ("Notice to Quit") [doc. 33, Ex. B]. The Notice to Quit states that Debtor had defaulted under the Lease, and that the amount of due and unpaid rent from Debtor was \$123,917.68. The Notice to Quit further states:

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within FIVE (5) DAYS after service of this Notice on Tenant, excluding Saturdays, Sundays and other judicial holidays, [Debtor] is hereby required to PAY THE AMOUNT OF SAID ESTIMATED RENT - **\$123,917.68** - IN FULL OR IMMEDIATELY VACATE AND QUIT SAID PREMISES AND DELIVER POSSESSION TO THE LANDLORD or the Landlord will institute legal proceedings for an unlawful detainer against [Debtor] to (1) terminate the Lease; (2) recover possession of the Premises; (3) recovery statutory damages of up to \$600,00, unpaid rent and daily damages; and (4) recover attorneys' fees and other costs incurred in the instituted legal proceedings.

...

[B]y this notice, the Landlord elects to and does declare a forfeiture of said Lease and the Lease will terminate under Section 1951.2 of the California Civil Code if said estimated rent - \$123,917.68 - is not paid in FULL within five (5) days of this Notice, excluding Saturdays, Sundays and judicial holidays.

Notice to Quit [doc. 33, Ex. B] (emphasis in original).

Movant served the Notice to Quit on Debtor by regular U.S. mail, certified mail/return receipt requested and overnight courier service with confirmation of receipt. Notice to Quit [doc. 33, Ex. B].

On October 9, 2023, Movant filed a Verified Complaint for Unlawful Detainer ("Verified UD Complaint") against Debtor in the Superior Court of the State of California for the County of Los Angeles [doc. 33, Ex. C and doc. 50, Ex. 1]. The Verified UD Complaint states that more than five business days had elapsed since service of the Notice to Quit and that Debtor had continued to refuse to vacate the Property and had failed to pay the entire amount set forth in the Notice to Quit.

On March 6, 2024, Debtor filed its chapter 11 petition; according to Movant, this was the day before trial was to commence in Movant's unlawful detainer action.

On March 15, 2024, Movant filed and served the pending motion (the "Motion") [doc.

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CONT... Philmar Studios Inc

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33]. On March 27, 2024, Debtor filed an opposition (the "Opposition") [doc. 48].

In the Opposition, Debtor argues, among other things, that Movant has not established cause for relief from the automatic stay to obtain possession of the Property. Debtor contends that it would suffer a hardship if it must vacate the Property; Debtor operates its business from that location and contends that its use of the Property is essential for its reorganization. Debtor further represents that it intends to pay all of the past due rent, that it has a right to seek relief from forfeiture of the Lease and that it intends to assume the Lease, presumably in accordance with the applicable provisions of the Bankruptcy Code.

APPLICABLE LAW

Whether a lease has terminated is a question of state law. *In re Foote*, 277 B.R. 393, 396 (Bankr. E.D. Ark. 2002). *See also In re Hospitality Associates*, 6 B.R. 778 (Bankr. D. Or. 1980)("In resolving questions of lease vitality Bankruptcy Courts look to state law.")

In *In re Windmill Farms, Inc.*, 841 F.2d 1467 (9th Cir. 1988), the Ninth Circuit Court of Appeals held that, under California law, a commercial lease terminates for nonpayment of rent at least by the time the lessor files an unlawful detainer action, provided that: (1) a proper notice to pay rent or quit has been given; (2) the lessee has failed to pay the rent in default within the required period of time; and (3) the lessor's notice contained an election to declare the lease forfeited. *Id.* at 1471.

A lease of nonresidential real property that has been terminated prior to an order for relief may not be assumed or rejected by the debtor. 11 U.S.C. § 365(c)(3). "If the contract or lease has expired by its own terms or has been terminated prior to the commencement of the bankruptcy case, then there is nothing left for the [debtor] to assume or [reject]" *Foote*, 277 B.R. at 396, quoting *In re Huffman*, 171 B.R. 649, 653 (Bankr. W.D. Mo. 1994). "However, the termination must be complete and not subject to reversal, either under the terms of the contract or under state law." *Moody v. Amoco Oil Co.*, 734 F.2d 1200, 1212 (7th Cir. 1984).

As stated by the Ninth Circuit Court of Appeals in *City of Valdez, Alaska v. Waterkist Corp.* (*In re Waterkist Corp.*), 775 F.2d 1089, 1091 (9th Cir. 1985), to determine whether a particular lease may be assumed by a debtor in possession:

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First, we must determine whether the lease was terminated under applicable state law prior to the filing of the bankruptcy petition. Second, if we find that the lease was terminated, we must determine whether the termination could have been reversed under a state anti-forfeiture provision or other applicable state law.

Here, if the Lease was terminated under California law prior to the order for relief and that termination is not subject to reversal, either under the terms of the Lease or under California law, then Debtor cannot assume the Lease.

It appears that, under California law, the Lease was terminated before Debtor filed its chapter 11 petition. To the extent Debtor seeks relief from forfeiture of the Lease, the state court, in which Movant's unlawful detainer action is pending, can and should make that determination, which requires the application of California law.

Pursuant to 11 U.S.C. § 362(d)(1), providing for the appropriate resolution of this dispute under California law by the state court constitutes cause for relief from the automatic stay, and the Court will grant relief from the automatic stay to Movant.

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

Any other request for relief is denied.

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

Party Information

Debtor(s):

Philmar Studios Inc

Represented By
Robert M Yaspan

Movant(s):

1032 N. SYCAMORE OWNER

Represented By
Michael A Shakouri

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1:23-11148 D'RIA Group Inc.

Chapter 11

#6.00 Motion for relief from stay [AN]

JAIME BLANCO-MACIEL, ET AL.
VS
DEBTOR

Docket 113

Tentative Ruling:

Unless an appearance is made at the hearing on April 10, 2024, the hearing is continued to May 8, 2024 at 9:30 a.m., and movant must cure the deficiencies noted below on or before April 13, 2024.

In accordance with Local Bankruptcy Rule 4001-1(c)(1)(C)(i), movant must properly serve the motion and notice of the continued hearing and the deadline to file a written response directly on the debtor. It is not sufficient to serve only counsel for the debtor.

Appearances on April 10, 2024 are excused.

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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1:17-10673 Hermann Muennichow

Chapter 7

Adv#: 1:23-01027 Seror, Chapter 7 Trustee v. Muennichow

#7.00 Status conference re: Complaint For Turnover of Property
of the Estate and for Related Injunctive Relief

fr. 9/27/23; 11/1/23; 12/6/23; 1/24/24, 2/21/24; 4/3/24

Docket 1

***** VACATED *** REASON: Cont'd to 5/29/24 at 1:30 p.m. per Ord. #22.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hermann Muennichow

Represented By
Stuart R Simone
Nicholas A West

Defendant(s):

Helayne Muennichow

Pro Se

Plaintiff(s):

David Seror, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

David Seror (TR)

Represented By
Richard Burstein
Jessica L Bagdanov

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1:22-11138 Alan Barry Bursteen

Chapter 7

Adv#: 1:22-01070 Inferno California, Inc. v. Bursteen

#8.00 Status conference re: complaint to determine nondischargeability under 11 U.S.C. § 523(a)(6)

fr. 2/22/23; 4/12/23; 7/19/23; 10/18/23

Docket 1

Tentative Ruling:

Unless an appearance is made at the status conference, the status conference is continued to **1:30 p.m. on July 10, 2024**. If Plaintiff will be pursuing a default judgment pursuant to LBR 7055-1(b), Plaintiff must serve a motion for default judgment (if such service is required pursuant to Fed. R. Bankr. P. 7055, Fed. R. Civ. P. 55(b)(2) and/or LBR 7055-1(b)(1)(D)) and must file that motion by **June 26, 2024**. **THE COURT WILL NOT CONTINUE THIS DEADLINE ANY FURTHER.**

If Plaintiff will be seeking to recover attorneys' fees, Plaintiff must demonstrate that the award of attorneys' fees complies with LBR 7055-1(b)(4).

PROCEDURAL BACKGROUND

In September 2022, Alan Barry Bursteen ("Defendant") filed a chapter 7 petition, initiating bankruptcy case no. 1:22-bk-11138-VK (the "Bankruptcy Case"). In March 2023, Defendant received a discharge [Bankruptcy Case, doc. 35].

In December 2022, Inferno California, Inc. ("Plaintiff") filed a complaint against Defendant (the "Complaint"), initiating this adversary proceeding. In the Complaint, Plaintiff alleges that, before Defendant filed the Bankruptcy Case, Plaintiff brought a state court action against Defendant and another party (the "State Court Action") and obtained a default against Defendant in that action. *See* Complaint, doc. 1, ¶ 9.

In February 2023, the clerk entered a default against Defendant in this adversary proceeding under Local Bankruptcy Rule ("LBR") 7055-1(a) [doc. 13]. The same month, Plaintiff filed a unilateral status report [doc. 16], stating that it was evaluating

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whether to proceed first with the default judgment in the State Court Action. Consequently, Plaintiff requested that the Court continue the status conference for approximately 90 days.

The Court continued the initial status conference to April 2023. In its tentative ruling for the February 22, 2023 status conference, the Court stated that if Plaintiff would be pursuing a default judgment, Plaintiff must serve a motion for default judgment (if such service is required) and must file that motion by March 24, 2023.

In March 2023, Plaintiff filed a unilateral status report [doc. 17], asserting that it would prefer to liquidate its judgment against all defendants in the State Court Action, before it proceeded against Defendant in this adversary proceeding. The Court continued the status conference to July 19, 2023. *See* doc. 18.

In July 2023, Plaintiff filed a unilateral status report [doc. 19], representing that counsel in the State Court Action had not yet filed its motion for default judgment against Defendant. In addition, Plaintiff stated that it has recently changed state court counsel, which had delayed resolution of the State Court Action. Plaintiff also reiterated its desire to liquidate its judgment against all defendants in the State Court Action, before addressing nondischargeability in this adversary proceeding. For those reasons, Plaintiff requested that the Court continue the status conference for 90 days. The Court continued the status conference to October 18, 2023. *See* doc. 20.

In October 2023, Plaintiff filed a unilateral status report (the "October Status Report") [doc. 21], contending that discussions regarding settlement of the State Court Action, which could potentially moot this adversary proceeding, had temporarily stalled because of Plaintiff's change in state court counsel. Plaintiff further stated that its new state court counsel was up to speed and intended to continue settlement discussions. Plaintiff requested that the Court continue the status conference for 6 months, and the Court continued the status conference to April 10, 2024.

On April 4, 2024, Plaintiff filed a unilateral status report [doc. 24], which largely conveyed the same information as the October Status Report. In addition, Plaintiff repeated its desire to liquidate its judgment against all defendants in the State Court Action and then address nondischargeability in this adversary proceeding.

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Alan Barry Bursteen

Chapter 7

The next day, Plaintiff filed another unilateral status report (the "Second April Status Report") [doc. 26]. In the Second April Status Report, Plaintiff states that its counsel in this adversary proceeding changed firms and, as a result of conflicts, is unable to continue representing Plaintiff. Plaintiff further represents that it is retaining new bankruptcy counsel and that its state court counsel will appear at the April 10, 2024 status conference. In addition, Plaintiff asserts that it has filed a motion for default judgment in the State Court Action against Defendant, and that, once that judgment is entered, Plaintiff intends to file a motion for default judgment in this adversary proceeding. For these reasons, Plaintiff requests that the Court continue the status conference and the deadline for it to file a motion for default judgment before this Court for 90 days.

This adversary proceeding has been pending since December 2022. Since the clerk entered a default against Defendant in February 2023, *i.e.*, over one year ago, the Court has continued the status conference and the deadline to file a motion for default judgment numerous times, at Plaintiff's request. **Plaintiff's ability to obtain numerous continuances of time for Plaintiff to file a motion for default judgment with this Court has reached its conclusion.**

The Court will prepare the order.

Plaintiff's appearance on April 10, 2024 is excused.

Party Information

Debtor(s):

Alan Barry Bursteen

Represented By
Raymond H. Aver

Defendant(s):

Alan B Bursteen

Pro Se

Plaintiff(s):

Inferno California, Inc.

Represented By

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CONT... Alan Barry Bursteen

Kyra E Andrassy

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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1:23-10848 Margarita Orosco Robles
Adv#: 1:23-01038 Sanchez v. Robles

Chapter 7

#9.00 Status Conference Re: Second Amended Complaint

fr. 4/3/24

Docket 12

Tentative Ruling:

The Court will continue the status conference to **1:30 p.m. on April 24, 2024.**

On September 29, 2023, Margarita Sanchez ("Plaintiff") filed a complaint against Margarita Orosco Robles ("Defendant"), initiating this adversary proceeding. On October 5, 2023, Plaintiff filed a first amended complaint [doc. 4].

In December 2023, the Court entered an order continuing the status conference (the "Order") [doc. 10] so that Plaintiff could file an amended complaint and serve such amended complaint on Defendant. In addition, the Order provided that, with any amended complaint, Plaintiff must provide Another Summons.

The Order further provided that, "to demonstrate proper service of the Another Summons and the amended complaint to be served with that summons, [Plaintiff] must file a signed proof of service indicating that the Another Summons **and the amended complaint** were timely served on [Defendant]" Order, p. 2 (emphases added).

On February 1, 2024, Plaintiff filed a second amended complaint (the "Second Amended Complaint") [doc. 12].

Pursuant to the *Proof of Service of Summons and Notice of Status Conference in Adversary Case* (the "Proof of Service") [doc. 14], Plaintiff served a summons and notice of status conference on Defendant at 10950 Sherman Way, #170, Burbank, CA 91505. The Proof of Service does not indicate that Plaintiff served a copy of the Second Amended Complaint on Defendant.

No later than April 17, 2024, Plaintiff must file a proof of service which demonstrates

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CONT... Margarita Orosco Robles

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that Plaintiff served the Second Amended Complaint on Defendant.

The Court will prepare the order.

Party Information

Debtor(s):

Margarita Orosco Robles

Represented By
Joel M Feinstein

Defendant(s):

Margarita Orosco Robles

Pro Se

Plaintiff(s):

Margarita Sanchez

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

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2:00 PM

1:20-10346 Alan Gene Lau

Chapter 7

Adv#: 1:20-01053 Prior et al v. Lau et al

#10.00 Plaintiffs/Judgment Creditor's Motion to Compel Production of Documents to Defendant/Judgment Debtor and Request for Sanctions In the Amount of \$900.00 Against Defendant/Judgment Debtor

fr. 4/3/24

Docket 113

Tentative Ruling:

The Court will grant the *Plaintiffs/Judgment Creditors Motion to Compel Production of Documents to Defendant/Judgment Debtor and Request for Sanctions in the Amount of \$900.00 Against Defendant/Judgment Debtor* (the "Motion") [doc. 113].

In April 2022, the Court entered a judgment in favor of Russell Prior and Cheryl Prior (together, "Plaintiffs") and against debtor Alan Gene Lau ("Defendant") in the amount of \$135,000 (the "Judgment") [doc. 69]. *See also* doc. 68. The Court held that the Judgment is nondischargeable under 11 U.S.C. § 523(a)(2)(A). Judgment, p. 2. *See also* doc. 68.

On February 2, 2023, the United States Bankruptcy Appellate Panel of the Ninth Circuit affirmed the Judgment. *See* docs. 95, 96 and 98.

Fed. R. Civ. P 69(a) states, in pertinent part:

- (1) Money Judgment; Applicable Procedure. A money judgment is enforced by a writ of execution, unless the court directs otherwise. The procedure on execution--and in proceedings supplementary to and in aid of judgment or execution--must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.
- (2) Obtaining Discovery. In aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears

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of record may obtain discovery from any person--including the judgment debtor--as provided in these rules or by the procedure of the state where the court is located.

"A judgment in bankruptcy court is enforced by reference to Federal Rule of Civil Procedure 69." *In re Dixie Farms Market*, 9 Fed.Appx. 692, 693 (9th Cir. 2001) (citing Fed. R. Bankr. P. 7069). "Rule 69(a) provides that proceedings 'supplementary to and in aid of a judgment...shall be in accordance with the practice and procedure of the state in which the district court is held....'" *Id.*

"A judgment creditor may conduct discovery directly against the judgment debtor by...requests for production of documents (§ 708.030)." *SCC Acquisitions, Inc. v. Superior Court*, 243 Cal.App.4th 741, 751-52 (Cal. Ct. App. 2015). In addition, California Code of Civil Procedure ("CCP") § 708.030 authorizes a trial court to compel production of documents in the possession, custody, or control of a judgment debtor. *Id.*, at 753.

Pursuant to Fed. R. Civ. P. 69(a), because the Judgment was entered by this Court, which is located in the Central District of California, Plaintiffs may enforce the Judgment and obtain discovery in aid of enforcing the Judgment in accordance with California statutes.

Under CCP §§ 708.030 and 2031.010, Plaintiffs are entitled to request information from Defendant to aid in enforcement of the Judgment. On December 12, 2023, Plaintiffs' counsel served a request to produce documents (the "Document Request") on Defendant and Defendant's counsel by United States first class mail. The deadline for Defendant to produce documents was on or before January 17, 2024. Defendant did not respond to the Document Request.

On January 19, 2024, Plaintiffs' counsel sent by United States first class mail a meet and confer letter to Defendant (with a copy sent to Defendant's counsel via email) and offered to extend the deadline for Defendant to respond to the Document Request to January 31, 2024. Defendant has not respond to the meet and confer letter.

The Document Request concerns Defendant's income and personal property; Defendant's responses to the Document Request are relevant to Plaintiffs' rights, as

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judgment creditors, to obtain information to aid in enforcement of the Judgment under CCP § 708.030. By not responding to the Document Request, Defendant misused the discovery process under CCP § 2023.010(d). As a result, pursuant to CCP § 2031.300(b), Plaintiffs properly brought the Motion, and the Court may issue an order compelling Defendant to provide a response to the Document Request, along with any accompanying documents. In addition, as set forth in CCP § 2023.030(a), the Court may impose a monetary sanction ordering that Defendant, who engaged in the misuse of the discovery process, pay reasonable attorney's fees incurred by Plaintiffs as a result of Defendant's conduct.

In her declaration, Plaintiffs' counsel represents that her usual and customary rate for legal services is \$450 per hour. Declaration of Alana Anaya, ¶ 6 [doc. 113]. Plaintiffs' counsel states that she spent 1.5 hours preparing and filing the Motion and that she anticipates and requests an award of fees for 0.5 hours to prepare for and attend the hearing on the Motion. *Id.* Taking into account, *inter alia*, the reasonable amount of time which Plaintiffs' counsel spent on the Motion, it is appropriate to award attorney's fees to Plaintiffs and against Defendant in the aggregate amount of \$900, based on 2 hours billed, at \$450 per hour.

Within seven (7) days, Movants must submit the order, which provides for Defendant's compliance within 21 days from service of the entered order.

Note: No response has been filed. Accordingly, no court appearance by movants 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 movants will be so notified.

Party Information

Debtor(s):

Alan Gene Lau

Represented By
Kevin T Simon

Defendant(s):

Alan Gene Lau

Represented By
Andrew Edward Smyth
Stephen S Smyth

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DOES 1 through 10, inclusive Pro Se

Joint Debtor(s):

Amber Ann Waddell Lau Represented By
Kevin T Simon

Movant(s):

Cheryl Prior Represented By
Alana B Anaya

Plaintiff(s):

Russell Prior Represented By
Alana B Anaya

Cheryl Prior Represented By
Alana B Anaya

Trustee(s):

Amy L Goldman (TR) Pro Se