

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

Thursday, April 18, 2024

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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1:22-10533 Dolores F Corpuz

Chapter 7

#1.00 Trustee's Final Report and Applications for Compensation

Nancy Zamora, Chapter 7 Trustee

Law Offices of Larry D. Simons, Attorneys for Chapter 7 Trustee

SLBiggs, A division of SingerLewak, Accountants for Chapter 7 Trustee

Docket 61

Tentative Ruling:

Nancy J. Zamora, chapter 7 trustee - approve compensation of \$6,578.37 and reimbursement of expenses of \$163.39.

Law Offices of Larry D. Simons, attorneys for chapter 7 trustee - approve fees of \$4,510.00 and reimbursement of expenses of \$188.36.

SLBiggs & Co., accountants for chapter 7 trustee - approve fees of \$3,414.50 and reimbursement of expenses of \$112.07.

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

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee or his/her professionals 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 the relevant applicant(s) will be so notified.

Party Information

Debtor(s):

Dolores F Corpuz

Represented By
Hector Vega

Trustee(s):

Nancy J Zamora (TR)

Represented By

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Dolores F Corpuz

Larry D Simons

Chapter 7

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1:23-10810 Alfred O. Awani

Chapter 11

#2.00 Application for payment of: Interim fees and/or expenses for
Havkin & Shrago, attorneys for Debtor

Docket 93

Tentative Ruling:

Based on the analysis set forth below, the Court will approve fees in the amount of of \$21,912.50 and reimbursement of expenses in the amount of \$287.61 for the period of June 16, 2023 through March 27, 2024, pursuant to 11 U.S.C. § 331, on an interim basis.

11 U.S.C. § 330(a)(1)(A) provides that a court may award to a professional person employed under section 327 "reasonable compensation for actual, necessary services" rendered by the professional person. "In determining the amount of reasonable compensation to be awarded to the professional person, the court shall consider the nature, the extent and the value of such services, taking into account all relevant factors, including - (A) the time spent on such services; (B) the rates charged for such services; (C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title; [and] (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed" 11 U.S.C. § 330(a)(3).

The Court has an independent duty to review an estate professional's request for compensation and determine its reasonableness pursuant to 11 U.S.C. § 330(a)(3). *See In re Ness*, 2007 WL 1302611, *1 (Bankr. E.D. Cal. April 27, 2007). "The bankruptcy court has *sua sponte* authority to 'award compensation less than the amount of compensation that is requested.'" *In re Eliapo*, 468 F.3d 592, 597 (9th Cir. 2006), *quoting* 11 U.S.C. § 330(a)(2).

Here, the debtor, an individual, has only one creditor, which creditor is the beneficiary of a first deed of trust against the debtor's principal residence. The trustee for that creditor is U.S. Bank National Association ("U.S. Bank").

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Chapter 11

The claim of U.S. Bank is placed in Class 2 of *Debtor's First Amended Plan of Reorganization* (the "Plan"). Class 2 is the only class of claims under the Plan. If Class 2 rejects the Plan, the Plan cannot be confirmed.

Given that this is a single creditor case, which creditor is secured, and must consent to any modification of the loan (through a confirmed plan or otherwise), and having reviewed the first interim fee application Havkin & Shrago ("Applicant"), it appears that Applicant billed an unreasonable hourly rate for certain services provided by Stella Havkin in this chapter 11 case. The Court will allow a rate of \$425.00 per hour for services appropriately provided by Stella Havkin. In addition, Applicant billed an unreasonable hourly rate for the following services:

Employment Application

<u>Name</u>	<u>Date</u>	<u>Time</u>	<u>Rate</u>	<u>Charge</u>	<u>Description</u>
SH	6/28/23	1.00	\$525.00	\$525.00	Prepare employment application
SH	7/17/23	0.60	\$525.00	\$315.00	Prepare declaration of non-opposition

and order for employment of Havkin and Shrago.

For these services, the Court will allow the paralegal hourly rate of \$175.00.

Applicant states that at the time of the filing of the petition, the remaining prepetition retainer balance is \$13,740.00. Declaration of Stella Havkin, p. 10 [doc. 93]. The Court will allow Applicant to draw down on the remaining pre-petition retainer balance.

Although such information is to be provided in accordance with Local Bankruptcy Rule 2016-1(a)(1)(A), the interim fee application does not disclose "the amount of money on hand in the estate and the estimated amount of other accrued expenses of administration."

In order for the Court to authorize the payment of the portion of the approved interim fees and expenses which exceed the amount of the prepetition retainer, the Court must be provided with a declaration of the debtor, or another qualified declarant, which discusses the extent of the estate's ability to pay these approved fees at this time, and

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Chapter 11

for the debtor to retain sufficient funds to pay other administrative expenses. *See*
Local Bankruptcy Rule 2016-1(a)(1)(A)(i).

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

Party Information

Debtor(s):

Alfred O. Awani

Represented By
Stella A Havkin

Movant(s):

Stella Havkin and Havkin & Shrago,

Represented By
Stella A Havkin

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1:17-12969 Roger Ronald Steinbeck and Stannis Veronica Steinbeck

Chapter 11

#3.00 Post confirmation status conference

fr. 9/12/19; 10/3/19; 04/16/20; 12/17/20; 4/22/21; 10/21/21; 4/21/22; 10/20/22;
10/27/22; 4/13/23; 10/19/23

Docket 1

Tentative Ruling:

Continue to **1:00 p.m. on September 12, 2024.**

The Court will vacate the continued post-confirmation status conference if an order granting the reorganized debtor a final decree and closing the case is entered prior to the continued hearing date.

The Court will prepare the order continuing the post-confirmation status conference.

Appearances on April 18, 2024 are excused.

Party Information

Debtor(s):

Roger Ronald Steinbeck

Represented By
Michael R Totaro

Joint Debtor(s):

Stannis Veronica Steinbeck

Represented By
Michael R Totaro

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1:23-10696 Monica L Columbia

Chapter 11

**#4.00 Debtor's Second Amended Disclosure Statement to
Amended Plan of Reorganization**

fr. 2/15/24; 2/22/24

Docket 124

Tentative Ruling:

In addition to the issues raised by the U.S. Trustee, the Court notes the following deficiencies with the proposed disclosure statement.

In Article IV, subsection A of the Second Amended Disclosure Statement, the debtor indicates she will be "assuming" the sales contract with Ally Bank regarding her 2018 Porsche Macan.

In October 2023, the debtor agreed to a stipulated adequate protection order regarding the 2018 Porsche Macan. When the movant filed its motion for relief from the automatic stay, the last payment it had received from the debtor was made in May 2023, and the debtor had not made payments from June through September 2023 [doc. 64-2]. Pursuant to the stipulated order, the debtor was required to make regular monthly payments for the Porsche Macan in the amount of \$478.81 per month, commencing in November 2023 [docs. 74 and 76].

In April 2024, the movant filed a declaration that, even after the movant provided the debtor with notice of default, the debtor did not comply with the adequate protection agreement and did not make any of the required payments for the Porsche Macan from November 2023 through March 2024 [doc. 132]. Because of the debtor's breach of the adequate protection agreement, on April 15, 2024, the Court entered an order terminating the automatic stay regarding the Porsche Macan [doc. 133].

The proposed disclosure statement does not discuss the debtor's failure to make postpetition payments for the Porsche Macan, including the payments which the debtor committed to make in accordance with the adequate protection stipulation, and the debtor's intended replacement of the Porsche Macan.

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There are tremendous variations in the debtor's monthly income, as set forth in her monthly operating reports ("MORs"). The monthly income reported in the debtor's MORs, from and including the month of September 2023 through February 2024, ranges from a low of \$3,948.00 to a high of \$43,648.00. The proposed disclosure statement does not explain these variations nor provide a sufficient explanation, taking into account the debtor's existing inventory, for the debtor's much higher projected income.

There also are tremendous variations in the debtor's monthly expenditures, as set forth in her MORs. The monthly disbursements reported in the debtor's MORs, from and including the month of September 2023 through February 2024, range from a low of \$8,732.00 to a high of \$43,629 (the highest of which appears in the debtor's Amended MOR for February 2024) [doc. 138].

None of these disbursements include car payments or deed of trust payments. The proposed disclosure statement does not explain these variations nor provide a sufficient explanation for the debtor's projected straight line expenses (other than plan payments), from April 2024 through March 2025.

The disclosure statement does not discuss the plans for, and outcome of, the purchase of certain unsecured claims of jewelry vendors by the debtor's mother, if and when those claims were purchased, how much was spent to acquire each of those claims and, if the debtor's mother acquired any unsecured claims against the estate, why assignments of those claims to the debtor's mother have not been filed with the Court [see docs. 70, 79 and 80].

The debtor's response to the objections of the U.S. Trustee is not supported by a declaration.

Party Information

Debtor(s):

Monica L Columbia

Represented By
Robert M Yaspan

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1:23-10696 Monica L Columbia

Chapter 11

#5.00 Status conference re Chapter 11 voluntary petition

fr. 7/13/23; 11/9/23; 12/14/23; 2/15/24; 2/22/24

Docket 1

Tentative Ruling:

Contrary to the Court's *Order Setting (1) Hearing on Amended Disclosure Statement and Related Deadlines; and (2) Status Conference* [doc. 120], the debtor did not file a status report by the deadline of April 4, 2024.

On May 19, 2023, the debtor filed a chapter 11 petition. In October 2023, the debtor agreed to a stipulated adequate protection order regarding her 2018 Porsche Macan Sport Utility 4D (the "Porsche Macan"). When the movant filed its motion for relief from the automatic stay, the last payment it had received from the debtor was made in May 2023, and the debtor had not made payments from June through September 2023 [doc. 64-2]. Pursuant to the stipulated order, the debtor was required to make regular monthly payments for the Porsche Macan in the amount of \$478.81 per month, commencing in November 2023 [docs. 74 and 76].

In April 2024, the movant filed a declaration that, even after the movant provided the debtor with notice of default, the debtor did not comply with the adequate protection agreement and did not make any of the required payments for the Porsche Macan from November 2023 through March 2024 [doc. 132]. Because of the debtor's breach of the adequate protection agreement, on April 15, 2024, the Court entered an order terminating the automatic stay regarding the Porsche Macan [doc. 133].

As set forth in the debtor's schedule A/B, filed in May 2023 [doc. 1] the Porsche Macan was the debtor's only vehicle, as of the petition date. (In her amended schedule A/B, filed on October 7, 2023, the debtor indicated that she did not have an interest in **any** vehicles. However, in her amended schedule D, filed on October 7, 2023, the debtor listed Ally Financial Inc. ("Ally") as a secured creditor, with a claim secured by the Porsche Macan, and valuing the collateral at \$28,000 [doc. 87]). In the Amended Plan of Reorganization, filed on March 7, 2024 [doc. 123], the debtor put Ally's claim,

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Chapter 11

as a claim secured by "Debtor's car," in class 3.10, and the debtor proposed to pay Ally's claim by making monthly payments as set forth in the purchase contract, with any "reinstatement amount" being paid over 60 months with interest at 10.25%. The Amended Plan of Reorganization also provides that the debtor must perform all pre-confirmation and post-confirmation obligations regarding her indebtedness to Ally, for the Porsche Macan.

In the debtor's declaration filed in opposition to Ally's motion for relief from stay, the debtor stated: "The [Porsche Macan] is my sole means of transportation which I need to manage and sell my custom jewelry" [doc. 69].

Why did the debtor not make the required monthly payments for the Porsche Macan? Has the debtor obtained a replacement vehicle? What are the terms for the debtor's payment for, or financing of, any such vehicle?

If the debtor has not obtained a replacement vehicle, how does the debtor intend to do so, and how will the debtor operate her business without having a replacement vehicle?

Similarly, with respect to the debtor's residence, located at 4309 Natoma Ave., Woodland Hills CA 91364, the debtor has contractual loan arrears, as of February 8, 2024, in the aggregate amount of \$146,727.40, which arrears arise from payments that have not been made from December 2020 to February 2024 (over more than four years) [doc. 127]. Beginning March 1, 2024, the debtor has agreed to make payments for the loan secured by her residence in the amount of \$4,112.74, including principal and interest, taxes and insurance.

Even when the debtor generated a relatively high income during one month, the debtor has had significant negative cash flows for most recent months, e.g., September 2023, October 2023, November 2023, January 2024 and February 2024. For example, based on the debtor's Amended Monthly Operating Report ("MOR") for February 2024, although Debtor generated \$41,590 in income that month, she spent \$43,629 during that month - when the debtor was not making a monthly car payment or deed of trust payment [doc. 138].

Instead of making car payments and deed of trust payments, the debtor routinely is

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Chapter 11

making exorbitant purchases for clothing, beauty products and meals. For example, the debtor's recent monthly operating reports reflect the following apparently inessential purchases:

February 2024 MOR

2/13/24	Abercrombie	\$131.40
2/13/24	Kingfisher	\$137.47
2/15/24	Yves Saint Laurent	\$3,120.85
2/15/24	Yves Saint Laurent	\$250.00
2/15/24	Firehouse	\$181.49
2/16/24	Nordstrom	\$344.82
2/22/24	Kingfisher	\$975.59
2/22/24	Kingfisher	\$216.81
2/26/24	Mattarri	\$141.26

January 2024 MOR

1/8/24	Amazon	\$125.79
1/8/24	Amazon	\$206.14
1/9/24	Etsy.com	\$233.53
1/10/24	Amazon	\$499.88
1/12/24	Total Wine	\$310.89
1/16/24	Anthropologie	\$648.11
1/29/24	So Sushi	\$223.38
1/29/24	Amazon	\$569.38
1/30/24	Amazon	\$190.63

December 2023 MOR

12/11/23	Uniqlo	\$488.18
12/11/23	Uniqlo	\$384.34
12/13/23	Sephora	\$431.45
12/13/23	Uniqlo	\$677.04
12/15/23	Amazon	\$135.77
12/15/23	Amazon	\$155.56
12/18/23	Bloomingdale's	\$284.68
12/18/23	Free People	\$332.12

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Chapter 11

12/18/23	Chanel	\$600.07
12/26/23	Nordstrom	\$221.19
12/29/23	Uniqlo	\$109.38

In light of the debtor's failure to make car payments or deed of trust payments for an extensive period of time, including since the debtor filed her chapter 11 petition nearly one year ago, and the ending cash balance in the debtor's bank accounts of less than \$1,300 as of February 29, 2024 and less than \$2,700 as of March 31, 2024 (despite the debtor not having made postpetition car or deed of trust payments)[docs. 138 and 139], the Court questions the debtor's commitment and financial ability to start making deed of trust payments or any other payments to her creditors in the future.

Another area of concern in the debtor's postpetition payments to creditors. In the Claims Analysis which is attached as Exhibit 4 to Debtor's Second Amended Disclosure Statement to Amended Plan of Reorganization, the debtor states that the claims of "Julita Jewelry" and Shy Creation are owned by her mother [*see also* docs. 70, 79 and 80].

In her original and amended schedule E/F, the debtor represents that "Julita Jeweler's" holds an unsecured claim in the amount of \$34,500.00 and that Shy Creations, Inc. holds an unsecured claim in the amount of \$25,000.00 [docs. 1, 71 and 87]. In comparison, a proof of claim filed by "Julita Design" asserts an unsecured claim in the amount of \$65,205.00 [Claim 10-1], and a proof of claim filed by Shy Creation, Inc., asserts an unsecured claim in the amount of \$17,433.12 [Claim 9-1].

As set forth in recent MORs, the debtor has been making large payments to Shy Creation and to "Julita Design" (which may be the same entity as "Julita Jewelry" and "Julita Jeweler's"). In February 2024, the debtor issued two checks, in the amount of \$2,500 each, to Shy Creation and checks in the amount of \$5,000 and \$4,000 to Julita Design. In January 2024, the debtor issued a check in the amount of \$6,000 to Julita Design. In December 2023, the debtor issued checks in the amount of \$3,555, \$1631.25 and \$310.50 to Shy Creation. With these payments, the debtor may be repaying the prepetition debt owed to these entities.

Taking into account the debtor's postpetition financial history, the Court will issue an order to show cause why a chapter 11 trustee should not be appointed, or the case

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converted to one under chapter 7, pursuant to 11 U.S.C. §§ 105(a), 1104(a)(1) or (2) and/or 1112(b)(1) and (4)(A) and (B).

Prior to the applicable bar dates in this case, eleven creditors have filed proofs of claim. The Court will set a deadline of **June 14, 2024** for the debtor to file objections to proofs of claim and a deadline of **August 16, 2024** for the debtor to confirm a chapter 11 plan, if the Court does not convert the case to one under chapter 7 prior to then.

The Court will prepare the order.

Party Information

Debtor(s):

Monica L Columbia

Represented By
Robert M Yaspan

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1:23-10810 Alfred O. Awani

Chapter 11

#6.00 First amended disclosure statement hearing re debtor's
first amended plan of reorganization

fr. 12/21/23(stip); 2/22/24(stip)

Docket 63

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfred O. Awani

Represented By
Stella A Havkin

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1:23-10810 Alfred O. Awani

Chapter 11

#7.00 Status conference re: chapter 11 case

fr. 7/27/23; 11/16/23; 12/21/23(stip); 2/22/24(stip)

Docket 1

Tentative Ruling:

The deadline for the debtor to confirm a chapter 11 plan is May 31, 2024.

The debtor has only one creditor, which creditor is the beneficiary of a first deed of trust against the debtor's principal residence. The trustee for that creditor is U.S. Bank National Association ("U.S. Bank").

The claim of that creditor (the "Secured Claim") is placed in Class 2 of *Debtor's First Amended Plan of Reorganization* (the "Plan"). Because Class 2 is impaired under the Plan, if Class 2 rejects the Plan, the Plan cannot be confirmed unless at least one class of claims that is impaired under the Plan has accepted the Plan. 11 U.S.C. § 1129(a)(10).

Here, Class 2 is the only class of claims under the Plan. Therefore, if Class 2 rejects the Plan, the Plan cannot be confirmed.

In light of this situation, what progress has been made regarding obtaining the consent of U.S. Bank to a loan modification regarding the Secured Claim or otherwise negotiating the terms for consensual confirmation of the Plan?

Party Information

Debtor(s):

Alfred O. Awani

Represented By
Stella A Havkin

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1:23-10966 K3B Enterprises LLC

Chapter 11

#8.00 Debtor's Motion under FRBP 9024 for reconsideration of or
vacating order imposing 180-day bar to refiling

Docket 57

Tentative Ruling:

The Court will continue the hearing to **1:00 p.m. on April 25, 2024**, to be held in conjunction with the *United States Trustee's Motion to: (1) Dismiss Case Pursuant to 11 U.S.C. § 1112(b) With a One-Year Bar to Refiling Pursuant to 11 U.S.C. §§ 105(a) and 349(a); and (2) Refund Compensation Pursuant to 11 U.S.C. § 329 [1:24-bk-10406-VK, doc. 14]*.

Appearances on April 18, 2024 are excused.

Party Information

Debtor(s):

K3B Enterprises LLC

Represented By

Matthew D. Resnik
Roksana D. Moradi-Brovia
Katherine Bunker
Giovanni Orantes

Movant(s):

K3B Enterprises LLC

Represented By

Matthew D. Resnik
Roksana D. Moradi-Brovia
Katherine Bunker
Giovanni Orantes

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1:22-11504 Drita Pasha Kessler

Chapter 11

#9.00 Status conference re: chapter 11 subchapter V case

fr. 2/16/23; 4/13/23; 6/8/23; 6/15/23; 7/6/23; 8/17/23; 10/19/23;
11/16/23

Docket 1

***** VACATED *** REASON: Case converted to chapter 7 on 12/15/23.
[Dkt. 228]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Drita Pasha Kessler

Represented By
Leonard Pena

Trustee(s):

Robert Paul Goe (TR)

Pro Se

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1:23-11154 Persian Broadcast Service Global, Inc.

Chapter 11

#10.00 Status conference re: chapter 11 subchapter V

fr. 11/16/23

Docket 1

Tentative Ruling:

Pursuant to 11 U.S.C. §§ 105(a) and 1112(b)(1) and (4)(E) and (J), this case will be dismissed.

In accordance with the *Order Setting (1) Deadline to Confirm Chapter 11 Plan; and (2) Continued Status Conference* (the "Order") [docs. 47 and 51], the deadline for the debtor to confirm a chapter 11, subchapter V plan is April 11, 2024. The Order was entered and served on November 28, 2023.

After the plan confirmation deadline set forth in the Order had passed, on April 17, 2024, the debtor filed "Debtor's First Amended Chapter 11 Plan of Reorganization" [doc. 62]. Among other deficiencies which the Court noted with respect to the debtor's originally filed chapter 11 plan of reorganization [docs. 46 and 47], the first amended chapter 11 plan does not set forth and discuss *all* of the requirements of confirmation applicable to a subchapter V, chapter 11 plan under 11 U.S.C. § 1191, **including the provisions of § 1191(c)(2) and (3)(B) and (d).**

The debtor has not complied with the Order. 11 U.S.C. § 1112(b)(4)(J) (cause for dismissal includes a failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court).

Based upon the Court's review of the debtor's schedules of assets and liabilities and statement of financial affairs, filed on August 16, 2023, the amended statements of financial affairs, filed on October 27, 2023 and on November 27, 2023, and the record in this case, there does not appear to be sufficient assets in the debtor's estate that could be administered for the benefit of unsecured creditors. Accordingly, the Court concludes that it is in the best interest of creditors and the estate to dismiss this case.

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CONT... Persian Broadcast Service Global, Inc.

Chapter 11

The Court will prepare the order.

Party Information

Debtor(s):

Persian Broadcast Service Global,

Represented By
Thomas B Ure

Trustee(s):

Andrew W. Levin (TR)

Pro Se