

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

Thursday, July 11, 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.

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.

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Password: 397607

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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1:23-11759 Cynthia Estrada

Chapter 7

#1.00 Trustee's Final Report and Applications for Compensation

Nancy Zamora, Chapter 7 Trustee

Docket 20

Tentative Ruling:

Nancy J. Zamora, chapter 7 trustee - approve compensation of \$1,365.13 and reimbursement of expenses of \$402.69.

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):

Cynthia Estrada

Represented By
Daniel F Jimenez

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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1:00 PM

1:23-10696 Monica L Columbia

Chapter 11

#2.00 Order to show cause why chapter 11 trustee should not be appointed or case should not be converted to one under chapter 7

Docket 143

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monica L Columbia

Represented By
Robert M Yaspan

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1:23-10696 Monica L Columbia

Chapter 11

#2.01 Hearing re Debtor's Proposed Third Amended Disclosure Statement
To Amended Plan of Reorganization (Modified)

fr. 6/27/24

Docket 204

Tentative Ruling:

The Court will continue this hearing to 1:00 p.m. on August 1, 2024.

Appearances on July 11, 2024 are excused.

Party Information

Debtor(s):

Monica L Columbia

Represented By
Robert M Yaspan

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1:23-10696 Monica L Columbia

Chapter 11

#2.02 Motion For Order Establishing Procedures
To Market Real Property Of The Estate Free And Clear Of Liens,
Claims, Encumbrances, And Interests Pursuant To 11 U.S.C. § 363

Docket 186

Tentative Ruling:

In the *Order Denying Application for Order Setting Hearing on Shortened Notice* [doc. 183], which Application concerned the MOTION OF DEBTOR-IN-POSSESSION FOR ORDER (1) AUTHORIZING SALE OF ESTATE'S RIGHT, TITLE AND INTEREST IN REAL PROPERTY (4309 NATOMA AVENUE, WOODLAND HILLS, CA 91364) (AND PERSONAL PROPERTY LOCATED THEREIN) FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS; (2) APPROVING PAYMENT OF COMMISSIONS AND CERTAIN UNDISPUTED CLAIMS (3) FINDING PURCHASERS ARE GOOD FAITH PURCHASERS; (4) TRANSFERRING CERTAIN CLAIMS TO THE PROCEEDS AND (5) WAIVING STAY UNDER RULE 6004(h), the Court denied the Application and stated that the "debtor must comply with Local Bankruptcy Rule ['LBR'] 6004-1(f), including filing the mandatory Notice of Sale of Estate Property, F 6004-2.NOTICE.SALE." Despite this instruction and LBR 6004-1(f), the debtor has not done what is required to have this mandatory notice of the sale posted on the Court's website.

The proposed sale agreement is not attached to the notice [doc. 192], nor is it attached to the motion [doc. 186]. The motion states the agreement is attached as Exhibit 1. Motion, page 4. It is not attached as Exhibit 1.

In the debtor's declaration in support of the motion, the debtor states that the sale agreement is attached as Exhibit 5. Declaration of Monica L. Columbia, paragraph 9. It is not attached as Exhibit 5.

Pursuant to LBR 6004-1(b)(2), "if the purchase agreement is not available, then the moving party must describe the terms of the sale proposed, when a copy of the actual agreement will be filed with the court, and from whom it may be obtained. The notice must describe the marketing efforts undertaken and the anticipated marketing plan, or

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explain why no marketing is required." Contrary to LBR 6004-1(b)(2), the debtor has not indicated when the agreement will be filed with the Court and from whom it may be obtained. Also, the notice does not describe the marketing efforts undertaken.

The Debtor's Proposed Sale Procedures, set forth in the motion, identify an incorrect auction location. These procedures states the auction will take place in the Los Angeles Division of the U.S. Bankruptcy Court, Courtroom 1375, 255 East Temple Street, Los Angeles, CA 90012. Motion, page 6.

Party Information

Debtor(s):

Monica L Columbia

Represented By
Robert M Yaspan

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1:23-10696 Monica L Columbia

Chapter 11

#3.00 Status conference re Chapter 11 voluntary petition

fr. 7/13/23; 11/9/23; 12/14/23; 2/15/24; 2/22/24; 4/18/24

Docket 1

Tentative Ruling:

The Court will continue this chapter 11 case status conference to **1:00 p.m. on August 1, 2024.**

Appearances on July 11, 2024 are excused.

4/18/2024 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].

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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, 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,

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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 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
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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
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

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\$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 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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1:24-10337 Alen Lalayan

Chapter 7

#4.00 United States Trustee's Motion to 1) Dismiss Chapter 7 Case for Cause Under 11 U.S.C. 707(a) and 2) Refund of Fees Pursuant to 11 U.S.C. 329

Docket 24

Tentative Ruling:

Grant.

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):

Alen Lalayan

Represented By
Silva Berejian

Movant(s):

United States Trustee (SV)

Represented By
Eryk R Escobar

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:18-11125 Marcelo Martinez

Chapter 11

**#5.00 Motion by Reorganized Debtor for Entry of Discharge
and Entry of Final Decree**

Docket 134

Tentative Ruling:

Grant.

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):

Marcelo Martinez

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Movant(s):

Marcelo Martinez

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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1:20-11237 BGS WORKS, INC.

Chapter 7

#6.00 Chapter 7 Trustees Motion for Order: (1) Authorizing the Sale of Real Property Free and Clear of Liens and Interests; (2) Approving Overbidding Procedures; (3) Authorizing Stipulation Between Trustee and Senior Secured Lienholders for Subordination of Liens (4) Authorizing Payment of Estate Brokers Commission and Ordinary Costs of Sale; (5) Finding Purchaser Is a Good Faith Purchaser; and (6) Waiving the 14 Day Stay Prescribed by Rule 6004(h)

Docket 320

***** VACATED *** REASON: Cont'd to 7/18/24 at 1:30 p.m. per Order #335.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

BGS WORKS, INC.

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia
Kevin Tang
Yolanda Zepeda

Movant(s):

Nancy J Zamora (TR)

Represented By
Meghann A Triplett

Trustee(s):

Nancy J Zamora (TR)

Represented By
Meghann A Triplett

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1:23-10303 Michael Kenneth Jefferson

Chapter 7

#7.00 Debtor's Motion for redemption of 2021 Mercedes-Benz C-Class through Santander Consumer USA, Inc under 11 U.S.C. § 722

Docket 44

Tentative Ruling:

In May 2024, the Court granted Santander Consumer USA ("Santander") relief from the automatic stay to enforce Santander's remedies and for Santander to repossess or otherwise obtain possession and dispose of a 2021 Mercedes C300 (the "Vehicle") [doc. 37].

If Santander has not yet repossessed and disposed of the Vehicle, i.e., by the time that the debtor provides the entire redemption payment to Santander, the Court will grant the *Motion for Redemption of 2021 Mercedes-Benz C-Class through Santander Consumer USA, Inc Under 11 U.S.C. § 722* (the "Motion") [doc. 44].

Conversely, if Santander has repossessed and disposed of the Vehicle by that time, the Court will deny the Motion as the debtor's interest in the Vehicle would have been eliminated.

Party Information

Debtor(s):

Michael Kenneth Jefferson

Represented By
Sanaz Sarah Bereliani

Movant(s):

Michael Kenneth Jefferson

Represented By
Sanaz Sarah Bereliani
Sanaz Sarah Bereliani

Trustee(s):

David Seror (TR)

Pro Se