

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
Courtroom 302 Calendar**

Wednesday, December 3, 2025

Hearing Room 302

10:00 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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Chapter

Password: 701108

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 -

**United States Bankruptcy Court
Central District of California
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Wednesday, December 3, 2025

Hearing Room 301

10:00 AM

1:23-10613 Marion Elisabeth Greenblatt

Chapter 7

#0.01 Motion of Marion E. Greenblatt to Vacate or Alter Order Granting Motion of Chapter 7 Trustee: (1) Limiting Debtors Claimed Exemption in Real Property Located at 5523 N. Ember Ct., Agoura Hills, CA 91301 Pursuant to 11 U.S.C. § 522(Q); and (2) Compelling Turnover of Property to Trustee (Docket No. 100)

fr. 11/26/25

Docket 106

Tentative Ruling:

The Court will deny the motion.

In accordance with 11 U.S.C. § 522(q)(1)(A), the debtor's homestead exemption is appropriately limited to \$189,050. Pursuant to § 522(q)(1)(A):

As a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of an interest in property described in [subparagraph] (A) . . . of subsection (p)(1) which exceeds in the aggregate \$189,050 if -

(A) the court determines, after notice and a hearing, that the debtor has been convicted of a felony (as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title

Prepetition, the debtor was found guilty and convicted of felony violations of California Penal Code § 487(a). That conviction was based on the debtor, who was a licensed insurance agent, accepting insurance premium payments from business owners and misappropriating the money for her personal use. Pursuant to California Penal Code § 1202.4(f), the debtor was ordered to make restitution to two victims, i.e., \$42,000 plus interest at 10% (for a total of \$58,800) to West Side Towing and \$291,000 plus interest at 10% (for a total of \$407,400) to Amwins Insurance Brokerage, LLC. The debtor was ordered to make this restitution at a hearing at

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Chapter 7

which the debtor appeared, in person.

Based on the same felony violations, another individual, Robert Farmer, also was ordered to make restitution to the same victims as the debtor.

Three days after the hearing which established her restitution obligations, the debtor filed her chapter 7 petition. On her schedule D, the debtor identified one secured creditor; on her schedule E, the debtor identified five unsecured creditors. The debtor did not disclose her criminal case, her obligation to make restitution or the creditors to whom she was ordered to make restitution, in her bankruptcy filings, nor during her § 341(a) meeting of creditors. During the debtor's § 341(a) meeting of creditors, held on October 13, 2023, the debtor testified that she signed her petition, schedules, statements and related documents which she filed with the court, that she read them before she filed them, that she was personally familiar with the information they contained, that the information was true and correct, and that all of her creditors were listed on her schedules.

Before the initial bar date, two creditors filed proofs of claim against the estate. Their aggregate claims were less than \$45,000.

During the pendency of the chapter 7 case, the chapter 7 trustee (the "Trustee") was preparing to sell property of the estate, i.e., a mobile home located in Newbury Park, California, to Robert Farmer. Mr. Farmer represented to the Trustee's counsel that he had been living in the debtor's mobile home for free, was a friend of the debtor and would pay \$175,000 for the mobile home. As a term of that sale, Mr. Farmer insisted that the sale not be subject to overbidding. The Trustee was willing to make that a term of the sale of the mobile home, if the debtor agreed.

If and after that sale closed, the Trustee intended to provide what appeared to be surplus sale proceeds to the debtor. At that time, the Trustee did not know about the victims to which the debtor was liable to make restitution, and that these creditors had not been informed about the debtor's bankruptcy case or the bar date.

Before that transaction closed, counsel to the Trustee learned that the debtor had a felony conviction and criminal restitution obligations, which the debtor had not disclosed. After finding this out, the Trustee contacted one of the restitution victims,

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Chapter 7

which then filed a proof of claim. As a result of this proof of claim being filed, there would not be surplus proceeds from the sale of the mobile home to pay to the debtor, and Robert Farmer withdrew his offer to buy the mobile home.

This potential transaction is one example of how the debtor's filing of this case, after her felony conviction, coupled with her concealment of her criminal case and the victims to whom she was ordered to make restitution, was an abuse of the provisions of this title. If the Trustee had not otherwise uncovered the debtor's criminal restitution obligations, the debtor could have prevented those creditors from receiving any portion of the sale proceeds of the mobile home, which instead would have been provided by the Trustee to the debtor and likely dissipated by the debtor, rather than being paid to the debtor's victims.

Taking into account the debtor's Social Security income, and the debtor's ability to pay rent and other living expenses with that income, the Court finds that retaining \$189,050 of the debtor's claimed homestead exemption is sufficient for the support of the debtor; retaining more than \$189,050 in sale proceeds from the debtor's residence is not reasonably necessary for the debtor's support.

After the debtor receives the exempted proceeds from the sale of her residence, instead of paying to lease a residence, the debtor could purchase a mobile home where she can live.

In connection with the motion, the debtor represents that she has been providing her 43 year old stepdaughter and 21 year old granddaughter with free housing in the debtor's residence. During her section 341 meeting of creditors, which took place on October 13, 2023, the debtor testified that these relatives lived in the debtor's mobile home and paid rent of approximately \$750 per month. That payment was sufficient to cover the park fees.

To the extent that these relatives have been living in the debtor's residence without paying for that occupancy, the debtor contends that her stepdaughter and granddaughter are her dependents. However, the debtor has not submitted any evidence regarding the income and assets of her stepdaughter and granddaughter. Although the debtor has represented that her granddaughter currently attends a local community college, the debtor has not provided any information as to the cost of

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tuition (if any), and whether or not her granddaughter also is working and receiving employment income. Moreover, the debtor has acknowledged that her stepdaughter and granddaughter pay for most of their own living expenses, and the debtor has not claimed either of them as a dependent in her income tax returns. Consequently, the debtor has not demonstrated that retaining more than \$189,050 of the debtor's claimed homestead exemption is reasonably necessary for the support of her stepdaughter and granddaughter.

No later than January 25, 2026, as stipulated by the parties [*see* docs. 110 and 112], the debtor must turnover the real property located at 5523 N. Ember Ct., Agoura Hills, CA 91301 to the Trustee in broom-swept condition with all personal property removed; all of the other provisions of the parties' stipulation will be enforceable as well.

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

Party Information

Debtor(s):

Marion Elisabeth Greenblatt

Represented By
Daniel J McCarthy

Trustee(s):

David Keith Gottlieb (TR)

Represented By
D Edward Hays
Bradford Barnhardt

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Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Hearing Room 301

10:30 AM

1:23-11082 Philip M. Lawrence, II

Chapter 7

**#1.00 Chapter 7 Trustee's Third Interim Application for Compensation
and Reimbursement of Expenses**

Docket 423

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 10, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan - SUSPENDED BK -
Jeffrey S Kwong

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Ron Bender
Jeffrey S Kwong
Joseph M Rothberg

**United States Bankruptcy Court
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10:30 AM

1:23-11082 Philip M. Lawrence, II

Chapter 7

#2.00 Application For Payment Of: Interim Fees And/Or Expenses
(11 U.S.C. § 331) for Levene, Neale, Bender, Yoo & Golubchik LLP,
Debtor's Attorney

Docket 426

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 10, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan - SUSPENDED BK -
Jeffrey S Kwong

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Ron Bender
Jeffrey S Kwong
Joseph M Rothberg

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
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Wednesday, December 3, 2025

Hearing Room 301

10:30 AM

1:23-10696 Monica L Columbia

Chapter 7

#3.00 Trustee's Final Report and Applications for Compensation

Todd A. Frealy, Chapter 7 Trustee

Hahn Fife & Company LLP, Accountant to the Trustee

Irina Kurland, CPA, Accountant for Debtor

Docket 368

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 10, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Monica L Columbia

Represented By
Jeremy Faith

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
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10:30 AM

1:24-10035 Varunkumar Pankajbhai Suthar and Disha Virendrabhai

Chapter 7

**#4.00 Chapter 7 Trustee's First Interim Application for Compensation
and Reimbursement of Expenses**

Docket 94

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 10, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan

Joint Debtor(s):

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan

Movant(s):

David Keith Gottlieb (TR)

Represented By
Laila Rais
Devan De los Reyes

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Rais
Devan De los Reyes

**United States Bankruptcy Court
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Wednesday, December 3, 2025

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10:30 AM

1:24-10035 Varunkumar Pankajbhai Suthar and Disha Virendrabhai

Chapter 7

**#5.00 First Interim Application for Allowance of Fees and Costs by
Marshack Hays Wood LLP as General Counsel to Trustee**

Docket 96

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 10, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Varunkumar Pankajbhai Suthar

Represented By
Eric Bensamochan

Joint Debtor(s):

Disha Virendrabhai Suthar

Represented By
Eric Bensamochan

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Rais
Devan De los Reyes

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
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Wednesday, December 3, 2025

Hearing Room 301

10:30 AM

1:24-11886 Right Size Plumbing & Drain Co Inc.

Chapter 11

**#6.00 Final Fee Application Of Subchapter V Trustee For Approval
Of Fees And Reimbursement Of Expenses**

Docket 177

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 10, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Right Size Plumbing & Drain Co	Represented By Michael Jay Berger
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Movant(s):

John-Patrick McGinnis Fritz (TR)	Pro Se
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Trustee(s):

John-Patrick McGinnis Fritz (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, December 3, 2025

Hearing Room 301

10:30 AM

1:25-10602 World of Mistry, LLC

Chapter 11

#7.00 First Interim Application Of Levene, Neale, Bender, Yoo & Golubchik L.L.P.
For Fees And Expenses Incurred As The Debtors Bankruptcy Counsel For
The Period Of April 11, 2025 Through And Including November 12, 2025

Docket 124

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 17, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

World of Mistry, LLC

Represented By

Ron Bender

Todd M Arnold

Anthony A. Friedman

Katherine Bunker

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
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Wednesday, December 3, 2025

Hearing Room 301

10:30 AM

1:25-10644 Amit Syal and Reena Mistry

Chapter 11

#8.00 First Interim Application Of Levene, Neale, Bender, Yoo & Golubchik L.L.P.
For Approval Of Fees And Reimbursement Of Expenses As Debtors
Bankruptcy Counsel For The Period Of April 14, 2025 Through And
Including November 12, 2025

Docket 101

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 17, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Amit Syal

Represented By
Ron Bender
Anthony A. Friedman
Todd M Arnold

Joint Debtor(s):

Reena Mistry

Represented By
Ron Bender
Anthony A. Friedman
Todd M Arnold

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
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Wednesday, December 3, 2025

Hearing Room 301

10:30 AM

1:25-11111 Ostendo Technologies, Inc.

Chapter 11

#9.00 First Amended Interim Application for Allowance of Attorneys' Fees
and Costs for Mincin Law, PLLC, Attorneys for Unsecured Creditor
Committee

Docket 186

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 17, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Ostendo Technologies, Inc.

Represented By
Ron Bender
Krikor J Meshefjian
Robert Carrasco

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

Wednesday, December 3, 2025

Hearing Room 301

10:30 AM

1:25-11111 Ostendo Technologies, Inc.

Chapter 11

#10.00 First Interim Application Of Levene, Neale, Bender, Yoo & Golubchik L.L.P.
For Approval Of Fees And Reimbursement Of Expenses Incurred As
Bankruptcy Counsel To Debtor During Period From June 24, 2025
Through And Including November 10, 2025

Docket 178

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 17, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Ostendo Technologies, Inc.

Represented By
Ron Bender
Krikor J Meshefejian
Robert Carrasco

Movant(s):

Levene, Neale, Bender, Yoo &

Represented By
Krikor J Meshefejian

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
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Wednesday, December 3, 2025

Hearing Room 301

10:30 AM

1:25-11111 Ostendo Technologies, Inc.

Chapter 11

#11.00 First Interim Application Of Sherwood Partners, Inc. For
Approval Of Fees Incurred As Sale Agent And Financial
Advisor To Debtor During Period From July 15, 2025
Through And Including November 10, 2025

Docket 179

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 17, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

Ostendo Technologies, Inc.

Represented By
Ron Bender
Krikor J Meshefejian
Robert Carrasco

Movant(s):

Sherwood Partners, Inc.

Represented By
Krikor J Meshefejian

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, December 3, 2025

Hearing Room 301

10:30 AM

1:25-11802 KC 117 LLC

Chapter 11

**#12.00 Final Fee Application Of Subchapter V Trustee For Approval
Of Fees And Reimbursement Of Expenses**

Docket 90

Tentative Ruling:

The Court will continue the hearing to **10:30 a.m. on December 10, 2025.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

KC 117 LLC

Represented By
Shai S Oved

Movant(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, December 3, 2025

Hearing Room 301

1:00 PM

1:24-11748 Lytton Vineyard & Winery, L.P.

Chapter 11

#13.00 Confirmation hearing re Debtor's Amended Chapter 11 Plan
of Liquidation, Dated October 10, 2025

Docket 320

Tentative Ruling:

The Court will confirm the *Debtor's Amended Chapter 11 Plan of Liquidation, Dated October 10, 2025* [doc. 320]. No later than April 1, 2026, the debtor must file a status report explaining what progress has been made toward consummation of the confirmed chapter 11 plan. The initial report must be served on the United States trustee and the 20 largest unsecured creditors. The status report must comply with the provisions of Local Bankruptcy Rule 3020-1(b) AND BE SUPPORTED BY EVIDENCE. A postconfirmation status conference will be held **at 1:00 p.m. on April 15, 2026.**

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

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

**United States Bankruptcy Court
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Wednesday, December 3, 2025

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1:00 PM

1:24-11748 Lytton Vineyard & Winery, L.P.

Chapter 11

#14.00 Status conference re chapter 11 case

fr. 12/11/24; 2/19/25; 4/2/25; 5/7/25; 6/11/25; 6/18/25; 7/30/25; 9/24/25;
10/8/25

Docket 1

Tentative Ruling:

See cal. no. 13.

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut

**United States Bankruptcy Court
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Wednesday, December 3, 2025

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1:00 PM

1:25-11209 Joanne Edith Sabetta

Chapter 11

#15.00 Status conference re chapter 11 case

fr. 8/20/25

Docket 1

***** VACATED *** REASON: Case dismissed on 9/26/25 [doc. 76].**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joanne Edith Sabetta

Represented By
Anthony Obehi Egbase

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, December 3, 2025

Hearing Room 301

1:00 PM

1:24-11323 IN Holdings, Inc and IN Holdings Canada, Inc.

Chapter 11

**#15.01 Debtors' and Committee's Joint Chapter 11 Plan of Reorganization
Dated October 1, 2025**

fr. 11/20/25

Docket 837

***** VACATED *** REASON: The Court has approved entry of the
Findings of Fact and Conclusions of Law, and Order Confirming the
Debtors' and Committee's Joint Chapter 11 Plan of Reorganization Dated
October 1, 2025.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

IN Holdings, Inc

Represented By

Joseph Axelrod

Susan K Seflin

Jessica Wellington

Ashley M Teesdale

Jonathan Seligmann Shenson

Jessica L Bagdanov

David M Poitras

Cynthia M Cohen

Joint Debtor(s):

IN Holdings Canada, Inc.

Represented By

Susan K Seflin

DAI US HOLDCO INC

Represented By

Susan K Seflin

5310 Holdings, LLC

Represented By

Susan K Seflin

**United States Bankruptcy Court
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CONT... IN Holdings, Inc and IN Holdings Canada, Inc.

Chapter 11

**United States Bankruptcy Court
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Wednesday, December 3, 2025

Hearing Room 301

1:00 PM

1:24-11323 IN Holdings, Inc

Chapter 11

#15.02 Status Conference Re: Chapter 11 Case

fr. 10/31/24; 11/4/24; 11/7/24; 1/8/25; 1/22/25(stip); 2/5/25(stip);
3/5/25; 3/21/25; 4/23/25; 5/28/25; 6/16/25;6/27/25 ; 7/30/25; 10/1/25; 11/20/25

Docket 1

Tentative Ruling:

Continued to be held as a post-confirmation status conference on **April 15, 2026 at 1:00 p.m.**

Appearances on December 3, 2025 are excused.

Party Information

Debtor(s):

IN Holdings, Inc

Represented By

Joseph Axelrod

Susan K Seflin

Jessica Wellington

Ashley M Teesdale

Jonathan Seligmann Shenson

Jessica L Bagdanov

David M Poitras

**United States Bankruptcy Court
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1:24-11323 IN Holdings, Inc and IN Holdings Canada, Inc.

Chapter 11

**#16.00 Debtors' Fourth Omnibus Objection [Scheduled and Filed Claims
Assumed by Third Party Under Sale Order]**

Docket 864

Tentative Ruling:

The Court will sustain the objections to claims. Pursuant to 11 U.S.C. § 502(b)(1), the claims below will be disallowed. **[FN1]**

Schedule ID	Proof of Claim No.	Claimant	Claim Amount	Cure Amount
3.18	N/A	CDZ Sales, Inc.	\$363.34	\$363.34
3.32	N/A	Creative Sales Marketing	\$11,953.94	\$11,953.94
3.45	N/A	Guise & Associates	\$2,425.09	\$2,425.09
3.49	N/A	Hollywood Alliance Canada Inc.	\$17,336.80	\$17,336.80
3.56	N/A	Interwest Brokerage	\$2,052.61	\$2,052.61
3.57	N/A	JK Sales	\$2,460.30	\$2,460.30
3.59	N/A	JWP Sales LLC	\$1,991.38	\$1,991.38
3.64	N/A	Louis F Leeper Co	\$1,458.78	\$1,458.78
N/A	10	Mittenthal Associates / P&GB Inc.	\$19,015.80	\$3,116.05
3.70	N/A	MRC Smart Technology, Inc.	\$1,113.74	\$1,113.74
3.72	N/A	NSF International	\$5,260.00	\$5,260.00

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CONT... IN Holdings, Inc and IN Holdings Canada, Inc. Chapter 11

3.75	28	Omega Sales and Marketing	\$5,447.28	\$5,447.28
3.79	N/A	Phil Bortman & Associates	\$4,052.56	\$4,052.56
3.85	N/A	Retail Business Solutions, Inc.	\$24,772.65	\$24,772.65
3.92	N/A	Shankman & Associates, Inc.	\$177.02	\$177.02
3.97	N/A	Specialized Marketing International	\$1,634.85	\$1,634.85
N/A	38	Spectrum Enterprise	\$5,187.14	\$5,187.14
3.98	N/A	SPINS LLC	\$25,000.02	\$25,000.02
3.99	N/A	SPS Commerce, Inc	\$7,639.80	\$7,639.80
3.104	N/A	The Shuster Group LLC	\$6,262.85	\$6,262.85
3.105	N/A	The Swanson Group	\$93,899.64	\$93,899.64
3.108	N/A	TMZ Brokerage Co	\$100.85	\$100.85

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

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

FOOTNOTE

FN1: "Schedule ID" is the number assigned to each of the claims in the schedules of IN Holdings, Inc. [doc. 96].

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Chapter 11

Debtor(s):

IN Holdings, Inc

Represented By
Joseph Axelrod
Susan K Seflin
Jessica Wellington
Ashley M Teesdale
Jonathan Seligmann Shenson
Jessica L Bagdanov
David M Poitras
Cynthia M Cohen

Joint Debtor(s):

IN Holdings Canada, Inc.

Represented By
Susan K Seflin
Jessica Wellington

DAI US HOLDCO INC

Represented By
Susan K Seflin
Jessica Wellington

5310 Holdings, LLC

Represented By
Susan K Seflin
Jessica Wellington

Movant(s):

IN Holdings, Inc

Represented By
Joseph Axelrod
Joseph Axelrod
Joseph Axelrod
Joseph Axelrod
Joseph Axelrod
Joseph Axelrod
Joseph Axelrod
Joseph Axelrod
Susan K Seflin
Susan K Seflin
Susan K Seflin

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IN Holdings, Inc and IN Holdings Canada, Inc.

Chapter 11

Susan K Seflin
Susan K Seflin
Susan K Seflin
Susan K Seflin
Susan K Seflin
Jessica Wellington
Jessica Wellington
Jessica Wellington
Jessica Wellington
Jessica Wellington
Jessica Wellington
Jessica Wellington
Ashley M Teesdale
Ashley M Teesdale
Ashley M Teesdale
Ashley M Teesdale
Ashley M Teesdale
Ashley M Teesdale
Ashley M Teesdale
Jonathan Seligmann Shenson
Jonathan Seligmann Shenson
Jonathan Seligmann Shenson
Jonathan Seligmann Shenson
Jonathan Seligmann Shenson
Jonathan Seligmann Shenson
Jonathan Seligmann Shenson
Jonathan Seligmann Shenson
Jessica L Bagdanov
Jessica L Bagdanov
Jessica L Bagdanov
Jessica L Bagdanov
Jessica L Bagdanov
Jessica L Bagdanov
Jessica L Bagdanov

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IN Holdings, Inc and IN Holdings Canada, Inc.

Chapter 11

Jessica L Bagdanov
David M Poitras
David M Poitras
David M Poitras
David M Poitras
David M Poitras
David M Poitras
David M Poitras
David M Poitras
David M Poitras
Cynthia M Cohen
Cynthia M Cohen
Cynthia M Cohen
Cynthia M Cohen
Cynthia M Cohen
Cynthia M Cohen
Cynthia M Cohen
Cynthia M Cohen

IN Holdings Canada, Inc.

Represented By
Susan K Seflin
Jessica Wellington

DAI US HOLDCO INC

Represented By
Susan K Seflin
Jessica Wellington

5310 Holdings, LLC

Represented By
Susan K Seflin
Jessica Wellington

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1:25-11233 Patrick Ryan Fairman

Chapter 7

#17.00 Motion For Damages For Violation of the Automatic Stay
Pursuant to 11 U.S.C. 362(k)

Docket 48

Tentative Ruling:

For the reasons set forth below, the Court will deny the debtor's motion for damages for violation of the automatic stay pursuant to 11 U.S.C. § 362(k) and contempt pursuant to 11 U.S.C. § 105(a) [doc. 48].

I. BACKGROUND

A. The Chapter 7 Petition and Other Bankruptcy Filing Documents

On July 7, 2025, Patrick Ryan Fairman ("Debtor") filed a chapter 7 petition in pro per. In his petition, Debtor stated that he lived at 21423 Iglesia Drive, Woodland Hills, CA 91356 (the "Iglesia Property"); for the provision of written notice in his bankruptcy case, Debtor provided a mailing address of 5403 Tampa Ave., Tarzana CA 91356 (the "Notice Address"). With his chapter 7 petition, Debtor filed his schedules I and J and a *Verification of Master Mailing List of Creditors* (the "Verified Mailing List"). When Debtor filed his chapter 7 petition, Debtor did not file any of his other bankruptcy schedules or his Statement of Financial Affairs ("Petition Documents").

In the Verified Mailing List, Debtor identified six creditors; Debtor did not include Hamed G. Said in the Verified Mailing List. Given that Debtor did not include Mr. Said in the Verified Mailing List, the Court did not serve Mr. Said with the *Notice of Chapter 7 Bankruptcy Case*. See doc. 8.

On July 25, 2025, Debtor filed a motion to extend the deadline to file his missing Petition Documents [doc. 12]. The Court granted that motion; this provided Debtor with an extension until August 8, 2025 to file the missing Petition Documents [doc. 13].

On August 8, 2025, Debtor filed additional Petition Documents [doc. 23]. In his

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schedules D and E/F, Debtor did not identify Hamed G. Said as a creditor. In his schedule G, Debtor represented that he did not have any unexpired leases. In schedule H, Debtor stated that he did not have any co-debtors. In his Statement of Financial Affairs, Debtor represented that, within one year of filing his chapter 7 petition, he was not a party in any lawsuit, court action or administrative proceeding [doc. 23, p. 37].

On September 17, 2025, the chapter 7 trustee submitted a report of no distribution in this case.

On October 2, 2025, Debtor filed an amended schedule E/F, in which Debtor identified three additional creditors [doc. 42]. In his amended schedule E/F, Debtor did not include Hamed G. Said. *Id.*

On October 23, 2025, the Court entered an *Order of Discharge – Chapter 7* for Debtor (the "Discharge Order") [doc. 45]. Given that Debtor did not include Mr. Said in the Verified Mailing List or in any of Debtor's bankruptcy schedules, the Court did not serve Mr. Said with the Discharge Order. *See* doc. 46.

B. Mr. Said's Motions for Relief from the Automatic Stay

On July 28, 2025, Hamed G. Said filed a motion for relief from the automatic stay or for an order confirming that the automatic stay did not apply (the "First Automatic Stay Motion") [doc. 15]. The First Automatic Stay Motion was not signed by counsel to Mr. Said.

After the Court noted this defect, Mr. Said filed another motion for relief from the automatic stay or for an order confirming that the automatic stay did not apply (the "Second Automatic Stay Motion") [doc. 15]. Counsel for Mr. Said signed the Second Automatic Stay Motion.

Like the First Automatic Stay Motion, the Second Automatic Stay Motion concerns the Iglesia Property. The Second Automatic Stay Motion was self-calendered to be heard on **August 14, 2025**.

In Mr. Said's declaration in support of that motion (the "Said Declaration"), Mr. Said

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represents that he is the owner of the Property, and the Debtor asserts a possessory interest in the Property based on a lease that is in default. According to the Said Declaration, the Debtor had failed to monthly rent of \$5,500 for the Property, beginning on April 1, 2025. Attached as Exhibit A to the Said Declaration is a notice to quit, served upon Michael R. Marianadin and all others in possession of the Iglesia Property on May 6, 2025; attached as Exhibit B to the Said Declaration is a complaint for unlawful detainer against Michael R. Marianadin and Does 1 to 20, allegedly filed on May 12, 2025.

The proof of service for the Second Automatic Stay Motion states that it was served by overnight mail on Patrick Fairman at the Iglesia Property; however, this proof of service does not state a date on which it was served [doc. 15].

Because Mr. Said did not provide a "Judge's Copy" of the Second Automatic Stay Motion to the Court, on August 14, 2025, the Court did not hold a hearing on that motion. *See* Local Bankruptcy Rule 5005-2(d)(1).

On August 19, 2025, Mr. Said filed another motion for relief from the automatic stay or for an order confirming that the automatic stay did not apply (the "Third Automatic Stay Motion") [doc. 31]. The Third Automatic Stay Motion has the same exhibits and is otherwise identical to the Second Automatic Stay Motion, except that it was self-calendared to be heard on September 4, 2025. Unlike the proof of service for the Second Automatic Stay Motion, the proof of service to the Third Automatic Stay Motion includes a date that it was served by overnight mail on Patrick Fairman at the Iglesia Property, i.e., August 19, 2025.

On August 22, 2025, Mr. Said filed an amended notice for the Third Automatic Stay Motion, which states that the hearing on that motion would take place on **September 25, 2025** (the "August 22 Notice") [doc. 36]. The proof of service of the August 22 Notice states that it was served by overnight mail on Patrick Fairman at the Iglesia Property on August 22, 2025. Because Mr. Said did not provide a "Judge's Copy" in accordance with Local Bankruptcy Rule 5005-2(d)(1), on September 25, 2025, the Court did not hold a hearing on that motion.

To date, the Court has not held a hearing on any motion for relief from the automatic stay filed by Mr. Said against Debtor, including the First Automatic Stay Motion, the

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Second Automatic Stay Motion and the Third Automatic Stay Motion. Based on the proofs of service submitted regarding each of these motions, none of these motions were served on Debtor using the Notice Address, which Debtor included in his chapter 7 petition.

C. Debtor's Motion for Damages Based on 11 U.S.C. §§ 105(a) and 362(k)

On October 28, 2025, Debtor filed his motion for damages for violation of the automatic stay pursuant to 11 U.S.C. § 362(k) and contempt pursuant to 11 U.S.C. § 105(a) (the "Damages Motion") [doc. 48]. On November 25, 2025, Debtor filed a supplemental declaration in support of the Damages Motion [doc. 56].

In the Damages Motion, Debtor contends that Mr. Said has filed proofs of service which inaccurately state that Mr. Said served Debtor with motions for relief from the automatic stay by overnight mail [docs. 15, 26, and 36]. Debtor asserts that he never received these motions.

In his supplemental declaration, Debtor states:

On or about November 24th, 2025, Debtor received a packet of documents from the landlord's counsel via the United States Postal Service. These documents were represented to the state court as accurate statements regarding Debtor's bankruptcy status. Because the documents contained factual inaccuracies, Debtor was required to obtain certified proof from the Clerk of the Court to correct the record in state court.

The mailing filing represented or implied that the bankruptcy case was "closed," or that the discharge terminated federal protections.

Counsel's opposition also claimed or suggested that Debtor was a CM/ECF registered user. This statement was used to justify improper service in state court.

Attached as Exhibit A to Debtor's supplemental declaration are a "Notice of Discharge," and a proof of service which states that, on November 14, 2025, Joseph

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Kellener served this Notice of Discharge on Debtor and two other individuals at the Iglesia Property. The Notice of Discharge indicates that it was filed with the state court. Attached to the Notice of Discharge is the Discharge Order and the *Certificate of Notice* of the Discharge Order [see doc. 46].

On November 19, 2025, Mr. Said filed an opposition to the Damages Motion [doc. 54].

II. LEGAL STANDARDS

A. Provisions of the Automatic Stay and Termination of the Automatic Stay

11 U.S.C. § 362(a) provides, in pertinent part:

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title...operates as a stay, applicable to all entities, of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(6) any act to collect, assess, or a recover a claim against the debtor that arose before the commencement of the case;...

On request of a party in interest, including a lessor of residential real property, and

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after notice and a hearing, the bankruptcy court must grant relief from the automatic stay, such as by terminating, annulling, modifying or conditioning the stay, for cause, if the conditions for doing so are satisfied. Filing a motion to obtain relief from the automatic stay with the bankruptcy court does not violate the automatic stay. *See* 11 U.S.C. § 362(d); *In re Biehl*, 2017 WL 1040941, at *3 (Bankr. C.D. Cal. Mar. 13, 2017).

Whether or not the bankruptcy court grants relief from the automatic stay, the automatic stay against property of the estate ends when that property is no longer property of the estate, e.g., when the bankruptcy case is closed. Similarly, the stay of any other act under § 362(a), as noted above, ends upon the earlier of: (1) the time the case is closed; (2) the time the case is dismissed; and (3) if the case is a case under chapter 7 concerning an individual, when a discharge is granted or denied. 11 U.S.C. § 362(c).

While the automatic stay is in effect, an affirmative duty is imposed on non-debtor parties to comply with the stay and to remedy any violations, even if inadvertent, of the automatic stay. *In re Dyer*, 322 F.3d 1178, 1191-92 (9th Cir. 2003).

B. Award of Damages for Violation of the Automatic Stay

Pursuant to 11 U.S.C. § 362(k)(1), outside of the context of certain personal property, an individual injured by a willful violation of the automatic stay shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages. A prima facie case under § 362(k) "requires a showing (1) by an individual debtor of (2) injury from (3) a willful (4) violation of the stay." *In re Fernandez*, 227 B.R. 174, 181 (B.A.P. 9th Cir. 1998). [FN1]

"[T]he willfulness test for automatic stay violations merely requires that: (1) the creditor know of the automatic stay; and (2) the actions that violate the stay be intentional." *Morris v. Peralta*, 317 B.R. 381, 389 (B.A.P. 9th Cir. 2004). "Once a creditor has knowledge of the bankruptcy, it is deemed to have knowledge of the automatic stay." *In re Breul*, 533 B.R. 782, 787-88 (Bankr. C.D. Cal. 2015).

III. DISCUSSION

Debtor has not provided any evidence that Mr. Said has violated the automatic stay or

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that Debtor suffered any actual damages because of any violation of the automatic stay. The automatic stay is not violated by filing motions for relief from the automatic stay, nor by filing incorrect proofs of service of such motions with the bankruptcy court. Furthermore, during this bankruptcy case, the Court has not held any hearings regarding any of the motions for relief from stay which were filed by Mr. Said.

Assuming that Mr. Said has filed inaccurate proofs of service, Debtor has not provided any legal authority to support his contention that Mr. Said violated the automatic stay by doing so. With respect to Debtor's other contentions concerning representations allegedly made by Mr. Said to the state court, Debtor has not sufficiently explained why Mr. Said has violated the automatic stay.

Consequently, the Court will deny Debtor's request for damages under 11 U.S.C. §§ 105(a) and 362(k). [FN2]

III. CONCLUSION

The Court will deny the Damages Motion.

Respondent must submit the order within seven days.

FOOTNOTES

FN1: 11 U.S.C. § 362(h) was the predecessor of § 362(k). The language of old § 362(h) and new § 362(k) are virtually identical. *See Lodge v. Kondaur Capital Corp.*, 750 F.3d 1263, 1266 (11th Cir. 2014) ("Section 362(h) was recodified into § 362(k) per the Bankruptcy Abuse Prevention Consumer Protection Act of 2005, Pub.L. No. 109-8, § 305(1)(B), 119 Stat. 23").

FN2: Following October 23, 2025, i.e., when Debtor received entry of his discharge, the automatic stay as to Debtor terminated. 11 U.S.C. § 362(c); doc. 45.

Party Information

Debtor(s):

Patrick Ryan Fairman

Pro Se

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Trustee(s):

Amy L Goldman (TR)

Pro Se

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1:24-11748 Lytton Vineyard & Winery, L.P. and Daniel Chapman

Chapter 11

#18.00 Omnibus Motion to Disallow The Claims of Limited Partners
Zhi Hong Zang; Chunting Want; Tong Jin; Yunning Ahao And
Mei Yang, Filed as Proof of Claim Nos. 21-1, 22-1, 23-1,
24-1, and 25-1

fr. 8/27/25 (stip); 9/24/25(stip); 10/8/25 (stip); 11/5/25(stip)

Docket 221

***** VACATED *** REASON: Cont'd to 1/7/26 at 1:30 p.m. per Order
#343.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

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1:24-11748 Lytton Vineyard & Winery, L.P.

Chapter 11

**#19.00 Motion to Disallow the Claim of S. Lytton Associates, L.P.
Filed as Proof of Claim No. 26-1**

fr. 9/25/25(stip); 10/8/25 (stip); 11/5/25(stip)

Docket 246

***** VACATED *** REASON: Cont'd to 1/7/26 at 1:30 p.m. per Order
#343.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

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1:24-11748 Lytton Vineyard & Winery, L.P.

Chapter 11

#20.00 Motion to Disallow the Claim of Maribeth Levine Filed
as Proof of Claim No. 27-1

fr. 9/24/25(stip); 10/8/25 (stip); 11/5/25(Stip)

Docket 245

***** VACATED *** REASON: Cont'd to 1/7/26 at 1:30 p.m. per Order
#343.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

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1:24-11748 Lytton Vineyard & Winery, L.P.

Chapter 11

#21.00 Motion to Disallow the Claim of Susan Lytton and The
Estate of Sheldon Lytton Filed as Proof of Claim No. 30-1

fr. 9/24/25 (stip); 11/5/25(stip);

Docket 247

***** VACATED *** REASON: Cont'd to 1/7/26 at 1:30 p.m. per Order
#343.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lytton Vineyard & Winery, L.P.

Represented By
M Douglas Flahaut
Dylan J Yamamoto

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1:25-10644 Amit Syal and Reena Mistry

Chapter 11

#22.00 Application Of Chapter 11 Debtors And Debtors In Possession To
Employ Lee & Associates Commercial Real Estate Services, Inc.
And The Global Equities Group As Real Estate Brokers

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amit Syal

Represented By
Ron Bender
Anthony A. Friedman
Todd M Arnold

Joint Debtor(s):

Reena Mistry

Represented By
Ron Bender
Anthony A. Friedman
Todd M Arnold

Trustee(s):

Mark M Sharf (TR)

Pro Se

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1:25-11327 Lenasi, Inc.

Chapter 11

#23.00 Motion to Approve Stipulation for Use of Cash Collateral

fr. 11/5/25

Docket 64

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):

Lenasi, Inc.

Represented By
Vahe Khojayan

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
John-Patrick M Fritz

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1:25-11327 Lenasi, Inc.

Chapter 11

#24.00 Status conference re: Jointly Administered Chapter 11, Subchapter V Cases

fr. 9/10/25; 9/24/25; 11/5/25

Docket 1

Tentative Ruling:

On July 24, 2025, Lenasi Inc. and Illuminated Trees, Inc. ("Debtors") each filed a subchapter V, chapter 11 petition. Neither of Debtors has filed its monthly operating report for October 2025.

Exhibit E to the amended monthly operating report, filed by Lenasi, Inc. ("Lenasi"), for September 2025 does not include: (1) the date that the postpetition payable was incurred, (2) the purpose of the debt, and (3) when the debt is due. Moreover, in this exhibit, Lenasi has not included its postpetition rental defaults. *See* Claim 11-1. Beginning with Lenasi's monthly operating report for October 2025, Lenasi must provide this information in its monthly operating reports.

In contrast to the cash flow projections attached to *Debtor's Amended Subchapter V Chapter 11 Plan* filed for Lenasi (the "Lenasi Plan") [doc. 82], based on Lenasi's monthly operating reports, Lenasi has not generated \$60,000 in sales for any month since Lenasi filed its chapter 11, subchapter V petition.

Why will Lenasi be able to increase its income substantially, and generate the same amount of income every month, in 2026?

Regarding these cash flow projections, although the Lenasi Plan provides for payments to Ally Bank, which has a lien against Lenasi's Mitsubishi truck, Lenasi does not include any other expenses for this truck in its chapter 11 plan projections. Why is that?

It appears that these cash flow projections significantly understate the contractual amount of Lenasi's postpetition rent payments. *See* Exhibits 2 and 3 to *Declaration of John Harutunian re Lease Payments* [doc. 80]. Has Lenasi entered into a

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Chapter 11

modification of its leases with the lessors to provide for lower rent payments?

The "Feasibility" section in the Lenasi Plan refers to a declaration of John C. Lay. Is this a reference to John Harutunian?

The "Feasibility" section of the Lenasi Plan does not discuss that: (1) Lenasi is behind on its postpetition rent payments for its commercial premises in Atlanta, Georgia and (2) Lenasi relies on Illuminated Trees, Inc. ("Illuminated") to make a significant portion of the rent payments for Lenasi's commercial premises in Chatsworth, California and Atlanta, Georgia.

If Lenasi does not cure its postpetition rent arrearages, Illuminated fails to make these rent payments or these leases are otherwise terminated, the leases may be terminated, and Lenasi may be unable to make its chapter 11 plan payments. This information must be added to the "Feasibility" section of Lenasi's chapter 11 plan.

It appears that the cash flow projections attached to *Debtor's Subchapter V Chapter 11 Plan* filed for Illuminated [doc. 21] significantly understate the required amount of its postpetition rent payments. See Exhibits 2 and 3 to *Declaration of John Harutunian re Lease Payments* [doc. 80].

The "Feasibility" section in the chapter 11 plan filed for Illuminated refers to a declaration of John C. Lay. Is this a reference to John Harutunian?

The "Feasibility" section of Illuminated's chapter 11 plan does not discuss that: (1) Illuminated is not a party to the leases for the commercial premises which Illuminated uses in Chatworth, California and in Atlanta, Georgia, (2) there are postpetition rental defaults for its premises in Atlanta, Georgia and (3) Illuminated relies on Lenasi to make a significant portion of these rent payments. If Lenasi fails to make these rent payments or these leases are otherwise terminated, the leases may be terminated, and Illuminated may be unable to make its chapter 11 plan payments. This information must be added to the "Feasibility" section of Illuminated's chapter 11 plan.

No later than **January 9, 2026**, Debtors must file their 2024 state and federal income tax returns.

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Chapter 11

Debtor(s):

Lenasi, Inc.

Represented By
Vahe Khojayan

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se