

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

Wednesday, December 8, 2021

Hearing Room 301

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9:30 AM

1: -

Chapter

**#0.00 You will not be permitted to be physically present in the courtroom. All appearances for this calendar will be via Zoom and not via Court Call. All parties participating in these hearings may connect from the zoom link listed below. This service is free of charge. You may participate using a computer or telephone.**

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Docket 0

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**CONT...**

**Chapter**

**Tentative Ruling:**

- NONE LISTED -

United States Bankruptcy Court  
Central District of California  
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1:20-11491 Apolonio Chavez

Chapter 13

#1.00 Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOCIATION  
VS  
DEBTOR

fr. 11/17/21

**STIP FOR ADEQUATE PROTECTION FILED 11/29/21**

Docket 32

\*\*\* VACATED \*\*\* REASON: settled by stipulation order entered on  
12/3/21 [doc 39]

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Apolonio Chavez

Represented By  
Danny K Agai

**Movant(s):**

U.S. Bank National Association as

Represented By  
Diane Weifenbach

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
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9:30 AM

1:17-10681 Sandra Murray

Chapter 13

#2.00 Motion for relief from stay [RP]

PNC BANK, NATIONAL ASSOCIATION  
VS  
DEBTOR

fr. 7/21/21(stip); 8/25/21(stip); 9/22/21; 10/20/21

**Stip re adequate protection filed 11/30/21**

Docket 71

\*\*\* VACATED \*\*\* REASON: settled by stipulation order entered on  
12/3/21 [doc 91]

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Sandra Murray

Represented By  
Todd J Roberts

**Movant(s):**

PNC Bank, National Association

Represented By  
Jenelle C Arnold

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Hearing Room 301

9:30 AM

1:21-11779 Isidro Herrera Zayas and Alba Patricia Zayas

Chapter 7

#3.00 Motion for relief from stay [PP]

EXETER FINANCE LLC  
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.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Isidro Herrera Zayas

Represented By  
Lauren M Foley

**Joint Debtor(s):**

Alba Patricia Zayas

Represented By  
Lauren M Foley

**Movant(s):**

Exeter Finance LLC

Represented By

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**CONT... Isidro Herrera Zayas and Alba Patricia Zayas  
Sheryl K Ith**

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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1:20-11134 **Helping Others International, LLC**

**Chapter 7**

#4.00 Motion for relief from stay [AN]

ANH THY SONG NGUYEN, TRUSTEE OF THE MOTHER NATURE TRUST  
VS  
DEBTOR

Docket 192

**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 proceed to final judgment in the nonbankruptcy forum.

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 Court will not annul the automatic stay. Movant has not identified what, if any, acts were taken postpetition in violation of the stay.

Any other request for relief is denied.

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

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

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**CONT... Helping Others International, LLC**

**Chapter 7**

**Debtor(s):**

Helping Others International, LLC

Represented By  
Lillian H Khosravi

**Movant(s):**

Anh Thy Song Nguyen, Trustee of

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Monica Y Kim



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1:20-11134 Helping Others International, LLC

Chapter 7

#5.00 Amended Motion for relief from stay [RP]

UNITED LENDER, LLC  
VS  
DEBTOR

Docket 199

**\*\*\* VACATED \*\*\* REASON: No chambers copy of motion provided.  
Motion is not on calendar.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Helping Others International, LLC

Represented By  
Lillian H Khosravi

**Movant(s):**

United Lender, LLC

Represented By  
Maurice Wainer  
Anita Jain

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Monica Y Kim

United States Bankruptcy Court  
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1:20-10620 Debbie Ruiz

Chapter 13

#6.00 Motion for relief from stay [RP]

UMB BANK, NATIONAL ASSOCIATION  
VS  
DEBTOR

Docket 30

\*\*\* VACATED \*\*\* REASON: Continued by stip to 1/26/22 at 9:30 am - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Debbie Ruiz

Represented By  
Jeffrey J Hagen

**Movant(s):**

UMB Bank, National Association,

Represented By  
Jenelle C Arnold

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:21-11431 Charles Charthern

Chapter 13

#7.00 Motion for relief from stay [RP]

TOM BLOCK  
VS  
DEBTOR

Docket 23

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Charles Charthern

Represented By  
Thomas B Ure

**Movant(s):**

Tom Block

Represented By  
Marcus G Tiggs  
Leon D Bayer

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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1:19-10791 Arthur Riddle and Julianne Riddle

Chapter 13

#8.00 Motion for relief from stay [RP]

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
VS  
DEBTOR

Docket 35

\*\*\* VACATED \*\*\* REASON: No chambers copy of motion provided.  
Motion is not on calendar.

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Arthur Riddle

Represented By  
Nathan A Berneman

**Joint Debtor(s):**

Julianne Riddle

Represented By  
Nathan A Berneman

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Jenelle C Arnold

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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1:21-11821 Huntington Park Clinica Medica General Medical Cen

Chapter 11

#9.00 Motion for relief from stay [UD]

OCEAN MANAGEMENT, LLC  
VS  
DEBTOR

Docket 15

**Tentative Ruling:**

**I. BACKGROUND**

On October 29, 2021, Huntington Park Clinica Medica General Medical Center, Inc. ("Debtor") filed a voluntary chapter 11, subchapter V petition. On November 11, 2021, Debtor filed a motion to extend the deadline to file schedules and statements (the "Motion to Extend") [doc. 23]. On November 17, 2021, the Court entered an order granting the Motion to Extend and extending the deadline to November 26, 2021. Despite the extension, Debtor did not timely file its schedules and statements.

On November 8, 2021, Ocean Management, LLC ("Ocean") filed a motion for relief from the automatic stay (the "Motion") [doc. 15]. Through the Motion, Ocean requests relief from the automatic stay to allow Ocean to enforce its remedies, under nonbankruptcy law, to obtain possession of the real property located at 6347 Pacific Blvd., Huntington Park, CA 90255 (the "Property"). To the Motion, Ocean attached a prepetition unlawful detainer judgment, dated October 6, 2021 (the "UD Judgment"), against Debtor and all other occupants of Property. Motion, Exhibit 4. Ocean also attached a prepetition writ of possession, dated October 18, 2021, in favor of Ocean (the "Writ"). Motion, Exhibit 5.

On November 24, 2021, Debtor filed an opposition to the Motion (the "Opposition") [doc. 36]. In the Opposition, Debtor does not address the relief from the automatic stay issues; rather, Debtor requests that the Court deny the Motion to allow Debtor time to propose a chapter 11 plan and pay the fair market value for the leases with Ocean. On November 26, 2021, Ocean filed a reply to the Opposition [doc. 37], asserting that, in light of the prepetition UD Judgment and Writ, Debtor does not have

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CONT... **Huntington Park Clinica Medica General Medical Cen**

**Chapter 11**

any legal rights in the Property.

## II. ANALYSIS

The filing of a bankruptcy petition creates a bankruptcy estate, which is comprised of "all legal or equitable interests of the debtor in property as of the commencement of the case." 11 U.S.C. § 541(a)(1). Pursuant to 11 U.S.C. § 362(a)(3), a bankruptcy petition operates as a stay, applicable to all entities, of "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," except as provided in subsection (b).

"We look to state law to determine property interests in bankruptcy proceedings." *In re Perl*, 811 F.3d 1120, 1127–28 (9th Cir. 2016) (citing *Butner v. United States*, 440 U.S. 48, 55 99 S.Ct. 914, 918, 59 L.Ed.2d 136 (1979)). "[U]nder California law, entry of judgment and a writ of possession following unlawful detainer proceedings extinguishes all other legal and equitable possessory interests in the real property at issue. *Id.* (citing *Vella v. Hudgins*, 20 Cal.3d 251, 142 Cal.Rptr. 414, 572 P.2d 28, 30 (1977)).

In *Perl*, the Court of Appeals held that "whether [the debtor] had actual possession of the property when he filed for bankruptcy has no bearing on whether he had a cognizable possessory interest in the property." *Perl*, 811 F.3d at 1128. Rather, the prepetition "unlawful detainer judgment and writ of possession entered pursuant to California Code Civil Procedure § 415.46 bestowed legal title and *all* rights of possession upon [the owner]." *Id.* at 1130 (emphasis in *Perl*). As explained by the Court of Appeals:

Thus, at the time of the filing of the bankruptcy petition, [the debtor] had been completely divested of all legal and equitable possessory rights that would otherwise be protected by the automatic stay. Consequently, the Sheriff's lockout did not violate the automatic stay because no legal or equitable interests in the property remained to become part of the bankruptcy estate.

*Id.* Here, the prepetition UD Judgment and the prepetition Writ divested Debtor of all legal and equitable possessory rights that would otherwise be protected by the

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automatic stay. As a result, the automatic stay does not apply to the Property and does not prevent Ocean from proceeding with execution of the Writ.

**III. CONCLUSION**

The Court will grant Ocean's request for relief from the automatic stay.

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

The order is binding and effective in any bankruptcy case commenced by or against Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Property.

Any other request for relief is denied.

Ocean must submit an order within seven (7) days.

<b>Party Information</b>
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**Debtor(s):**

Huntington Park Clinica Medica

Represented By  
Joel Rapaport

**Movant(s):**

Ocean Management, LLC

Represented By  
David S Hagen

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se

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9:30 AM

1:21-11825 El Monte Clinica General Medical, Inc.

Chapter 11

#10.00 Motion for relief from stay [UD]

MALL MANAGEMENT, LLC  
VS  
DEBTOR

Docket 20

**Tentative Ruling:**

**I. BACKGROUND**

On November 1, 2021, El Monte Clinica General Medical, Inc. ("Debtor") filed a voluntary chapter 11, subchapter V petition. On November 11, 2021, Debtor filed a motion to extend the deadline to file schedules and statements (the "Motion to Extend") [doc. 24]. On November 18, 2021, the Court entered an order granting the Motion to Extend and extending the deadline to November 28, 2021. Despite the extension, Debtor did not timely file its schedules and statements.

On November 10, 2021, Mall Management, LLC ("Mall") filed a motion for relief from the automatic stay (the "Motion") [doc. 20]. Through the Motion, Mall requests relief from the automatic stay to allow Mall to enforce its remedies, under nonbankruptcy law, to obtain possession of the real property located at 11026 Valley Mall, El Monte, CA 91731 (the "Property"). To the Motion, Ocean attached a prepetition notice to pay rent or quit (the "Notice to Quit"), which was served on Debtor on August 3, 2021. Motion, Exhibit 2. Mall also attached a prepetition unlawful detainer complaint (the "UD Complaint"). Motion, Exhibit 3.

On November 24, 2021, Debtor filed an opposition to the Motion (the "Opposition") [doc. 36]. In the Opposition, Debtor does not address the relief from the automatic stay issues; rather, Debtor requests that the Court deny the Motion to allow Debtor time to propose a chapter 11 plan and pay the fair market value for the leases with Mall. On November 26, 2021, Ocean filed a reply to the Opposition [doc. 37], asserting that Debtor does not have any legal rights in the Property.



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CONT... El Monte Clinica General Medical, Inc.

Chapter 11

**II. ANALYSIS**

The filing of a bankruptcy petition creates a bankruptcy estate, which is comprised of "all legal or equitable interests of the debtor in property as of the commencement of the case." 11 U.S.C. § 541(a)(1). Pursuant to 11 U.S.C. § 362(a)(3), a bankruptcy petition operates as a stay, applicable to all entities, of "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," except as provided in subsection (b).

"We look to state law to determine property interests in bankruptcy proceedings." *In re Perl*, 811 F.3d 1120, 1127–28 (9th Cir. 2016) (citing *Butner v. United States*, 440 U.S. 48, 55 99 S.Ct. 914, 918, 59 L.Ed.2d 136 (1979)). Under California law, "a lease terminates for nonpayment of rent at least by the time the lessor files an unlawful detainer action, provided that a proper three-days' notice to pay rent or quit has been given, and the lessee has failed to pay the rent in default within the three-day period, and further provided that the lessor's notice contained an election to declare the lease forfeited." *In re Windmill Farms, Inc.*, 841 F.2d 1467, 1471 (9th Cir. 1988).

After the three-days' notice period has expired, if the lessee has failed to pay the rent in default, the lessee from that point forward is unlawfully detaining the premises if he remains in possession. *See* Cal.Civ.Proc.Code § 1161(2). Because his detention is "unlawful," he has lost his right to possession. His right to possession has been "terminated by the lessor because of a breach of the lease [and] the lease terminates." Cal.Civ.Code § 1951.2(a). In an ensuing unlawful detainer proceeding, the court does not decide whether the lessor terminated the lease. That has already occurred. Instead, the court decides whether the termination was proper and if it was, the court grants the lessor a judgment for possession of the property. *See* Cal.Civ.Proc.Code § 1174(a). If the lessor's three-days' notice contained a forfeiture election, the lessor also is entitled to a judicial declaration of forfeiture and may immediately enforce the judgment for possession. *Id.* § 1174(c).

*Id.* Here, the Notice to Quit contained the forfeiture election referenced in *Windmill Farms*. In addition, after Mall served the Notice to Quit on Debtor, Debtor did not

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CONT... **El Monte Clinica General Medical, Inc.**

**Chapter 11**

pay the rent in default within the three day period. Debtor does not contend that the Notice to Quit was improperly served or otherwise deficient. As such, Mall has established that "it has a colorable claim to the property at issue." *In re Veal*, 450 B.R. 897, 914–15 (9th Cir. BAP 2011).

In the Opposition, Debtor does not present evidence or law that would prevent lifting of the automatic stay. Rather, Debtor only asserts that it seeks to propose a chapter 11 plan to pay the fair market value of the lease with Mall. However, under *Windmill Farms*, Debtor does not have a right to assume the lease with Mall; that lease was terminated prepetition. Under 11 U.S.C. § 362(g), Debtor has the burden of proof on the issues presented in the Motion. Debtor has not met that burden. Consequently, the Court will grant the Motion.

**III. CONCLUSION**

The Court will grant Mall's request for relief from the automatic stay.

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

The order is binding and effective in any bankruptcy case commenced by or against Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Property.

Any other request for relief is denied.

Mall must submit an order within seven (7) days.

**Party Information**

**Debtor(s):**

El Monte Clinica General Medical,

Represented By  
Joel Rapaport

**Movant(s):**

Mall Management, LLC

Represented By  
David S Hagen

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**Trustee(s):**

John-Patrick McGinnis Fritz (TR) Pro Se

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1:21-11875 Top Flight Investments, LLC

Chapter 11

- #10.10 Motion for relief from stay/relief from turnover re:  
(A) Relief from stay under 11 U.S.C. § 352 [RP]  
(B) Relief from turnover under 11 U.S.C. § 543

SOUND EQUITY HIGH INCOME DEBT FUND, LLC  
VS  
DEBTOR

Docket 4

**Tentative Ruling:**

In its declarations opposing the motion for relief from the automatic stay [docs. 39-41], the debtor does not discuss the movant's assertion that the debtor has mismanaged the subject real properties. Rather, the debtor mainly argues that the receiver is not cooperating with the debtor's efforts to sell certain real properties. Given that the debtor's goal appears to be to sell the real properties, is the debtor willing to convert this case to a chapter 7 case?

**Party Information**

**Debtor(s):**

Top Flight Investments, LLC

Represented By  
Matthew Abbasi

**Movant(s):**

Sound Equity High Income Debt

Represented By  
Paul J Leeds

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**1:18-10417 Deborah Lois Adri**

**Chapter 7**

Adv#: 1:19-01072 Adri v. Adri

**#11.00** Pretrial conference re: complaint to deny debtor's discharge

fr. 8/21/19; 10/2/19; 11/6/19; 1/15/20; 11/18/20; 4/21/21; 5/19/21;  
7/14/21; 9/22/21; 10/20/21

Docket 1

**Tentative Ruling:**

The parties should be prepared to discuss the following:

In the joint pre-trial stipulation (the "Stipulation") [doc. 44], the parties dispute whether plaintiff can raise an additional cause of action under 11 U.S.C. § 727(a)(3) at trial; plaintiff did not allege this claim in his original complaint, which asserted claims to deny discharge only under 11 U.S.C. § 727(a)(2) (A) and (B) and 727(a)(4).

Pursuant to Fed. R. Civ. P. 15(a)(2), "a party may amend its pleading only with the opposing party's written consent or the court's leave." Courts have the discretion to grant or deny leave to amend a complaint. *Swanson v. U.S. Forest Serv.*, 87 F.3d 339, 343 (9th Cir. 1996).

The factors courts commonly consider when determining whether to grant leave to amend are:

1. Bad faith;
2. Undue delay;
3. Prejudice to the opposing party; and
4. Futility of amendment.

*Ditto v. McCurdy*, 510 F.3d 1070, 1079 (9th Cir. 2007) (internal citations omitted).

"If plaintiffs' claims change very far downstream, defendants are almost always prejudiced. . .". *Acri v. Int'l Ass'n of Machinists & Aerospace Workers*, 595 F. Supp. 326, 332 (N.D. Cal. 1983), *aff'd*, 781 F.2d 1393 (9th Cir. 1986); *see also Schimmeyer v. 99¢ Only Stores*, No. CV0708126SJOFFMX, 2008 WL 11342699, at \*1 (C.D. Cal.

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CONT... Deborah Lois Adri

Chapter 7

July 7, 2008) (explaining additional claim cannot be brought after "original discovery deadline has passed"). *See also Roberts v. Arizona Bd. of Regents*, 661 F.2d 796, 798 (9th Cir. 1981) (rejecting new causes of action raised "at the eleventh hour").

Here, in June 2019, plaintiff filed his complaint against defendant (the "Complaint"), and the discovery deadline passed on June 1, 2020 (*Consolidated Status Conference and Scheduling Order Pursuant to LBR 7016-1(a)(4)* [doc. 12]). On September 22, 2021, plaintiff failed to appear at a status conference, and the Court issued an order to show cause why the adversary proceeding should not be dismissed for failure to prosecute (the "OSC") [doc. 34]. On October 20, 2021, the Court held a hearing on the OSC, set a pretrial conference on December 8, 2021 and required the parties to file a pretrial stipulation on November 24, 2021 [doc. 42].

Given defendant's opposition, plaintiff not having obtained permission from the Court to amend the Complaint, plaintiff's undue delay in asserting an additional cause of action and the prejudice to defendant on the eve of trial, the Court will not permit an additional cause of action under 11 U.S.C. § 727(a)(3) to be considered at trial. [FN1]

Does either party intend to submit expert testimony? In accordance with Local Bankruptcy Rule 7016-1(b)(2)(E), if expert testimony is to be submitted, **the parties must exchange short narrative statements of the qualifications of the expert and the testimony expected to be elicited. If the expert has prepared a report, the report must be exchanged as well.** Have the parties done that?

Prior to trial, the Court will require the parties to submit written declarations of all witnesses providing direct testimony. Given that the Court will require the parties to submit written declarations for **direct** testimony, does that shorten the parties' three (3) days estimated trial time?

Cross-examination, if requested, will take place on the scheduled days. **The Court will require in-person appearances, and all witnesses, parties, and counsel must wear a mask or clear face shield.**

With respect to setting the trial date(s), what is the parties' availability between **February 22 and February 25, 2022?**

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**CONT... Deborah Lois Adri**

**Chapter 7**

The following additional issues require the submission of a revised pretrial stipulation:

- (1) The parties must file a joint pre-trial stipulation with a **statement confirming that all exhibits have been exchanged between the parties.**
- (2) In total, the parties identified thirty-four (34) exhibits for trial. Contrary to Local Bankruptcy Rule 7016-1(b)(2)(D), the following exhibits do not have a description sufficient for identification:
  - Exhibit 18: "Emails between D. Adri and Robert Yaspan/Debbie Brand" (date(s) missing).
  - Exhibit 27: "Emails between defendant and Bryan Avalon" (date(s) missing).
  - Exhibit 28: "Emails between defendant and Carolyn Feinstein" (date(s) missing).

By no later than **December 22, 2021**, in accordance with LBR 7016-1(b), the parties **must file** a revised joint pre-trial stipulation with the following: (1) first, a statement confirming "the parties have exchanged copies of all exhibits"; (2) secondly, as noted above, descriptions of Exhibits 18, 27 and 28 must be revised to include the relevant date(s) sufficient for identification.

**FOOTNOTES**

1. On July 23, 2019, the chapter 7 trustee (the "Trustee") filed a complaint against defendant, requesting denial of defendant's discharge under 11 U.S.C. § 727(a)(2), (a)(3) and (a)(4) [1:19-ap-01088-VK]. On March 30, 2020, the Trustee filed a motion for summary judgment [1:19-ap-01088-VK, doc. 33]. On October 15, 2020, the Court issued a ruling on the Trustee's motion for summary judgment (the "Ruling") [1:19-ap-01088-VK, doc. 51]. In the Ruling, the Court held that the Trustee had not met her burden of proving a claim under 11 U.S.C. § 727(a)(3).

Any other findings made by the Court in the Ruling may have

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CONT...

**Deborah Lois Adri**

**Chapter 7**

preclusive effect on plaintiff's claims under 11 U.S.C. § 727(a)(2) and (a)(4). *See Pena v. Gardner*, 976 F.2d 469, 472 (9th Cir. 1992) (setting forth elements of issue preclusion based on a prior federal court order).

**Party Information**

**Debtor(s):**

Deborah Lois Adri

Represented By  
Gary R Wallace

**Defendant(s):**

Deborah Adri

Pro Se

**Plaintiff(s):**

Moshe Adri

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Cathy Ta  
Larry W Gabriel  
Claire K Wu



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**1:19-12677 John Stephen Travers**

**Chapter 7**

Adv#: 1:20-01010 Ace Industrial Supply, Inc. v. Travers

**#12.00** Pre-trial conference re: complaint to determine dischargeability

fr. 3/25/20; 5/6/20; 6/10/20; 12/9/20; 2/10/21, 5/5/21; 8/4/21; 9/22/21(stip);  
10/20/21

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**\*\*\* VACATED \*\*\* REASON: Continued by stip to 1/12/22 at 1:30 pm  
[Doc.#70]**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Stephen Travers

Represented By  
Robert M Aronson

**Defendant(s):**

John Stephen Travers

Pro Se

**Plaintiff(s):**

Ace Industrial Supply, Inc.

Represented By  
Jeffery J Daar

**Trustee(s):**

David Seror (TR)

Pro Se

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**1:20-10346 Alan Gene Lau**

**Chapter 7**

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

**#13.00** Pretrial conference re complaint to determine the dischargeability of debt pursuant to 11 U.S.C. sec 523(a)(2)

fr. 7/29/20; 3/10/21; 3/24/21; 6/2/21; 7/28/21; 9/22/21; 11/10/21

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**Tentative Ruling:**

On November 24, 2021, the Court entered the *Order (1) Setting Trial and Related Deadlines and (2) Re: Presentation of Evidence* (the "Order") [doc 51].

In light of the entered Order, appearances on December 8, 2021 are excused.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alan Gene Lau

Represented By  
Kevin T Simon

**Defendant(s):**

Alan Gene Lau

Pro Se

DOES 1 through 10, inclusive

Pro Se

**Joint Debtor(s):**

Amber Ann Waddell Lau

Represented By  
Kevin T Simon

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**CONT... Alan Gene Lau**

**Chapter 7**

**Plaintiff(s):**

Russell Prior

Represented By  
Alana B Anaya

Cheryl Prior

Represented By  
Alana B Anaya

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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**1:20-11166 Lanny Jay Dugar**

**Chapter 7**

Adv#: 1:20-01083 Bjornbak et al v. Dugar

**#14.00** Pre-Trial conference re complaint objecting to discharge  
[11 U.S.C.sec 727(a)(2), 727(a)(3), 727(a)(4), 727(a)(5), 727(c)]

fr. 12/9/20; 2/10/21; 11/3/21

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**Tentative Ruling:**

The parties should be prepared to address the following:

On February 10, 2021, the Court entered and served on the parties a *Status Conference and Scheduling Order Pursuant to LBR 7016-1(a)(4)* (the "February 2021 Scheduling Order") [doc. 12]. In the February 2021 Scheduling Order, the Court set a deadline of October 20, 2021 for the parties to file a pretrial stipulation.

Prior to the pretrial conference held on November 3, 2021, the parties did not file a pretrial stipulation. Consequently, the Court continued the pretrial conference to December 8, 2021 and continued the deadline to file a pretrial stipulation, in accordance with Local Bankruptcy Rule ("LBR") 7016-1, to November 24, 2021 [doc. 41].

On November 22, 2021, plaintiffs filed and served on defendant their proposed pretrial stipulation (the "Proposed Pretrial Stipulation") [doc. 73]. Pursuant to LBR 7016-1(e), plaintiffs also have filed a Declaration of Qiang Bjornbak ("Bjornbak Declaration") [doc. 73]. The Bjornbak Declaration sets forth the attempts plaintiffs made to contact or obtain defendant's cooperation in the preparation of a proposed pretrial stipulation. Following his receipt of the Proposed Pretrial Stipulation and plaintiffs' related correspondence, defendant did not comply with the provisions of LBR 7016-1(d)(2).

In light of defendant's conduct, in accordance with LBR 7016-1(f)(4), the Court will issue an Order to Show Cause why the Court should not strike defendant's answer and enter his default ("OSC"). The Court will set the OSC hearing on **January 19,**

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**Chapter 7**

**2022.** No later than **January 5, 2022**, defendant must file and serve a written response to the OSC.

With respect to the Proposed Pretrial Stipulation, in their *Complaint Objecting to Discharge*, filed on October 6, 2020 (the "Complaint") [doc. 1], plaintiffs asserts claims against defendant under 11 U.S.C. §§ 727(a)(2), 727(a)(3), 727(a)(4) and 727(a)(5). In the Complaint, plaintiffs do **not** assert a claim under 11 U.S.C. § 523(a)(6).

However, in the Proposed Pretrial Stipulation [doc 73], plaintiffs state that an issue of law to be tried is to "determine that the damages caused by Defendant to Plaintiff [sic] in excess of \$1.5 million . . . are a non-dischargeable debt under 11 U.S.C. § 523(a)(6)." Because a claim under 11 U.S.C. § 523(a)(6) is **NOT** asserted in the Complaint, the Court will **NOT** set trial on this claim.

Also in the Proposed Pretrial Stipulation, plaintiffs state that an issue of law to be tried is "whether Bjornbacks are entitled to punitive damages or sanctions against Mr. Dugar. Defendant Dugar refused to be cooperative when it comes to discovery . . . ." However, if plaintiffs wanted to obtain monetary sanctions against defendant because of discovery violations, plaintiffs had to timely file a motion to obtain such sanctions under Fed. R. Bankr. P. 7037 and Fed. R. Civ. P. 37. As set forth in the Order entered on September 24, 2021 [doc. 22], the deadline for plaintiffs to file such a pretrial motion was October 31, 2021. Consequently, the Court will **NOT** set trial on this issue.

On the other hand, in accordance with Fed. R. Civ. P. 37(c)(1), if defendant failed to provide information or identify a witness as required by Fed. R. Civ. P. 26(a) or (e), the Court may preclude defendant from using that information or witness to supply evidence at trial. *See Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001) (forbidding under Rule 37(c)(1) the "use at trial of any information required to be disclosed by Rule 26(a) that is not properly disclosed."); *see also Zamora v. Anthony Robbins, et al.*, Adv. No. 1:09-ap-01068-KT, Dkt. No. 62 at 10 (Bankr. C.D. Cal. December 6, 2010). Consequently, *by a deadline to be set prior to trial*, plaintiffs may file and serve a motion in limine to preclude defendant's introduction of such evidence, at trial. At a hearing to be held prior to trial, the Court

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Chapter 7

will decide that motion in limine.

In the Proposed Pretrial Stipulation, plaintiffs refer to facts which allegedly "are admitted and require no proof." **What is the basis for plaintiffs' assertion that these facts are admitted and that no proof is required?**

Plaintiffs must submit a revised proposed pretrial stipulation to set forth whether the trial will include their claims under 11 U.S.C. §§ 727(a)(2), 727(a)(3), 727(a)(4) and/or 727(a)(5). For their revised proposed pretrial stipulation, plaintiffs **MUST USE the form created by Judge Zurzolo entitled "Model Pre-Trial Stipulation."** This form is posted on the court's website, located at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), under "Judges>Honorable Vincent P. Zurzolo>Forms>Pre-Trial Procedures: Model Pre-Trial Stipulation."

Pursuant to LBR 7016-1(b)(2)(D), with respect to a pretrial stipulation, the parties must "[a]ttach a *list* of exhibits in the sequence to be offered, with a description of each, sufficient for identification, and as to each state whether or not there is objection to its admissibility in evidence and the nature thereof" (emphasis added). Plaintiffs' exhibit list is not clearly set out as an attachment to the Proposed Pretrial Stipulation. Rather, it is commingled with plaintiffs' improperly filed exhibits.

Plaintiffs unnecessarily attached these exhibits, consisting of over 1,000 pages, to their Proposed Pretrial Stipulation [doc. 73]. Such exhibits are **NOT** to be attached to a pretrial stipulation.

In accordance with LBR 7016-1(b), to address the issues set forth above, by **no later than January 5, 2022**, plaintiffs **must file** a revised proposed pretrial stipulation using the form created by Judge Zurzolo entitled "Model Pre-Trial Stipulation." Although plaintiffs' list of exhibits must be attached, **NO** actual exhibits are to be attached to the revised pretrial stipulation. With respect to their revised proposed pretrial stipulation, plaintiffs must comply with LBR 7016-1(c) and (e).

The Court will prepare the order.

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CONT... Lanny Jay Dugar

Chapter 7

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lanny Jay Dugar Pro Se

**Defendant(s):**

Lanny Jay Dugar Pro Se

**Plaintiff(s):**

David Bjornbak Represented By  
Qiang Bjornbak

Qiang Bjornbak Represented By  
Qiang Bjornbak

**Trustee(s):**

David Keith Gottlieb (TR) Pro Se

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**1:20-11850 Mariyan Khosravizadeh**

**Chapter 7**

Adv#: 1:21-01005 US OPPS LLC, an Oregon Limited Liability Company v. Khosravizadeh et

**#15.00** Joint motion for approval of stipulation for dismissal of  
727(a) 2 & (a) 4 causes of action of adversary complaint

fr. 11/3/2021

Docket 11

**Tentative Ruling:**

Given that notice of the settlement and its terms has been given to the chapter 7 trustee and creditors, the absence of detailed allegations regarding the claims against the debtor under 11 U.S.C. § 727 in plaintiff's complaint (the "Section 727 Claims") [doc. 1], e.g., in comparison to the allegations under 11 U.S.C. § 727 in the complaint against the debtor filed in Adv. No. 1:21-ap-1003-VK, and that no creditors have expressed an interest in taking over the Section 727 Claims, it appears to the Court that the settlement proceeds are appropriately paid to the plaintiff, and that the Court may approve the settlement.

<b>Party Information</b>
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**Debtor(s):**

Mariyan Khosravizadeh

Represented By  
Stephen L Burton

**Defendant(s):**

Mariyan Khosravizadeh

Represented By  
Stephen L Burton

Does 1-100

Pro Se

**Plaintiff(s):**

US OPPS LLC, an Oregon Limited

Represented By  
Jason D Ahdoot



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**CONT... Mariyan Khosravizadeh**

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter J Mastan

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**1:20-11850 Mariyan Khosravizadeh**

**Chapter 7**

Adv#: 1:21-01005 US OPPTS LLC, an Oregon Limited Liability Company v. Khosravizadeh et

**#16.00** Status conference re: complaint for non-dischargeability of debt  
11 U.S.C. § 523(a)(2)(A); (a)(6), and of discharge 11 U.S.C. § 727(a)(2), (4);  
(a)(3); (a)(4)(A)

fr. 3/24/21; 5/5/21 / 7/7/21; 9/15/21; 10/6/21; 11/3/21

Docket 1

**Tentative Ruling:**

See cal. no. 15.

**Party Information**

**Debtor(s):**

Mariyan Khosravizadeh

Represented By  
Stephen L Burton

**Defendant(s):**

Mariyan Khosravizadeh

Pro Se

Does 1-100

Pro Se

**Plaintiff(s):**

US OPPTS LLC, an Oregon Limited

Represented By  
Jason D Ahdoot

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**1:20-12097 Philip H. Lee**

**Chapter 7**

Adv#: 1:21-01043 KeyBank National Association v. Lee

**#17.00** Status conference re: complaint objecting to entry of discharge pursuant to 11 U.S.C. §§ 544, 548, 727(A)(4)(A), 727(A)(4)(D) and California Civil Code § 3439 et seq.

fr. 9/15/21; 10/6/21

Docket 1

**Tentative Ruling:**

The parties should be prepared to discuss the following:

On November 23, 2021, the parties filed a joint status report [doc. 27]. The defendant indicated that he does not consent to the bankruptcy court's entry of a final judgment. Given that this is an action under 11 U.S.C. § 727, the Court does not need consent from the parties to enter final judgment. *See In re Deitz*, 760 F.3d 1038, 1050 (9th Cir. 2014) ("We hold that, even after *Stern*, the bankruptcy court had the constitutional authority to enter a final judgment determining both the amount of [the plaintiffs'] damage claims against [the debtor], and determining that those claims were excepted from discharge.") (referencing *Stern v. Marshall*, 564 U.S. 462, 131 S.Ct. 2594, 180 L.Ed.2d 475 (2011)); and *In re Dung Anh Phan*, 607 B.R. 598, 605 (Bankr. S.D. Tex. 2019) (holding that, notwithstanding *Stern*, bankruptcy courts have constitutional authority to enter final judgments in actions under 11 U.S.C. § 727).

Deadline to complete discovery: 1/31/22.

Deadline to file pretrial motions: 2/18/22.

Deadline to complete and submit pretrial stipulation in accordance with Local Bankruptcy Rule 7016-1: 3/9/22.

Pretrial: 3/23/22 at 1:30 p.m.

In accordance with Local Bankruptcy Rule 7016-1(a)(3), within seven (7) days after this status conference, the plaintiff must submit a Scheduling Order.

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**CONT... Philip H. Lee**

**Chapter 7**

If any of these deadlines are not satisfied, the Court will consider imposing sanctions against the party at fault pursuant to Local Bankruptcy Rule 7016-1(f) and (g).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Philip H. Lee

Represented By  
Matthew Abbasi

**Defendant(s):**

Philip H. Lee

Pro Se

**Plaintiff(s):**

KeyBank National Association

Represented By  
Jason E Murtagh  
Natalie Peled

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**1:21-11098 John Carmen Esposito**

**Chapter 7**

Adv#: 1:21-01056 Goldman v. Esposito et al

**#18.00** Status conference re: Complaint for:  
(A) Turnover of Property of the Estate;  
(B) Permanent Injunction;  
(C) Declaratory Relief Determining Validity, Priority and Extent of Purported Lien(s);  
(D) Avoidance and Recovery of Fraudulent Transfers; and  
(E) to Preserve Recovered Transfers for Benefit of Debtors Estate

fr. 11/3/21

**Stip to continue filed 11/24/21**

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order approving stip entered 11/29/21.  
Hearing rescheduled for 2/9/22 at 1:30 PM. [Dkt. 28]**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

John Carmen Esposito	Pro Se
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**Defendant(s):**

Laurina Rose Esposito	Pro Se
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Women in Porsche Inc.	Pro Se
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John Esposito Porsche Restorations	Pro Se
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**Plaintiff(s):**

Amy L. Goldman	Represented By Anthony A Friedman
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**CONT... John Carmen Esposito**

**Chapter 7**

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
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San Fernando Valley  
Judge Victoria Kaufman, Presiding  
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**1:20-10346 Alan Gene Lau**

**Chapter 7**

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

**#19.00** Pretrial conference re complaint to determine the dischargeability of debt pursuant to 11 U.S.C. sec 523(a)(2)

fr. 7/29/20; 3/10/21; 3/24/21; 6/2/21; 7/28/21; 9/22/21; 11/10/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Rescheduled for 1:30 PM. [Dkt. 50]**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alan Gene Lau

Represented By  
Kevin T Simon

**Defendant(s):**

Alan Gene Lau

Pro Se

DOES 1 through 10, inclusive

Pro Se

**Joint Debtor(s):**

Amber Ann Waddell Lau

Represented By  
Kevin T Simon

**Plaintiff(s):**

Russell Prior

Represented By  
Alana B Anaya

Cheryl Prior

Represented By  
Alana B Anaya

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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**CONT... Alan Gene Lau**

**Chapter 7**