

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

Thursday, December 9, 2021

Hearing Room 301

10:30 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.

Individuals 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). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join CACB ZoomGov Meeting

Video/audio web address: <https://cacb.zoomgov.com/j/1615149232>

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Telephone conference lines: 1-669-254-5252 OR 1-646-828-7666

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Password: 298001

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

**United States Bankruptcy Court
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CONT...

Chapter

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
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Thursday, December 9, 2021

Hearing Room 301

10:30 AM

1:21-10223 SteriWeb Medical LLC

Chapter 11

#1.00 First and final fee application of Subchapter V Trustee for allowance and payment of fees

Docket 130

Tentative Ruling:

M. Douglas Flahaut ("Applicant"), subchapter V trustee – approve fees in the amount of \$26,934.00 and reimbursement of expenses in the amount of \$8.50, pursuant to 11 U.S.C. § 330, for the period between February 11, 2021 through October 14, 2021, on a final basis. Given that the Court is waiving appearances, the Court deducted 0.5 hours from Applicant's estimated time spent preparing this application and appearing at the hearing on this application.

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

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

Party Information

Debtor(s):

SteriWeb Medical LLC

Represented By
James R Felton
Yi Sun Kim

Movant(s):

Moriah Douglas Flahaut (TR)

Pro Se

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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

10:30 AM

1:21-10396 Advanced Sleep Medicine Services, Inc. and ASMS Holding

Chapter 11

#2.00 Final application of Subchapter V Trustee for approval of fees and reimbursement of expenses

Docket 151

Tentative Ruling:

Contrary to Local Bankruptcy Rule ("LBR") 2016-1(c)(3)(C), the applicant did not file and serve notice of the hearing on this application, containing all the information required by LBR 2016-1(c)(3)(C), on all required parties. The Court will continue this hearing to **10:30 a.m. on January 20, 2022**. No later than **December 23, 2021**, the applicant must file and serve notice of the continued hearing in accordance with LBR 2016-1(c).

Appearances on December 9, 2021 are excused.

Party Information

Debtor(s):

Advanced Sleep Medicine Services,

Represented By
Gregory M Salvato
Joseph Boufadel

ASMS Holding Company, Inc.

Represented By
Gregory M Salvato
Joseph Boufadel

Movant(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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1:21-11688 Gregory G. Smith, M.D., A Professional Corporation

Chapter 11

#3.00 U.S. Trustee motion to dismiss or convert case under 11 U.S.C. § 1112(b)

Docket 19

Tentative Ruling:

Grant and dismiss case.

The U.S. Trustee must submit an 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):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Movant(s):

United States Trustee (SV)

Represented By
Katherine Bunker

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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1:00 PM

1:21-11821 Huntington Park Clinica Medica General Medical Cen

Chapter 11

#4.00 U.S. Trustee motion to dismiss or convert case under 11 U.S.C. § 1112(b)

Docket 24

Tentative Ruling:

Grant and dismiss case.

The U.S. Trustee must submit an 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):

Huntington Park Clinica Medica

Represented By
Joel Rapaport

Movant(s):

United States Trustee (SV)

Represented By
Katherine Bunker

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 301

1:00 PM

1:21-11802 The Valley Clinica Medica General Medical Center I

Chapter 11

#5.00 U.S. Trustee motion to dismiss or convert case Under 11 U.S.C. § 1112(b)

Docket 20

Tentative Ruling:

Grant and dismiss case.

The U.S. Trustee must submit an 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):

The Valley Clinica Medica General

Represented By
Joel Rapaport

Movant(s):

United States Trustee (SV)

Represented By
Russell Clementson
Katherine Bunker

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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

1:30 PM

1:20-11286 Transpine, Inc.

Chapter 7

#6.00 Chapter 7 Trustees motion to approve compromise of controversy
[Regarding Adv. No. 1:21-ap-01024-VK]

Docket 222

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):

Transpine, Inc.

Represented By
Leslie A Cohen
Paul M Kelley

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Ron Bender
Carmela Pagay
Richard P Steelman Jr

**United States Bankruptcy Court
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1:30 PM

1:20-11404 Evelyn Noemi Salguero

Chapter 7

#7.00 Trustee's Motion to approve compromise/equity buy back agreement

Docket 35

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):

Evelyn Noemi Salguero

Represented By
Gregory M Shanfeld

Movant(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud

**United States Bankruptcy Court
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1:21-10844 Michael Chulak

Chapter 7

#8.00 Debtor's motion to convert case from chapter 7 to 11

fr. 10/28/21

Stip to continue filed 12/2/21

Docket 53

***** VACATED *** REASON: order approving stipulation entered on
12/3/21. Hearing continued to 1/13/22 at 1:30 pm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Chulak

Represented By
Michael R Totaro
Candice Candice Bryner

Trustee(s):

David Seror (TR)

Represented By
Jessica Wellington

**United States Bankruptcy Court
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1:21-10844 Michael Chulak

Chapter 7

#9.00 Debtor's motion for order to compel trustee to abandon estate's interest in real property

Stip to continue filed 12/2/21

Docket 56

*** VACATED *** REASON: order approving stipulation entered on 12/3/21. Hearing continued to 1/13/22 at 1:30 pm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Chulak

Represented By
Michael R Totaro
Candice Candice Bryner

Movant(s):

Michael Chulak

Represented By
Michael R Totaro
Candice Candice Bryner

Trustee(s):

David Seror (TR)

Represented By
Jessica Wellington
Jessica L Bagdanov

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1:21-11673 Marco Arturo Ibanez

Chapter 7

#10.00 Debtor's amended motion to vacate dismissal

Docket 23

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):

Marco Arturo Ibanez

Represented By
David A Swire

Movant(s):

Marco Arturo Ibanez

Represented By
David A Swire
David A Swire

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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1:21-11688 Gregory G. Smith, M.D., A Professional Corporation

Chapter 11

#11.00 Joel Rapaport's Motion to withdraw as attorney of record for the debtor

Docket 23

*** VACATED *** REASON: Motion rescheduled for 2:00 PM.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Movant(s):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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1:21-11802 The Valley Clinica Medica General Medical Center I

Chapter 11

#12.00 Joel Rapaport's Motion to withdraw as attorney of record for the debtor

Docket 17

***** VACATED *** REASON: Motion rescheduled for 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

The Valley Clinica Medica General

Represented By
Joel Rapaport

Movant(s):

The Valley Clinica Medica General

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11821 Huntington Park Clinica Medica General Medical Cen

Chapter 11

#13.00 Joel Rapaport's Motion to withdraw as attorney of record for the debtor

Docket 20

*** VACATED *** REASON: Motion rescheduled for 2:00 PM.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Huntington Park Clinica Medica

Represented By
Joel Rapaport

Movant(s):

Huntington Park Clinica Medica

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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1:21-11825 El Monte Clinica General Medical, Inc.

Chapter 11

#14.00 Joel Rapaport's Motion to withdraw as attorney of record for the debtor

Docket 16

*** VACATED *** REASON: Motion rescheduled for 2:00 PM.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

El Monte Clinica General Medical,

Represented By
Joel Rapaport

Movant(s):

El Monte Clinica General Medical,

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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2:00 PM

1:21-11450 Roberto C. Hernandez

Chapter 11

#15.00 U.S. Trustee's Motion to Dismiss or Convert Case

fr. 11/18/21(stip)

Docket 53

***** VACATED *** REASON: Motion withdrawn 11/30/21 - jc**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto C. Hernandez

Represented By
Raymond H. Aver

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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1:21-11450 Roberto C. Hernandez

Chapter 11

#16.00 Order to show cause why debtor should not be removed as debtor in possession and/or the subchapter V trustee should not be ordered to perform the duties specified in 11 U.S.C. § 1106(a)(3) and (4)

fr. 10/28/21

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto C. Hernandez

Represented By
Raymond H. Aver

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11450 Roberto C. Hernandez

Chapter 11

#17.00 Status conference re chapter 11 subchapter V case

fr. 10/21/21

Docket 1

Tentative Ruling:

The parties should address the following:

In his status report and Declaration filed on November 24, 2011 [doc. 84], debtor represents that he has completed and filed 2019 personal income tax returns for himself and his spouse, and will file 2018 personal income tax returns for himself and his spouse shortly.

Did an accountant assist the debtor with the preparation of those returns? If so, debtor has not filed the required employment application for that accountant.

On September 15, 2021, the Court entered the *Order Setting Hearing on Status of Chapter 11, Subchapter V Case and Requiring Report on Chapter 11, Subchapter V Case* (the "September 15 Order") [doc. 34]. Pursuant to the September 15 Order, debtor was required to file with the Court "at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law." September 15 Order, p. 4, ¶¶ 12-22. However, debtor has not filed his 2019 and 2018 personal income tax returns with the Court.

As noted by the subchapter V trustee, debtor's *Plan of Reorganization (Subchapter V)* (the "Plan") [doc. 85] does not provide a sufficient liquidation analysis, the plan projections, or projected cash flows of RC Automotive & Collision, LLC and Cocoville, LLC.

In his schedule B, debtor represents that he has a 100% interest in RC Automotive & Collision, LLC and a 50% interest in Cocoville, LLC. [doc. 24]. In the Plan's liquidation analysis (and in his schedule B), debtor lists the value of his interests in RC Automotive & Collision, LLC and Cocoville, LLC as "unknown."

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CONT... Roberto C. Hernandez

Chapter 11

Pursuant to 11 U.S.C. § 1190(1)(A) and (B) and (C), subchapter V plans must include a brief history of the debtor's business operations, a liquidation analysis, and projections with respect to the ability of the debtor to make payments under the plan. *See In re Pearl Res. LLC*, 622 B.R. 236, 243-248 (Bankr. S.D. Tex. 2020).

Debtor must submit cash flow statements, projections and financial historical background regarding his closely held companies. Moreover, in accordance with Fed. R. Bankr. P. 2015.3, debtor must file financial reports of the value, operations and profitability of these entities.

The first such financial report was due to be filed no later than seven days before the first date set for the meeting of creditors. Subsequent financial reports are required to be filed no less frequently than every six months thereafter. When will debtor file these reports?

According to the subchapter V trustee, debtor's counsel received an updated appraisal from Raphael Hernandez for the real property located at 14700 Lull Street, Van Nuys, CA 91405. In January 2019, debtor transferred title to this property to his wife. Shortly thereafter, she transferred title to that property to Cocoville, LLC. Has debtor engaged his own appraiser for the real property located at Lull Street?

In light of the Plan's deficiencies, the Court will postpone setting dates and deadlines regarding a hearing on plan confirmation.

If debtor intends to object to Raphael Hernandez's claim, the Court will set a deadline for debtor to file an objection to that claim (if the parties do not resolve their dispute consensually).

The debtor must file a status report, to be served on the debtor's 20 largest unsecured creditors, all secured creditors, and the subchapter V trustee, **not later than 14 days** before a continued status conference. The status report must be supported by evidence in the form of declarations and supporting documents.

The status report must address the following:

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CONT... Roberto C. Hernandez

Chapter 11

What efforts has the debtor made so far to obtain the consent of creditors for a consensual plan?

What is the status of the debtor's filing of missing income tax returns?

If the debtor expects that the plan will be a nonconsensual plan, i.e., a plan confirmed under 11 U.S.C. § 1191(b), why does he expect that?

Any additional information the debtor would like to disclose to the Court concerning this chapter 11 case or the plan (e.g., sale of real and/or personal property).

The Subchapter V Trustee must file an updated declaration not less than seven (7) days prior to the continued status conference that includes, but is not limited to, progress made toward a consensual plan or debtor's plan confirmation prospects.

The Court will prepare an order continuing the status conference and setting the deadlines for debtor to file and serve the required reports under Fed. R. Bankr. P. 2015.3 and an updated chapter 11 case status report and for the subchapter V trustee to file an updated declaration.

Party Information

Debtor(s):

Roberto C. Hernandez

Represented By
Raymond H. Aver

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11688 Gregory G. Smith, M.D., A Professional Corporation

Chapter 11

#18.00 Order to show cause why bankruptcy case should not be transferred to Eastern District of California pursuant to 28 U.S.C. §§ 1408 and 1412

Docket 13

Tentative Ruling:

See cal. no. 3.

Party Information

Debtor(s):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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1:21-11688 Gregory G. Smith, M.D., A Professional Corporation

Chapter 11

#18.10 Hearing on Stipulation Between the United States
Trustee and Debtor to Appoint a Patient Care Ombudsman

Docket 44

Tentative Ruling:

Deny as moot. See cal. no. 3.

The United States Trustee must submit the order within seven (7) days.

Party Information

Debtor(s):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11688 Gregory G. Smith, M.D., A Professional Corporation

Chapter 11

**#18.20 Order to Show Cause Why The Court Should Not Dismiss This
Case For Failure To File The Statement of Financial Affairs**

Docket 49

Tentative Ruling:

See cal. no. 3.

Party Information

Debtor(s):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11688 Gregory G. Smith, M.D., A Professional Corporation

Chapter 11

#19.00 Joel Rapaport's Motion to withdraw as attorney of record for the debtor

Docket 23

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):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Movant(s):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11802 The Valley Clinica Medica General Medical Center I

Chapter 11

#20.00 Joel Rapaport's Motion to withdraw as attorney of record for the debtor

Docket 17

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):

The Valley Clinica Medica General

Represented By
Joel Rapaport

Movant(s):

The Valley Clinica Medica General

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11802 The Valley Clinica Medica General Medical Center I

Chapter 11

#20.10 Order to Show Cause Why the Court Should Not Dismiss This Case
For Failure to File Case Opening Documents

Docket 32

Tentative Ruling:

See cal. no. 5.

Party Information

Debtor(s):

The Valley Clinica Medica General

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11821 Huntington Park Clinica Medica General Medical Cen

Chapter 11

#21.00 Joel Rapaport's Motion to withdraw as attorney of record for the debtor

Docket 20

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):

Huntington Park Clinica Medica

Represented By
Joel Rapaport

Movant(s):

Huntington Park Clinica Medica

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:21-11821 Huntington Park Clinica Medica General Medical Cen

Chapter 11

#21.10 Order to Show Cause Why the Court Should Not Dismiss
This Case for Failure to File Case Opening Documents

Docket 39

Tentative Ruling:

See cal. no. 4.

Party Information

Debtor(s):

Huntington Park Clinica Medica

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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

Chapter 11

#22.00 Joel Rapaport's Motion to withdraw as attorney of record for the debtor

Docket 16

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):

El Monte Clinica General Medical,

Represented By
Joel Rapaport

Movant(s):

El Monte Clinica General Medical,

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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

Chapter 11

#22.10 Order to Show Cause Why the Court Should Not Dismiss
This Case for Failure to File Case Opening Documents

Docket 40

Tentative Ruling:

The Court will continue this hearing to **1:00 p.m. on December 16, 2021**, to be held in conjunction with the Motion of the United States Trustee to dismiss or convert this case.

Appearances on December 9, 2021 are excused.

Party Information

Debtor(s):

El Monte Clinica General Medical,

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se