

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

1: -

Chapter

#0.00 All hearings on this calendar will be conducted in Courtroom 301 at 21041 Burbank Boulevard, Woodland Hills, California, 91367. All parties in interest, members of the public and the press may attend the hearings on this calendar in person.

Additionally, (except with respect to evidentiary hearings, or as otherwise ordered by the Court) parties in interest (and their counsel) may connect by ZoomGov audio and video free of charge, using the connection information provided below. Members of the public and the press may only connect to the zoom audio feed, and only by telephone. Access to the video feed by these individuals is prohibited.

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

CONT...

Chapter

Password: 788703

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
San Fernando Valley
Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

1:24-11753 Cory Beth Honickman

Chapter 13

#0.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

fr. 11/13/24; 12/5/24

Docket 11

Tentative Ruling:

The Court will deny the *Motion in Individual Case for Order Imposing a Stay or Continuing The Automatic Stay as the Court Deems Appropriate* (the "Motion") [doc. 11].

On September 23, 2023, Cory Beth Honickman ("Debtor") filed a chapter 7 petition, initiating case no. 1:24-bk-11589-VK (the "Chapter 7 Case"). On October 8, 2024, Court dismissed the Chapter 7 Case for failure to file documents.

On October 21, 2024, Debtor filed a chapter 13 petition in pro per, initiating the pending bankruptcy case. In her schedule A/B, Debtor identifies an interest in the real property located at 21173 San Miguel St., Woodland Hills, CA 91364 (the "Property"), and provides a value for the Property of \$1.4 million. According to the petition, Debtor lives in the Property.

In her schedule D, Debtor discloses a debt owed to Amwest Funding Corp. ("Amwest") in the amount of \$738,898, secured by the Property. In her schedule I, Debtor represents that she receives \$293 per month from food stamps and a \$7,700 monthly contribution from her caregiver. In her schedule J, Debtor discloses no expenses except for monthly deed of trust payments of \$5,908 and food and housekeeping supplies of \$293. According to Debtor, all her utilities are paid for by her caregiver. *See* schedule J, doc. 19.

In November 2024, Debtor filed the Motion and her declaration in support thereof (the "Honickman Decl.") [doc. 16]. To the Honickman Decl., Debtor attached as Exh. 3 a reinstatement letter from Amwest dated October 17, 2024 (the "Reinstatement

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

CONT... Cory Beth Honickman

Chapter 13

Letter"). Pursuant to the Reinstatement Letter, as of October 18, 2024, the amount to reinstate her loan was \$95,202.96. Exh. 3 to the Honickman Decl.

On November 17, 2024, Debtor filed a *Substitution of Attorney* [doc. 18] and substituted in attorney Kevin Tang as her counsel. The same day, Debtor filed a chapter 13 plan (the "Plan") [doc. 20]. In the Plan, Debtor proposes to make plan payments of \$1,779 per month for 60 months. Plan, p. 2. With respect to Amwest's claim, Debtor proposes to: (1) pay prepetition arrears of \$91,610 to Amwest through the Plan; and (2) maintain and make the current contractual installment payments on Amwest's claim by making direct payments. *Id.*, pp. 5-6.

Regarding AmWest's prepetition efforts concerning the debt secured by its deed of trust, on May 19, 2022, a Notice of Trustee's Sale was recorded in the Los Angeles County Recorder's Office, which set a foreclosure sale of the Property for June 29, 2022 (the "Original Sale"). Declaration of Julian Tioseco ("Tioseco Decl."), ¶ 20 and Exh. 4 thereto [doc. 33]. The Original Sale was postponed multiple times to allow Debtor to enter into a loan modification. *Id.*

In August 2022, Amwest and Debtor entered into a temporary loan modification agreement (the "Loan Modification"). *Id.*, ¶ 21 and Exh. 5 thereto. In September 2024, Amwest agreed to postpone a foreclosure sale to October 21, 2024. *See id.*, ¶ 24.

The Loan Modification states that the monthly payments due to Amwest are \$6,531.46; in her schedule J, Debtor states that those payments are \$5,908. *See* Exh. 5 to the Tioseco Decl., p. 1; Debtor's schedule J.

Before Debtor filed the Plan, she received correspondence from Amwest indicating that the amount necessary to reinstate her loan as of October 18, 2024 was \$95,202.96. In the Plan, Debtor indicates that the prepetition arrears are \$91,610. *See* Exh. 3 to the Honickman Decl.; Plan, p. 6.

After the initial hearing regarding the Motion, the Court entered an order continuing the hearing to December 5, 2024 (the "Order") [doc. 25]. The Order provided, in relevant part:

ORDERED, that Debtor must timely pay: (1) her first deed of trust

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

CONT...

Cory Beth Honickman

Chapter 13

payment for November 2024 as to the real property located at 31173 San Miguel St., Woodland Hills, CA 91364, if any; and (2) her November 2024 chapter 13 plan payment; and it is further

ORDERED, that, **by no later than November 28, 2024**, Debtor must file a declaration which demonstrates that she timely made her required postpetition deed of trust payment, if any, and her required chapter 13 plan payment[.]

Order, p. 2 (emphasis in original).

Contrary to the Order, Debtor did not file a declaration which demonstrates that she timely made her November 2024 deed of trust payment to Amwest and her November 2024 chapter 13 plan payment (the "Declaration") by November 28, 2024.

At the December 5, 2024 hearing regarding the Motion, Debtor advised the Court that she had not had a chance to file the Declaration. To provide Debtor with additional time to do so, the Court continued the hearing to December 12, 2024. As of December 11, 2024, Debtor has not filed a declaration which demonstrates that she timely made her November 2024 deed of trust payment to Amwest and her November 2024 payment under the Plan.

In light of the foregoing, Debtor has not rebutted the presumption that this case was not filed in good faith with clear and convincing evidence. It appears that Debtor's case will not conclude with a confirmed plan that will be fully performed. Consequently, the Court will deny the Motion.

The Court will prepare the order.

12/5/24 Tentative Ruling

The Court will deny the *Motion in Individual Case for Order Imposing a Stay or Continuing The Automatic Stay as the Court Deems Appropriate* (the "Motion") [doc. 11]. In accordance with 11 U.S.C. § 362(c)(3)(B), the debtor must demonstrate that the filing of this case is in good faith. Pursuant to 11 U.S.C. § 362(c)(3)(C), a presumption has arisen that this case was not filed in good faith; such presumption

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

CONT... Cory Beth Honickman

Chapter 13

may be rebutted by clear and convincing evidence to the contrary.

On October 21, 2024, Cory Beth Honickman ("Debtor") filed a chapter 13 petition. At the hearing regarding the Motion held on November 13, 2024, the Court ordered Cory Beth Honickman ("Debtor") to timely pay: (1) her first deed of trust payment for November 2024 as to the real property located at 31173 San Miguel St., Woodland Hills, CA 91364 (the "Property"), if any; and (2) her November 2024 plan payment. The Court also ordered Debtor to file a declaration which demonstrates that Debtor timely made her required postpetition deed of trust and chapter 13 plan payment by no later than November 28, 2024.

In her schedule A/B, Debtor identifies an interest in the Property, valued at \$1.4 million, and no other real estate. In her schedule D, Debtor discloses a debt owed to AmWest Funding Corp ("Amwest") in the amount of \$738,898, secured by the Property. In her schedule J, Debtor discloses a monthly mortgage payment of \$5,908.00.

In her chapter 13 plan (the "Plan"), Debtor proposes to make plan payments of \$1,779 per month for 60 months. Plan, p. 2 [doc. 20]. With respect to Amwest's claim, Debtor proposes to: (1) pay prepetition arrears of \$91,610 to Amwest through the Plan; and (2) maintain and make the current contractual installment payments on Amwest's claim by making direct disbursements. *Id.*, pp. 5-6.

Here, Debtor has not rebutted the presumption of bad faith with clear and convincing evidence. As of December 3, 2024, Debtor has not filed a declaration which demonstrates that she timely made her November 2024 deed of trust payment to Amwest and her November 2024 chapter 13 plan payment.

It appears that Debtor's case will not conclude with a confirmed plan that will be fully performed and that Debtor did not file this case in good faith. Consequently, the Court will deny the Motion.

The Court will prepare the order.

11/13/24 Ruling

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

CONT... Cory Beth Honickman

Chapter 13

The Court will grant the *Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate* (the "Motion") [doc. 11], as to secured creditor Amwest Funding Corp., on an interim basis up to the date of the continued hearing. The Court will continue this hearing to **9:30 a.m. on December 5, 2024.**

No later than November 14, 2024, the debtor must serve on Amwest Funding Corp. a copy of the Motion and notice of the continued hearing date and time and the deadline to file any response 14 days prior thereto. The Motion and notice must be served on Amwest Funding Corp. via first-class mail, postage prepaid, at the following address:

Amwest Funding Corp.
Attn: Ryan Kim
6 Pointe Drive Suite 300
Brea, CA 92821

In addition, the debtor must timely pay: (1) her first deed of trust payment for November 2024 as to the real property located at 31173 San Miguel St., Woodland Hills, CA 91364, if any; and (2) her November 2024 chapter 13 plan payment.

No later than November 28, 2024, the debtor must file a declaration which demonstrates that she timely made her required postpetition deed of trust payment, if any, and her required chapter 13 plan payment.

The Court will prepare the order.

Party Information

Debtor(s):

Cory Beth Honickman

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

1:24-11699 Crystabel Amaka Goddy

Chapter 7

#1.00 Motion for relief from stay [UD]

NOHO PHASE 1 DEL LP
VS
DEBTOR

Docket 23

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 obtain possession of 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.

Party Information

Debtor(s):

Crystabel Amaka Goddy

Pro Se

Movant(s):

NoHo Phase 1 Del LP

Represented By
Agop Gary Arakelian

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

1:24-11789 Eden Nahum and Maureen Morr Dry

Chapter 7

#2.00 Motion for relief from stay [PP]

TD BANK, N.A.
VS
DEBTOR

Docket 13

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.

Party Information

Debtor(s):

Eden Nahum

Represented By
Jeffrey N Wishman

Joint Debtor(s):

Maureen Morr Dry

Represented By
Jeffrey N Wishman

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

Thursday, December 12, 2024

Hearing Room 301

9:30 AM

CONT... Eden Nahum and Maureen Morr Dry

Chapter 7

Movant(s):

TD Bank, N.A., successor in interest

Represented By
Sheryl K Ith

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:00 PM

1:24-10228 Mr. Tortilla, Inc.

Chapter 11

#3.00 Status conference re: chapter 11 case

fr. 4/11/24, 6/27/24, 8/1/24

Docket 1

***** VACATED *** REASON: Hearing Rescheduled for 12/11/24 at 1:00 PM. [Dkt. 293]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mr. Tortilla, Inc.

Represented By
Michael Jay Berger

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:22-11453 Livio Ernesto Gomez

Chapter 7

Adv#: 1:23-01002 Balint v. Gomez

#4.00 Status conference re: first amended complaint for determination of dischargeability and objection to Debtor's discharge pursuant to section 523(A)(6)

fr. 5/3/23; 6/14/23; 10/4/23; 11/8/23; 12/13/23; 3/20/24; 11/13/24

Docket 5

Tentative Ruling:

See cal. no. 5.

Party Information

Debtor(s):

Livio Ernesto Gomez

Represented By
Jason Boyer

Defendant(s):

Livio Ernesto Gomez

Represented By
Jason Boyer

Plaintiff(s):

Jessica Balint

Represented By
Gabor Szabo

Trustee(s):

David Seror (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:22-11453 Livio Ernesto Gomez

Chapter 7

Adv#: 1:23-01002 Balint v. Gomez

#5.00 Order to Show Cause Why This Adversary Proceeding
Should Not Be Dismissed For Failure to Prosecute

Docket 29

Tentative Ruling:

On March 26, 2024, the Court entered a *Status Conference and Scheduling Order* (the "Scheduling Order") [doc. 27]. As set forth in the Scheduling Order, the parties were to file a joint status report pursuant to Local Bankruptcy Rule 7016-1(a) by no later than October 31, 2024. The parties did not file a joint status report by that deadline, and the plaintiff did not file a unilateral status report. In addition, contrary to the provisions of Local Bankruptcy Rule 7016-1(a), the plaintiff did not file a declaration setting forth the attempts made by the plaintiff to contact or obtain the cooperation of the defendant. There were no appearances at the status conference on November 13, 2024.

On November 18, 2024, the Court entered an *Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed for Failure to Prosecute* (the "OSC") [doc. 29]. The OSC ordered the plaintiff to file a written response to the OSC by no later than November 28, 2024. As of December 4, 2024, the plaintiff has not filed a response to the OSC.

Local Bankruptcy Rule 7016-1(g) provides:

The failure of a party's counsel (or the party, if not represented by counsel) to appear before the court at the status conference or pretrial conference, or to complete the necessary preparations therefor, or to appear at or to be prepared for trial may be considered an abandonment or failure to prosecute or defend diligently, and judgment may be entered against the defaulting party either with respect to a specific issue or as to the entire proceeding, or the proceeding may be dismissed.

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT...

Livio Ernesto Gomez

Chapter 7

Here, the OSC directed the plaintiff to explain why the Court should not dismiss this adversary proceeding, considering the parties' noncompliance with the status conference procedures set forth in Local Bankruptcy Rule 7016-1. Because the plaintiff did not file a response to the OSC, pursuant to Local Bankruptcy Rule 7016-1(f) and (g), the Court will dismiss this adversary proceeding for failure to prosecute.

The Court will prepare the order.

Party Information

Debtor(s):

Livio Ernesto Gomez

Represented By
Robert M Yaspan

Defendant(s):

Livio Ernesto Gomez

Represented By
Robert M Yaspan

Plaintiff(s):

Jessica Balint

Represented By
Gabor Szabo

Trustee(s):

David Seror (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-10520 Christophe Doumaiselle

Chapter 7

Adv#: 1:23-01028 Charbonnier v. Doumaiselle

#6.00 Pretrial Status conference re: complaint for nondischargeability
and objecting to discharge

fr. 9/27/23; 5/22/24 (stip); 5/29/24; 8/7/24; 9/11/24; 10/9/24(stip); 12/11/24

Stipulation to continue filed 10/10/24

Docket 1

***** VACATED *** REASON: Continued by stipulation to 2/6/25 at 1:30
pm [Dkt. 32]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christophe Doumaiselle

Represented By
Jeffrey J Hagen

Defendant(s):

Christophe Doumaiselle

Represented By
Stella A Havkin

Plaintiff(s):

Laurent Charbonnier

Represented By
Eduardo Martorell

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-10520 Christophe Doumaiselle

Chapter 7

Adv#: 1:23-01029 Feuvrier et al v. Doumaiselle

#7.00 Pretrial conference re: complaint for nondischargeability
and objecting to discharge

fr. 9/27/23, 5/22/23 (Stip), 5/29/24, 8/7/24; 9/11/24; 10/9/24(stip); 12/11/24

Stipulation to continue filed 10/10/24

Docket 1

***** VACATED *** REASON: Continued by stipulation to 2/6/25 at 1:30
pm [Dkt. 32]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christophe Doumaiselle

Represented By
Jeffrey J Hagen

Defendant(s):

Christophe Doumaiselle

Represented By
Stella A Havkin

Plaintiff(s):

Anthony Petit

Represented By
Eduardo Martorell

Antoine David

Represented By
Eduardo Martorell

Alexandre Jagorel

Represented By
Eduardo Martorell

Michel Audoin

Represented By

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT... Christophe Doumaiselle

Chapter 7

	Eduardo Martorell
Bruno Larue	Represented By Eduardo Martorell
Stephane Nicolay	Represented By Eduardo Martorell
Pascal Cron	Represented By Eduardo Martorell
Erwann Brion	Represented By Eduardo Martorell
Dorain Grossan	Represented By Eduardo Martorell
Oliver Derrieu	Represented By Eduardo Martorell
Alexandre Mantrana	Represented By Eduardo Martorell
Sebastien Patrick Morel	Represented By Eduardo Martorell
Sebastien Veyrat Masson	Represented By Eduardo Martorell
Clement Deforet	Represented By Eduardo Martorell
Eric Meziere	Represented By Eduardo Martorell
Albert Liaumon	Represented By Eduardo Martorell
Eric Feuvrier	Represented By Eduardo Martorell
Jocelin Laborde	Represented By Eduardo Martorell

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT... Christophe Doumaiselle

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-11082 Philip M. Lawrence, II

Chapter 7

Adv#: 1:23-01051 Everett v. Lawrence, II et al

#8.00 Pre-Trial Conference re: Second amended complaint to determine debts non-dischargeable under 11 U.S.C. §523(a)(2)(A) and 523(a)(6)

fr. 2/21/24; 2/28/24; 4/24/24; 6/12/24;12/11/24

Stipulation to continue filed 11/21/24

Docket 25

***** VACATED *** REASON: Hearing Continued to 2/13/25 at 1:30 p.m per Order. #38.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

Defendant(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

9639 Amigo Avenue, LLC

Pro Se

Plaintiff(s):

Ashley Everett

Represented By
Herlinda Rebeca Vasquez
Steven A Morris

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Ron Bender
Jeffrey S Kwong

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-11130 The Three Builders, Inc.

Chapter 7

Adv#: 1:24-01040 Zamora, Chapter 7 Trustee v. Elkarief

#9.00 Status conference re: complaint to avoid and recover preferential transfer, for turnover of transfer, and to preserve avoided and recovered preferential transfer for benefit of the bankruptcy estate

fr. 12/11/24

Docket 1

Tentative Ruling:

On November 5, 2024, the plaintiff filed a request for entry of default against the defendant pursuant Local Bankruptcy Rule 7055-1 [doc. 6]. Thereafter, the clerk entered default against the defendant [doc. 7]. On December 3, 2024, the plaintiff filed a *Motion for Default Judgment* [doc. 10], which is set for hearing at 2:00 p.m. on January 16, 2025.

Having reviewed the *Unilateral Status Report* filed by the plaintiff on December 3, 2024 [doc. 9], the Court will continue the status conference to **January 16, 2025, at 2:00 p.m.**

The plaintiff's appearance on December 12, 2024 is excused.

Party Information

Debtor(s):

The Three Builders, Inc.

Represented By
Brian J Soo-Hoo

Defendant(s):

Gal Elkarief

Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT... The Three Builders, Inc.

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-11200 Windsor Terrace Healthcare, LLC

Chapter 11

Adv#: 1:24-01042 Pratt-Wood v. Windsor Gardens Convalescent Hospital et al

#10.00 Status conference re: removal of pre-petition lawsuit pending
in Los Angeles Superior Court to Bankruptcy Court

fr. 11/21/24

Docket 1

Tentative Ruling:

At the November 21, 2024 status conference, counsel for both parties appeared and represented that the parties had reached a settlement. In addition, the defendant's counsel advised the Court that, prior to the continued status conference on December 12, 2024, the defendant would file a pleading to inform the Court regarding the resolution of the matter, as to Windsor Gardens Convalescent Hospital, Inc. As of December 9, 2024, no such pleading has been filed.

Moreover, the parties have not filed a joint status report, and no party has filed a unilateral status report, pursuant to Local Bankruptcy Rule 7016-1(a). Finally, contrary to the provisions of Local Bankruptcy Rule 7016-1(a)(3), no party has filed a declaration setting forth the attempts it made to contact or obtain the cooperation of the opposing party(ies).

If no appearances are made at the status conference, the Court will dismiss this adversary proceeding for failure to prosecute.

11/21/24 Tentative Ruling

On September 27, 2024, Windsor Gardens Convalescent Hospital, Inc. ("Windsor Gardens") filed a *Notice of Removal of Pre-Petition Lawsuit Pending in Los Angeles Superior Court to Bankruptcy Court (28 U.S.C. § 1452)* (the "Removal Notice") [doc. 1].

On October 8, 2024, the Court entered its *Notice of Status Conference (Removed Proceeding)* (the "Notice of Status Conference") [doc. 3]. The Notice of Status

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT... Windsor Terrace Healthcare, LLC

Chapter 11

Conference provided, in relevant part, that: (1) the party that filed the Removal Notice must serve the Notice of Status Conference on all parties to the removed action and the United States trustee (the "UST") by no later than October 22, 2024; and (2) the parties must file a joint status report by no later than November 7, 2024.

As of November 13, 2024, Windsor Gardens has not filed a proof of service evidencing that it served the Notice of Status Conference on all parties to the removed action and the UST.

In addition, contrary to the Notice of Status Conference, as of November 13, 2024, the parties have not filed a joint status report, and no party has filed a unilateral status report, pursuant to Local Bankruptcy Rule 7016-1(a). Moreover, contrary to the provisions of Local Bankruptcy Rule 7016-1(a)(3), no party has filed a declaration setting forth the attempts it made to contact or obtain the cooperation of the opposing party(ies).

Party Information

Debtor(s):

Windsor Terrace Healthcare, LLC

Represented By
Ron Bender
Juliet Y. Oh
Monica Y Kim
Lindsey L Smith
Robert Carrasco
Beth Ann R. Young

Defendant(s):

Windsor Gardens Convalescent

Represented By
David W. Loy

Windsor Gardens Convalescent

Represented By
David W. Loy

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT... Windsor Terrace Healthcare, LLC

Chapter 11

DOES 1 through 250, inclusive

Pro Se

Plaintiff(s):

Drew Pratt-Wood

Represented By
Justin Vitug

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-11200 Windsor Terrace Healthcare, LLC

Chapter 11

Adv#: 1:24-01056 Alers et al v. Windsor Terrace Healthcare, LLC et al

#11.00 Status conference re: complaint

Docket 1

***** VACATED *** REASON: Continued by Stipulation to 1/16/25 at 2:00 pm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Windsor Terrace Healthcare, LLC

Represented By
Ron Bender
Juliet Y. Oh
Monica Y Kim
Lindsey L Smith
Robert Carrasco
Beth Ann R. Young

Defendant(s):

Windsor Terrace Healthcare, LLC et

Pro Se

Plaintiff(s):

Hazel Alers

Pro Se

Alejandro Alers, Jr.

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-11208 Windsor Court Assisted Living, LLC

Chapter 11

Adv#: 1:24-01041 Riley v. Windsor Court Assisted Living, LLC

#12.00 Status conference re: removal of pre-petition lawsuit pending
in Los Angeles Superior Court to Bankruptcy Court

fr. 11/21/24

Docket 1

***** VACATED *** REASON: Remanded back to state court. See doc. 14.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Windsor Court Assisted Living, LLC

Represented By
Ron Bender
Juliet Y. Oh

Defendant(s):

Windsor Court Assisted Living, LLC

Represented By
Marvin G Fischler

Plaintiff(s):

Terence Riley

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-11214 Windsor Gardens Convalescent Hospital, Inc.

Chapter 11

Adv#: 1:24-01045 Stokes v. Windsor Gardens Convalescent Hospital, Inc. et al

#13.00 Status conference re: removal of pre-petition lawsuit pending
in Los Angeles County Superior Court to Bankruptcy Court

fr. 11/21/24

Docket 1

Tentative Ruling:

See cal. no. 14.

Party Information

Debtor(s):

Windsor Gardens Convalescent

Represented By
Ron Bender

Defendant(s):

Windsor Gardens Convalescent

Represented By
Jodie C. Feusner

Plaintiff(s):

William Wesley Stokes

Represented By
Ogochukwu V Onwaeze

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-11214 Windsor Gardens Convalescent Hospital, Inc.

Chapter 11

Adv#: 1:24-01045 Stokes v. Windsor Gardens Convalescent Hospital, Inc. et al

#14.00 Order to show cause why this adversary proceeding should not be dismissed for failure to prosecute

Docket 13

Tentative Ruling:

Pursuant to Local Bankruptcy Rule ("LBR") 7016-1(f) and (g), the Court will dismiss this adversary proceeding for failure to prosecute.

On November 7, 2024, the defendant filed a unilateral status report (the "Status Report") [doc. 12]. However, contrary to LBR 7016-1(a)(3), the defendant did not file a declaration setting forth its attempts to contact the plaintiff or obtain the plaintiff's cooperation in connection with the Status Report.

On November 22, 2024, the Court issued its *Order to Show Cause Why This Adversary Proceeding Should Not be Dismissed for Failure to Prosecute* (the "OSC") [doc. 13]. Pursuant to the OSC, the defendant was to file and serve on the plaintiff a declaration in accordance with LBR 7016-1(a)(3) by no later than November 26, 2024.

On November 26, 2024, the defendant filed the Declaration of Jodie C. Feusner, the defendant's counsel, in response to the OSC (the "Feusner Decl.") [doc. 18]. In her declaration, Ms. Feusner states, in relevant part:

On October 4, 2024, my legal assistant, Anahit Avetisyan, served the NOTICE TO ADVERSE PARTIES AND TO COURT OF REMOVAL OF STATE COURT ACTION TO UNITED STATES BANKRUTPCY COURT (21 U.S.C. § 1452) on Plaintiff's counsel, Ogochukwu Victor Onwaeze, via email at onwaeze@aol.com. A true and correct copy of the Proof of Service is attached as Exhibit A.

On October 21, 2024, my legal assistant, Anahit Avetisyan,

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT...

Windsor Gardens Convalescent Hospital, Inc.

Chapter 11

served the WINDSOR GARDENS CONVALESCENT HOSPITAL, INC'S SUBMISSION OF REMOVED LITIGATION DOCUMENTS AND CERTIFICATE OF SERVICE on Plaintiff's counsel via email at onwaeze@aol.com. A true and correct copy of the Proof of Service is attached as Exhibit B.

On October 21, 2024, my legal assistant, Anahit Avetisyan, served the NOTICE OF STATUS CONFERENCE on Plaintiff's counsel via email at onwaeze@aol.com. A true and correct copy of the Proof of Service is attached as Exhibit C.

On November 7, 2024, my legal assistant, Anahit Avetisyan, served the JOINT STATUS REPORT on Plaintiff's counsel via email at onwaeze@aol.com. A true and correct copy of the Proof of Service is attached as Exhibit D.

On November 7, 2024, I personally emailed Plaintiff's counsel regarding this matter to onwaeze@aol.com. A true and correct copy of my email, including its timestamp, is attached as Exhibit E.

On November 25, 2024, my legal assistant, Anahit Avetisyan, served a notice of the upcoming continued status conference via FedEx. A true and correct copy of the notice and proof of service is attached hereto as Exhibit F.

Despite these efforts, we have not received any responses from Plaintiff's counsel to the documents served or to our communications.

Feusner Decl., ¶¶ 2-8.

The plaintiff did not appear at the status conference held on November 21, 2024 and apparently has not cooperated with the defendant regarding the preparation of a joint

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT... Windsor Gardens Convalescent Hospital, Inc. Chapter 11

status report. In light of the foregoing, pursuant to LBR 7016-1(f) and (g), the Court will dismiss this adversary proceeding for failure to prosecute.

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

Party Information

Debtor(s):

Windsor Gardens Convalescent

Represented By
Ron Bender

Defendant(s):

Windsor Gardens Convalescent

Represented By
Jodie C. Feusner

Plaintiff(s):

William Wesley Stokes

Represented By
Ogochukwu V Onwaeze

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

1:23-11223 Brenda Lou Fisher

Chapter 7

Adv#: 1:23-01049 Gomez et al v. Fisher

#15.00 Pretrial Conference re: First Amended Complaint to determine nondischargeability of debt pursuant to 11 U.S.C. section 523

fr. 1/31/24; 3/20/24; 8/14/24; 10/16/24; 11/13/24

Docket 19

Tentative Ruling:

On November 15, 2024, the Court entered an *Order: (1) Setting Trial and Related Deadlines; and (2) re Presentation of Evidence* (the "November 2024 Order") [doc. 37]. The November 2024 Order provides, in relevant part:

[T]he exhibit lists must be revised as follows: (1) pursuant to Local Bankruptcy Rule ("LBR") 9070-1(b)(2)(B), defendant's exhibits must be identified by letter; (2) pursuant to LBR 7016-1(b)(2)(D): (i) regarding plaintiff's exhibits 14-19, plaintiff must sufficiently describe to whom were the letters addressed and what is the date of each letter; (ii) regarding defendant's exhibit 1, defendant must sufficiently describe "All discovery from State Court Case"; and (iii) regarding defendant's exhibits 2.a-m and 3.a-f, defendant must sufficiently describe to whom were the letters addressed and what is the date of each letter; (3) pursuant to LBR 7016-1(b)(2)(D), plaintiffs must clarify which of defendant's exhibits plaintiffs contend are irrelevant; and (4) defendant must identify: (i) to which of plaintiffs' exhibits defendant intends to object; and (ii) the nature of defendant's objections to those exhibits.

On December 5, 2024, the parties filed an *Amended Joint Pre-Trial Stipulation* (the "Amended Stipulation") [doc. 41]. Both of the exhibit lists indicate that the parties are not objecting to the admissibility of the other party's exhibits.

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT...

Brenda Lou Fisher

Chapter 7

On the other hand, in the body of the Amended Stipulation, Section IV, "Exhibit List," on page 8, it states: "With respect to the proposed exhibits specified on Exhibit 1-B, the Plaintiffs object to the admission of exhibits that are irrelevant to the issues to be determined by the Court at trial. With respect to the proposed exhibits specified on Exhibit 1-A, the Defendant reserves the right to object to certain exhibits that Plaintiffs intend to introduce at trial."

Despite the contrary indication in the exhibit lists, do the parties intend to object to the exhibits identified in the exhibit lists or to retain their right to do so?

Regarding the trial, Judge Geraldine Mund (ret.) has been authorized by the Ninth Circuit Court of Appeals to continue to serve as a recall United States Bankruptcy Judge during 2025.

If the parties seek to retain the trial dates of February 25-26, 2025 and related schedule set in the November 2024 Order, then Judge Kaufman will preside over the trial.

If the parties would prefer to use later trial dates (at a time when Judge Mund is available), then Judge Mund will preside over the trial.

If **ALL** of the parties prefer to have later trial dates, then this adversary proceeding will be transferred to Judge Mund, and a status conference (via Zoom.gov) will take place before Judge Mund in order to reset the trial dates and the related schedule.

Party Information

Debtor(s):

Brenda Lou Fisher

Represented By
Sevan Gorginian

Defendant(s):

Brenda Lou Fisher

Represented By
Sevan Gorginian

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

Thursday, December 12, 2024

Hearing Room 301

1:30 PM

CONT... Brenda Lou Fisher

Chapter 7

Plaintiff(s):

Gina Nuccio Gomez

Represented By
John C Clough
Nicholas S Couchot

RSA Productions LLC

Represented By
John C Clough
Nicholas S Couchot

RSA Talent Management LLC

Represented By
John C Clough
Nicholas S Couchot

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

2:00 PM

1:22-10147 Wilma & Frieda's Inc.

Chapter 11

#16.00 Post confirmation status conference re: chapter 11, subchapter V case
fr. 3/9/23; 7/13/23, 1/18/24; 6/20/24, 6/27/24

Docket 1

***** VACATED *** REASON: Hearing Rescheduled for 12/11/24 at 2:00
PM. [Dkt. 232]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wilma & Frieda's Inc.

Represented By
Michael Jay Berger
Katherine Bunker

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

2:00 PM

1:24-10377 Philmar Studios Inc

Chapter 7

#17.00 Status Conference Re:
Movant 1032 N. Sycamore Owner (LA), LLC's Ex Parte Application
For An Order Regarding The Removal of Certain Equipment And
Personal Property, Or Alternatively A Status Conference

fr. 11/14/24; 11/15/24;11/26/24; 12/5/24; 12/9/24

Docket 220

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Studios Inc

Represented By
Robert M Yaspan
Sandford L. Frey

Trustee(s):

Amy L Goldman (TR)

Represented By
Peter J Mastan
Matthew J Stockl

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

Thursday, December 12, 2024

Hearing Room 301

2:00 PM

1:24-12038 Biotactics, Inc.

Chapter 11

#18.00 Motion for order authorizing interim use of cash collateral

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Biotactics, Inc.

Represented By
Michael Jay Berger

Movant(s):

Biotactics, Inc.

Represented By
Michael Jay Berger

Trustee(s):

Mark M Sharf (TR)

Pro Se

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

Thursday, December 12, 2024

Hearing Room 301

2:00 PM

1:24-12038 Biotactics, Inc.

Chapter 11

#19.00 Motion in Individual Ch 11 Case for Order Authorizing Debtor to
Provide Adequate Assurance of Payment to Utility Service Providers
(11 U.S.C. Sec. 366)

fr. 12/11/24

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Biotactics, Inc.

Represented By
Michael Jay Berger