

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

Thursday, December 16, 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.

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Docket 0

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Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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1:13-15687 Antonio Lamar Dixon

Chapter 7

#1.00 Trustee's Final Report and Applications for Compensation

David Gottlieb, Chapter 7 Trustee

Baker & Hostetler LLP, Accountant for Trustee

Levene Neale Bender Yoo and Brill L.L.P, Attorney to Chapter 7 Trustee

Berkley Research Group LLC, Accountant for Trustee

Foley & Lardner, LLP, Attorney for Chapter 7 Trustee

Docket 232

Tentative Ruling:

David K. Gottlieb, chapter 7 trustee - approve fees of \$33,340.67 and expenses of \$167.71, on a final basis.

Berkeley Research Group, LLC, accountants for chapter 7 trustee - approve fees of \$27,373 and expenses of \$145.21, on a final basis. The Court deducted \$247.50 in fees incurred performing clerical work, i.e., electronically filing forms.

Baker & Hostetler LLP, general bankruptcy counsel to the chapter 7 trustee - approve fees of \$152,977.50 and expenses of \$2,346.75, on a final basis.

Levene, Neale, Bender, Yoo & Brill L.L.P, special counsel to the chapter 7 trustee - approve fees of \$10,000 and expenses of \$200.16, on a final basis.

Foley & Lardner LLP ("Foley"), general bankruptcy counsel to the chapter 7 trustee - approve fees of \$13,197.50 and expenses of \$200.16, on a final basis.

The following ruling concerns the fee application of Foley:

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11 U.S.C. § 328(b) provides that an attorney may not receive compensation for the performance of any trustee's duties that are generally performed by a trustee without the assistance of an attorney. In re Garcia, 335 B.R. 717, 725 (9th Cir. B.A.P. 2005) (holding that bankruptcy court did not abuse its discretion in refusing to compensate chapter 7 trustee's counsel for services rendered in connection with the sale of property of the estate and for preparing routine employment applications).

11 U.S.C. § 330(a)(1)(A) provides that a court may award to a professional person employed under section 327 "reasonable compensation for actual, necessary services" rendered by the professional person. "In determining the amount of reasonable compensation to be awarded to the professional person, the court shall consider the nature, the extent and the value of such services, taking into account all relevant factors, including - (A) the time spent on such services; (B) the rates charged for such services; (C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title; [and] (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed" 11 U.S.C. § 330(a)(3). Except in circumstances not relevant to this chapter 7 case, "the court shall not allow compensation for - (i) unnecessary duplication of services; or (ii) services that were not - (I) reasonably likely to benefit the debtor's estate; or (II) necessary to the administration of the case." 11 U.S.C. § 330(a)(4)(A).

11 U.S.C. § 330(a)(2) provides that the court may, on its own motion, award compensation that is less than the amount of the compensation that is requested.

In accordance with Garcia, the Court will approve \$743.75 of the \$1,487.50 in fees billed to prepare the application and related pleadings for the employment of Foley.

In addition, it appears that Foley billed an excessive amount of time drafting an order granting a sale of assets. The Court will approve \$1,539.75 of the \$3,079.50 in fees billed preparing the sale order. Because the Court is waiving appearances, the Court also will deduct the estimated \$4,000 in fees to finalize this fee application and appear at the hearing.

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

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee or his/her professionals is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and the relevant applicant(s) will be so notified.

Party Information

Debtor(s):

Antonio Lamar Dixon

Represented By
Leslie A Cohen

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Michael T Delaney
Ashley M McDow
Teresa C Chow
Ron Bender
Carmela Pagay
Beth Ann R Young

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1:14-13956 Jose Abel Hernandez and Berta Fabiola Hernandez

Chapter 7

#2.00 Trustee's Final Report and Applications for Compensation

David Keith Gottlieb, Chapter 7 Trustee

Marshak Hayes LLP, Attorney for Chapter 7 Trustee

Docket 49

Tentative Ruling:

David K. Gottlieb, chapter 7 trustee - approve fees of \$1,585.73 and expenses of \$50.00, on a final basis.

Marshack Hays LLP, counsel for chapter 7 trustee - approve fees of \$2,500.00 and expenses of \$415.62, on a final basis.

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

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee or his/her professionals is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and the relevant applicant(s) will be so notified.

Party Information

Debtor(s):

Jose Abel Hernandez

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Berta Fabiola Hernandez

Represented By
Brian J Soo-Hoo

Trustee(s):

David Keith Gottlieb (TR)

Represented By

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Jose Abel Hernandez and Berta Fabiola Hernandez
D Edward Hays
Laila Masud

Chapter 7

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1:18-12660 Mohsen Loghmani

Chapter 7

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

Docket 188

Tentative Ruling:

David K. Gottlieb, chapter 7 trustee – approve fees of \$6,942.72 for the period covering October 1, 2016 through October 31, 2021, pursuant to 11 U.S.C. § 331, on an interim basis. Such fees have been reduced from the requested fees of \$7,258.50, based on the reduced interim amounts disbursed to professionals. The trustee may collect 100% of the approved fees at this time.

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

Note: No response has been filed. Accordingly, no court appearance by the trustee is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and the trustee will be so notified.

Party Information

Debtor(s):

Mohsen Loghmani

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Richard A Marshack
Laila Masud
D Edward Hays

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1:18-12660 Mohsen Loghmani

Chapter 7

#4.00 First Interim Application for Allowance of Fees and Costs filed by Marshack Hays LLP as General Counsel to Chapter 7 Trustee

Docket 189

Tentative Ruling:

Marshack Hays LLP ("Applicant"), counsel to chapter 7 trustee – subject to approval of Applicant's application to employ and in accordance with Applicant's stipulation with the U.S. Trustee [doc. 211], approve fees of \$71,973.90 and reimbursement of expenses of \$1,880.51 for the period covering September 27, 2019 through October 31, 2021, pursuant to 11 U.S.C. § 331, on an interim basis. Applicant may collect 80% of the approved fees and 100% of the approved expenses at this time.

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

Note: No response has been filed. Accordingly, no court appearance by the trustee is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and the trustee will be so notified.

Party Information

Debtor(s):

Mohsen Loghmani

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Richard A Marshack
Laila Masud
D Edward Hays

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1:19-11648 Maryam Sheik

Chapter 11

#5.00 Final Application by Resnik Hayes Moradi LLP, General Bankruptcy Counsel for the Debtor for Allowance of Fees and Reimbursement of costs for the Period: 2/11/2021 to 10/10/2021

Docket 243

Tentative Ruling:

Resnik Hayes Moradi LLP ("Applicant"), counsel to the debtor and the debtor-in-possession – approve fees in the amount of \$136,543.50 and reimbursement of expenses in the amount of \$4,016.13, pursuant to 11 U.S.C. § 330, on an final basis.

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):

Maryam Sheik

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

Movant(s):

Maryam Sheik

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

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Maryam Sheik

Roksana D. Moradi-Brovia

Chapter 11

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1:21-10278 Milana Efremova

Chapter 7

#6.00 Trustee's Final Report and Applications for Compensation

David Keith Gottlieb, Chapter 7 Trustee

Docket 32

Tentative Ruling:

David K. Gottlieb, chapter 7 trustee - approve fees of \$1,544.90 and expenses of \$43.15, on a final basis.

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

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee or his/her professionals is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and the relevant applicant(s) will be so notified.

Party Information

Debtor(s):

Milana Efremova

Represented By
Elena Steers

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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1:00 PM

1:20-11237 BGS WORKS, INC.

Chapter 11

#7.00 Confirmation hearing re chapter 11 plan of reorganization
fr. 10/21/21(stip); 11/4/21(stip); 11/18/21

Docket 117

Tentative Ruling:

See cal. no. 8.

Party Information

Debtor(s):

BGS WORKS, INC.

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

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1:00 PM

1:20-11237 BGS WORKS, INC.

Chapter 11

#8.00 Status conference re: chapter 11 case

fr. 9/10/20; 4/22/21; 6/3/21; 7/8/21; 8/26/21; 10/21/21(stip); 11/4/21(stip);
11/18/21

Docket 1

Tentative Ruling:

At the last plan confirmation hearing, the Court required the parties to file loan documentation, to obtain the financing required to implement the debtor's chapter 11 plan, by December 9, 2021. To date, the parties have not filed this loan documentation. *See Declaration of Dennis J. Wickham, re: Status of Loan* [doc. 158], p. 1, ¶ 3. The debtor indicates that the loan documents will be signed by no later than December 13, 2021. *See Supplement to Plan Confirmation Brief; Declaration of Joseph Sternlib and W. Sloan Youkstetter in Support Thereof* [doc. 159], p. 3, ¶¶ 1-3.

In addition, the debtor indicates that it seeks to amend the plan regarding treatment of Class 4 secured creditor Sunbelt Rentals, Inc. ("Sunbelt"). *See Declaration of Joseph Sternlib*, at ¶ 6. Post-acceptance modification of a plan before confirmation is governed by Rule 3019(a) of the Federal Rules of Bankruptcy Procedure ("FRBP"), which implements 11 U.S.C. § 1127. Pursuant to FRBP 3019(a)—

[A]fter a plan has been accepted and before its confirmation, the proponent may file a modification of the plan. If the court finds after hearing on notice to the trustee, any committee appointed under the Code, and any other entity designated by the court that the proposed modification does not adversely change the treatment of the claim of any creditor or the interest of any equity security holder who has not accepted in writing the modification, it shall be deemed accepted by all creditors and equity security holders who have previously accepted the plan.

See also 11 U.S.C. § 1127(a), (c) and (d). The Court will prepare an order setting a deadline for the debtor to file an amended plan and a brief regarding confirmation of

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Chapter 11

the modified plan, including whether the modified plan requires an amended disclosure statement and re-solicitation to accept or reject the modified plan.

If Sunbelt is not willing to stipulate to its disputed secured claim being treated in Class 6 of the modified plan, the debtor may need to file an objection to Sunbelt's secured claim [Claim 5-1].

Party Information

Debtor(s):

BGS WORKS, INC.

Represented By
Matthew D. Resnik

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1:21-10878 Scott Carl St. Peter

Chapter 11

#9.00 Order to show cause why this bankruptcy case should not be dismissed or converted pursuant to 11 U.S.C. § 1112(B)(4)(i)

fr. 9/9/21

Docket 59

Tentative Ruling:

The Court will continue this hearing to **1:00 p.m. on January 13, 2022.**

Appearances on December 16, 2021 are excused.

Party Information

Debtor(s):

Scott Carl St. Peter

Represented By
Lionel E Giron

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1:00 PM

1:21-10878 Scott Carl St. Peter

Chapter 11

#10.00 Debtor's ex parte motion for order to extend deadline to file disclosure statement and chapter 11 plan of reorganization

Docket 94

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):

Scott Carl St. Peter

Represented By
Lionel E Giron
Joanne P. Sanchez

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1:21-10878 Scott Carl St. Peter

Chapter 11

#11.00 Status conference re chapter 11 case

fr. 7/22/21; 8/19/21; 9/9/21

Docket 1

Tentative Ruling:

Contrary to the Court's *Order Setting (1) Deadline to File Plan and Disclosure Statement and (2) Continued Status Conference* [doc. 69], the debtor did not timely file and serve a status report supported by evidence in the form of declarations and supporting documents. In addition, the debtor did not timely file his September and October 2021 monthly operating reports.

The Court will continue this status conference to **1:00 p.m. on January 13, 2022**. No later than **December 30, 2021**, the debtor must file and serve a status report, **supported by evidence**, on all required parties. If the debtor fails to timely file and serve a status report, supported by evidence, the Court may convert or dismiss this case in accordance with 11 U.S.C. § 1112(b)(4)(E).

Appearances on December 16, 2021 are excused.

Party Information

Debtor(s):

Scott Carl St. Peter

Represented By
Lionel E Giron

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1:00 PM

1:21-11348 Gagik Sargsyan

Chapter 11

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

Docket 72

*** VACATED *** REASON: Withdrawal of motion filed on 12/6/21 [Dkt. 86]

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gagik Sargsyan

Represented By
Vahe Khojayan

Movant(s):

United States Trustee (SV)

Represented By
Katherine Bunker

Trustee(s):

Andrew W. Levin (TR)

Pro Se

**United States Bankruptcy Court
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1:00 PM

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

Chapter 11

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

Docket 25

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):

El Monte Clinica General Medical,

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:00 PM

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

Chapter 11

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

fr. 12/9/21

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

El Monte Clinica General Medical,

Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:18-12660 Mohsen Loghmani

Chapter 7

#14.00 Application to Employ Marshack Hays LLP
as General Counsel in Severed Case

Docket 200

Tentative Ruling:

Grant.

Chapter 7 trustee must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee or his counsel is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and the chapter 7 trustee will be so notified.

Party Information

Debtor(s):

Mohsen Loghmani

Pro Se

Movant(s):

David Keith Gottlieb (TR)

Represented By
Richard A Marshack
Laila Masud
D Edward Hays

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Richard A Marshack
Laila Masud
D Edward Hays

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2:00 PM

1:20-11006 Lev Investments, LLC

Chapter 11

#15.00 Motion for order dismissing case; recusal of general counsel;
disgorging fees and revoking confirmed plan

fr. 11/18/21

Docket 497

Tentative Ruling:

The Court will continue this hearing to **2:00 p.m. on February 17, 2022.**

Appearances on December 16, 2021 are excused.

Party Information

Debtor(s):

Lev Investments, LLC

Represented By

David B Golubchik

Juliet Y Oh

Richard P Steelman Jr

Trustee(s):

Caroline Renee Djang (TR)

Pro Se