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Attorneys for Jason M. Rund
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re THOMAS VINCENT GIRARDI, Debtor.	Case No. 2:20-bk-21020-BR Chapter 7 **NOTICE OF HEARING ON CHAPTER 7 TRUSTEE'S MOTION FOR ORDER: (1) AUTHORIZING EMPLOYMENT OF JOHN MORAN AUCTIONEERS, INC. AS AUCTIONEER; (2) AUTHORIZING SALE OF CERTAIN PERSONAL PROPERTY OF THE ESTATE; AND (3) AUTHORIZING ABANDONMENT OR DESTRUCTION OF CERTAIN PERSONAL PROPERTY OF THE ESTATE** Hearing: DATE: July 12, 2022 TIME: 10:00 a.m. PLACE: Courtroom 1668 Roybal Federal Building 255 E. Temple Street Los Angeles, CA 90012

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that on July 12, 2022 at 10:00 a.m., in Courtroom 1668 of the United States Bankruptcy Court, located at 255 E. Temple Street, Los Angeles, California 90012, Jason M. Rund, the Chapter 7 Trustee (the "Trustee") for the estate of Thomas Vincent Girardi, the debtor herein (the "Debtor"), will move this Court for an order: (1) approving the Trustee's employment of John Moran Auctioneers, Inc. (the "Auctioneer") as auctioneer; (2) authorizing the Trustee, through the Auctioneer, to auction and sell certain personal property (the "Personal Property") of the estate from the Debtor's residence located at 100 N. Los Altos Drive, Pasadena, California 91105 (the "Residence"); and (3) authorizing the Trustee to abandon or destroy any Personal Property, pursuant to 11 U.S.C. § 554, without further order of this Court, if it cannot be sold by the Auctioneer (the "Motion").

The Debtor's Personal Property that the Trustee will seek to auction and sell includes the following: a Steinway piano, furniture, art, religious icons, statues, lamps, rugs, ceramics and glassware, clothing and shoes, and sports memorabilia.

The Trustee seeks to employ the Auctioneer to sell the Personal Property at an auction. The Trustee seeks to employ the Auctioneer pursuant to 11 U.S.C. § 327(a) and to compensate the Auctioneer pursuant to 11 U.S.C. § 328 and LBR 6007-1(h).

The Auctioneer will be charging a 6% commission plus a 25% buyer's premium. Also, for each lot, there will be a 1% charge for insurance, $50 photography fee, merchant credit card fees that are paid by the buyers and potential fees for webhosts.[1] The estate shall reimburse the Auctioneer's expenses in connection with the drayage and transport of the Personal Property, not to exceed $7,000, which will be deducted from the auction proceeds. The Auctioneer will seek no additional compensation from the estate. Upon completion of the sale of the Auction Personal Property, and completion of the Auctioneer's Report of Sale, the Trustee will file a declaration seeking Court approval for the Report of Sale and authority to pay the Auctioneer its fee. The Auctioneer has been advised of and has agreed to accept the proposed employment

[1] Details of the costs can be found on johnmoran.com/conditions-of-sale/.

subject to the provisions of 11 U.S.C. § 328(a).

The Personal Property will be moved from the Residence to the Auctioneer's business premises at 145 East Walnut Avenue, Monrovia, California 91016. The auction, which will be live online via internet and telephone, will take place on September 21, 2022. The marketing plan for the auction includes:

. Dedicated press-release with nationwide distribution about the collection.

. In-house email to John Moran Auctioneers full database of clients.

. Posting of Girardi Collection on John Moran Auctioneers social media accounts (Facebook, Instagram, LinkedIn).

. Hosting and sale of the property through John Moran Auctioneers.com, LiveAuctioneers.com, and Invaluable.com/AuctionZip.com. (LiveAuctioneers and Invaluable/AuctionZip are the largest third-party auction host platforms available to auction houses with hundreds of thousands of users.)

. Supplementary paid marketing on LiveAuctioneers and Invaluable, which would consist of items such as, but not limited to homepage features and email marketing to their user databases.

. Targeted ads on Facebook/Instagram/Google.

The Auctioneer estimates that the Personal Property has a combined auction value of approximately $191,300 to $280,700. The Auctioneer estimates that the sale and auction of the Personal Property will yield the estate between $135,000 and $207,000, after payment of the Auctioneer's commission and expenses. Moreover, pursuant to the Court-approved settlement with California Attorney Lending II, Inc., a New York corporation ("CAL II"), which has a blanket lien on the Debtor's assets, including the Personal Property, 80% of the net proceeds from the sale of the Personal Property (after payment of administrative expenses) will be paid to CAL II and 20% will be paid to the Trustee to be held in trust for the allowed unsecured claimants of the bankruptcy estate.

Additionally, pursuant to 11 U.S.C. § 554, the Trustee seeks authority to abandon any Personal Property that was not sold by the Auctioneer, without further order of the Court.

Further, should there be any records containing "personally identifiable information" as defined in section 101(41A), the Trustee seeks authority to destroy them and pay for the costs from estate funds.

PLEASE TAKE FURTHER NOTICE that Judge Russell will be holding hearings both in person and via ZoomGov. **It is extremely important that counsel and all interested parties read the Judge's tentative rulings on his law and motion/trial calendar very carefully as the tentative rulings will indicate whether an in person appearance at a hearing is mandatory.** The calendar with tentative rulings will be posted approximately one week prior to the scheduled hearing(s) and can be accessed at the following web address: http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=BR Click on the "Select Judge" tab on the upper left side of the screen and select Judge Russell.

All parties must notify the Court of his/her appearance, whether in person or via ZoomGov, no later than 2:00 p.m. on the day prior to the hearing by emailing the Courtroom Deputy at stacey_fortier@cacb.uscourts.gov (link sends e-mail). In the subject line of the e-mail, please specify the date, time and calendar number(s) of the hearing(s) (for example: Re: September 15, 2020, 10:00 a.m., Calendar No. #, In Person/ZoomGov).

This Notice is qualified in its entirety by reference to the Motion and the attachments to the Motion, which are on file with the Clerk of the Bankruptcy Court. Creditors and parties-in-interest who desire further information are encouraged to review the Motion in its entirety.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Bankruptcy Rule 9013-1(f), any interested party that wishes to oppose the relief requested in the motion must file not later than 14 days prior to the scheduled hearing date, with the Clerk of the Bankruptcy Court, located at 255 E. Temple Street, Los Angeles, California 90012, and serve upon the Office of the United States Trustee, located at 915 Wilshire Boulevard, Suite 1850, Los Angeles, California 90017, and the Trustee's counsel, located at the address indicated on the upper left corner of the first page of this notice, "[a] complete written statement of all reasons in opposition thereto ..., declarations and copies of all photographs and documentary evidence on

which the responding party intends to rely and any responding memorandum of points and authorities."

PLEASE TAKE FURTHER NOTICE that pursuant to Local Bankruptcy Rule 9013-1(h), failure to file and serve a timely response may be deemed consent to the relief requested in the Motion.

DATED: June 16, 2022

LEVENE, NEALE, BENDER, YOO & GOLUBCHIK L.L.P.

By: */s/ Carmela T. Pagay*
CARMELA T. PAGAY
Attorneys for Jason M. Rund
Chapter 7 Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 2818 La Cienega Avenue, Los Angeles, CA 90034

A true and correct copy of the foregoing document entitled **NOTICE OF HEARING ON CHAPTER 7 TRUSTEE'S MOTION FOR ORDER: (1) AUTHORIZING EMPLOYMENT OF JOHN MORAN AUCTIONEERS, INC. AS AUCTIONEER; (2) AUTHORIZING SALE OF CERTAIN PERSONAL PROPERTY OF THE ESTATE; AND (3) AUTHORIZING ABANDONMENT OR DESTRUCTION OF CERTAIN PERSONAL PROPERTY OF THE ESTATE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **June 21, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Rafey Balabanian rbalabanian@edelson.com, docket@edelson.com**
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- **Christopher K.S. Wong christopher.wong@arentfox.com, yvonne.li@arentfox.com**
- **Timothy J Yoo tjy@lnbyb.com**

2. SERVED BY UNITED STATES MAIL: On **June 21, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Thomas Vincent Girardi
1126 Wilshire Boulevard
Los Angeles, CA 90017

Thomas Vincent Girardi
Belmont Village Senior Living
455 East Angeleno Avenue
Burbank, CA 91501

Thomas Vincent Girardi
100 N. Los Altos Drive
Pasadena, CA 91105

Honorable Barry Russell
U.S. Bankruptcy Court
255 E. Temple St., Suite 1660
Los Angeles, CA 90012

John Moran Auctioneers, Inc.
145 East Walnut Ave.
Monrovia, CA 91016

☒ *Service information continued on attached page*

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **June 21, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

None.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

June 21, 2022	Stephanie Reichert	*/s/ Stephanie Reichert*
Date	*Type Name*	*Signature*

Label Matrix for local noticing
0973-2
Case 2:20-bk-21020-BR
Central District of California
Los Angeles
Tue Jun 21 10:49:49 PDT 2022

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