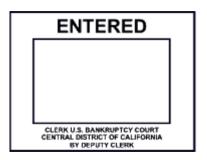
FILED			
	CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORIA BY DEPUTY CLERK	ı	



In re:

## NOT FOR PUBLICATION

## UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA

## LOS ANGELES DIVISION

Case No. 2:10-bk-12736-PC

MUSCLE IMPROVEMENT, INC., et al.,	Adversary No. 2:11-ap-02984-PC
Debtors.	Chapter 11
MUSCLE IMPROVEMENT, INC., et al.,	ORDER GRANTING, IN PART, AND DENYING, IN PART, PLAINTIFFS'
Plaintiffs, v.	MOTION FOR ORDER GRANTING PARTIAL SUMMARY JUDGMENT REGARDING PLAINTIFFS' CLAIMS FOR RELIEF AGAINST DEFENDANT ALL POINTS CAPITAL CORP.
ALL POINTS CAPITAL CORP., et al.,	Date: November 6, 2012 Time: 9:30 a.m. Place: United States Bankruptcy Court Courtroom # 1468 255 East Temple Street
Defendants.	Los Angeles, CA 90012

Based upon the findings of fact and conclusions of law set forth in the court's memorandum decision of even date herewith, it is hereby

ORDERED that Plaintiffs' Motion for Order Granting Partial Summary Judgment Regarding Plaintiffs' Claims Against Defendant, All Points Capital Corp. is granted, in part and denied, in part; and it is further

ORDERED that Plaintiffs, Muscle Improvement, Inc., Muscle Improvement – Hawthorne, Inc., and Muscle Improvement – Commerce, Inc. are granted a partial summary judgment against Defendant, All Points Capital Corp. granting the relief requested in the First, Second, Fourth, Sixth, Tenth and Eleventh Claims for Relief set forth in Debtors' Complaint to Determine the Extent, Priority and Validity of Liens and For Claims Objections ("Complaint"); and it is further

ORDERED that Plaintiffs are granted a partial summary judgment on their Seventh Claim for Relief, as follows: Claim # 16 is allowed as a secured claim in the amount of \$17,200; but there is a genuine issue of material fact regarding the allowed amount, if any, of Defendant, All Points Capital Corp.'s unsecured non-priority claim attributable to Claim # 16; and it is further

ORDERED that Plaintiffs are granted a partial summary judgment on their Eighth Claim for Relief, as follows: Claim # 39 is disallowed to the extent that it asserts a secured claim against Defendant, Muscle Improvement, Inc., but there is a genuine issue of material fact regarding the allowed amount, if any, of Defendant, All Points Capital Corp.'s unsecured non-priority claim attributable to Claim # 39 based upon Plaintiff, Muscle Improvement, Inc.'s guaranty of the balance due under the June 26, 2007 Agreement; and it is further

ORDERED that Plaintiffs are entitled to a partial summary judgment on their Ninth Claim for Relief, as follows: Claim # 26 is disallowed to the extent that it asserts a secured claim against Plaintiff, Muscle Improvement – Hawthorne, Inc., but there is a genuine issue of material fact regarding the allowed amount, if any, of Defendant, All Points Capital Corp's unsecured non-priority claim attributable to Claim # 26 based upon Plaintiff, Muscle Improvement – Hawthorne, Inc.'s guaranty of the balance due under the June 26, 2007 Agreement.

Dated: December 11, 2012

PETER H. CARROLL Chief Bankruptcy Judge

## NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*): ORDER GRANTING, IN PART, AND DENYING, IN PART, PLAINTIFF'S MOTION FOR ORDER GRANTING PARTIAL SUMMARY JUDGMENT REGARDING PLAINTIFF'S CLAIMS FOR RELIEF AGAINST DEFENDANT ALL POINTS CAPITAL CORP. was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

date indicated as "Entered" on the first page of this judgment of order and will be served in the h	namer stated below.
1. <u>SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)</u> - Pursuant to cor and LBRs, the foregoing document was served on the following persons by the court via NEF ar judgment or order. As of ( <i>date</i> ) 12-11-12, the following persons are currently on the Electronic Nankruptcy case or adversary proceeding to receive NEF transmission at the email addresses so	nd hyperlink to the Mail Notice List for this
<ul> <li>Amanda N Ferns aferns@fernslaw.com</li> <li>United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov</li> <li>Robert M Yaspan court@yaspanlaw.com, tmenachian@yaspanlaw.com</li> </ul>	
☐ Service information co	ntinued on attached page
2. <u>SERVED BY THE COURT VIA UNITED STATES MAIL:</u> A copy of this notice and a true co order was sent by United States mail, first class, postage prepaid, to the following persons and/oraddresses indicated below:	py of this judgment or or entities at the
West Star Capital LLC Registered Agent 4059 MAYWOOD DRIVE SEAFORD, NY 11783	
☐ Service information co	ontinued on attached page
3. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy be by United States mail, overnight mail, facsimile transmission or email and file a proof of service following persons and/or entities at the addresses, facsimile transmission numbers, and/or emails	earing an "Entered" stamp of the entered order on th
☐ Service information co	ontinued on attached page

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.