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NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:)
MUSCLE IMPROVEMENT, INC., et al.,)
Debtors.)
_____)
MUSCLE IMPROVEMENT, INC., et al.,)
Plaintiffs,)
v.)
ALL POINTS CAPITAL CORP., et al.,)
Defendants.)
_____)

Case No. 2:10-bk-12736-PC
Adversary No. 2:11-ap-02984-PC
Chapter 11
ORDER GRANTING, IN PART, AND DENYING, IN PART, PLAINTIFFS' MOTION FOR ORDER GRANTING PARTIAL SUMMARY JUDGMENT REGARDING PLAINTIFFS' CLAIMS FOR RELIEF AGAINST DEFENDANT ALL POINTS CAPITAL CORP.
Date: November 6, 2012
Time: 9:30 a.m.
Place: United States Bankruptcy Court
Courtroom # 1468
255 East Temple Street
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

1 denied, in part; and it is further

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

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

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

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

25 Dated: December 11, 2012

26 _____
PETER H. CARROLL
27 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:

1. **SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)** - Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (*date*) 12-11-12, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

- Amanda N Ferns afernslaw.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Robert M Yaspan court@yaspanlaw.com, tmenachian@yaspanlaw.com

Service information continued on attached page

2. **SERVED BY THE COURT VIA UNITED STATES MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

West Star Capital LLC
Registered Agent
4059 MAYWOOD DRIVE
SEAFORD, NY 11783

Service information continued on attached page

3. **TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

Service information continued on attached page