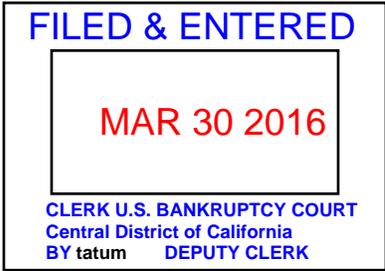


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NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:
MEHRDAD TAHERIPOUR,
Debtor.

DAVID A. GILL, Chapter 7 Trustee,
Plaintiff,

vs.

NEXGEN ENERGY HOLDINGS PCC
LIMITED, an Isle of Man company;
WILTON GROUP; ANTHONY BARBER;
TONY FLANAGAN; NICOLE HEWSON;
EBRAHIM KAHEN-KASHANI; ERIC
HERRERA; DONALD S. BURRIS;
BURRIS, SCHOENBERG & WALDEN,
LLP; BENEFICIARIES OF PRIVATE
TRUST J999; LINDA SHETABI;
FARIBORZ BEROUKHIM; AND HALEH
BEROUKHIM,
Defendants.

Case No. 2:12-bk-30028-RK
Chapter 7
Adversary No. 2:13-ap-01443-RK

**ORDER ON MOTIONS TO DISMISS
TRUSTEE'S THIRD AMENDED
COMPLAINT AND SETTING STATUS
CONFERENCE**

///

1 Pending before the court are the separate motions of Defendants Ebrahim Kahen-
2 Kashani (“Mr. Kahen-Kashani”), ECF 124, Eric Herrera (“Mr. Herrera”), ECF 120, Donald
3 S. Burris and Burris, Schoenberg and Walden, LLP (the “Burris Parties”), ECF 122, and
4 Fariborz Beroukhim and Haleh Beroukhim (the “Beroukhims”), ECF 154 to dismiss the
5 Third Amended Complaint of Plaintiff David A. Gill, the Chapter 7 Trustee of the
6 bankruptcy estate of Debtor Mehrdad Taheripour.

7 For the reasons stated in the separately entered Memorandum Decision on the
8 motions to dismiss, the court hereby orders as follows:

- 9 1. Mr. Herrera’s Motion to Dismiss, ECF 120, the Burris Parties’ Motion to
10 Dismiss, ECF 122, Mr. Kahen-Kashani’s Motion to Dismiss, ECF 124, and the
11 Beroukhims’ Motion to Dismiss, ECF 154, are GRANTED IN PART such that
12 the second, fourth, fifth, seventh, eighth, ninth, tenth and eleventh claims for
13 relief in the Third Amended Complaint as against them are DISMISSED WITH
14 PREJUDICE.
- 15 2. The Burris Parties’ Motion to Dismiss, ECF 122, is GRANTED IN PART such
16 that the third and twelfth claims for relief in the Third Amended Complaint as
17 against them are DISMISSED WITH PREJUDICE, but with leave to amend to
18 assert claims for relief based on the conditions and limitations set forth in
19 paragraph 5 herein.
- 20 3. Mr. Herrera’s Motion to Dismiss, ECF 120, and Mr. Kahen-Kashani’s Motion to
21 Dismiss, ECF 124, are DENIED with respect to their requests to dismiss the
22 third claim for relief in the Third Amended Complaint as against them.
23 Recovery under the third claim for relief, if granted, shall be limited to the value
24 that Mr. Herrera and Mr. Kahen-Kashani actually received from the alleged
25 fraudulent transfer.
- 26 4. The Beroukhims’ Motion to Dismiss, ECF 154, is GRANTED IN PART such
27 that the twelfth claim for relief in the Third Amended Complaint as against them
28

1 is DISMISSED WITH PREJUDICE, but with leave to amend to assert a claim
2 for injunctive relief as against these parties if there is an underlying claim in an
3 amended complaint as provided in paragraph 6 herein to support a claim for
4 injunctive relief.

5 5. Leave is granted for Plaintiff to serve and file an amended complaint within 30
6 days of entry of this order to allege claims upon which relief can be granted
7 against the Burris Parties consistent with this order and the court's
8 Memorandum Decision on the Motions, that is, for relief, if granted, to the value
9 that such parties actually received from the alleged fraudulent transfer and for
10 injunctive relief related to such claims.

11 6. Leave is granted for Plaintiff to serve and file an amended complaint within 30
12 days of entry of this order to allege claims upon which relief can be granted
13 against the Beroukhims consistent with this order and the court's Memorandum
14 Decision.

15 7. The court sets a status conference in this adversary proceeding on June 21,
16 2016 at 1:30 p.m. Pursuant to Local Bankruptcy Rule 7016-1, a joint status
17 report must be filed on or before June 14, 2016.

18 IT IS SO ORDERED.

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23 Date: March 30, 2016

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25 _____
26 Robert Kwan
27 United States Bankruptcy Judge
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