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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

Saeed Cohen

Debtor(s).

Fariba Cohen

Plaintiff(s),

v.

Saeed Cohen

Defendant(s).

CHAPTER 11

Case No.: 2:13-bk-26483-NB

Adv No: 2:16-ap-01046-NB

**AMENDED MEMORANDUM DECISION ON
MOTION FOR SANCTIONS AGAINST: (1)
FARIBA COHEN; AND (2) ALAN W.
FORSLEY, MARC LIEBERMAN, AND
FREIDMAN LIEBERMAN PEARL LLP**

Date: June 7, 2016

Time: 2:00 PM

Courtroom: 1545

23 This Amended Memorandum Decision amends adv. dkt. 62. All additions are double
24 underlined and all deletions are ~~stricken through~~. In addition, this Court received a
25 notice from the U.S. Postal Service that Ms. Cohen's address of record in this adversary
26 proceeding is incomplete and that, because of this, the original memorandum was
27 undeliverable. This Court therefore is including a certificate of service that will direct the
28 Clerk of Court to serve this motion on all currently known addresses of Ms. Cohen, and
hereby directs Ms. Cohen's counsel to contact the Clerk's office to correct her address
of record.

1 **I. BACKGROUND ON SANCTIONS MOTION**

2 On January 26, 2016, Ms. Fariba Cohen through her counsel Alan W. Forsley,
3 Marc Lieberman, and Freidman Lieberman Pearl LLP filed an adversary proceeding
4 under 11 U.S.C. § 1144 to revoke confirmation (adv. dkt. 1).¹ On May 15, 2016, the
5 debtor filed a motion for sanctions based on this Court's inherent authority (adv. dkt.
6 17). On May 16, 2016, this Court issued a memorandum decision granting the debtor's
7 motion to dismiss this adversary proceeding (adv. dkt. 37). On May 18, 2016, ~~this May~~
8 ~~18, 2016,~~ this Court issued an order memorializing its tentative rulings from May 16,
9 2016, including a tentative ruling regarding sanctions (case dkt. 1292).

10 The parties have filed a substantial number of documents relating to the motion
11 for sanctions (see adv. dkt. 18, 20, 22, 23, 26, 45, 47, 48, 49, 53, 54, 55, 56, 57, 58, 59,
12 60, 61). Having heard significant argument and considered the filed documents, this
13 Court issues the following amended findings of fact and conclusions of law.

14 **II. DISCUSSION**

15 **A. Jurisdiction and authority**

16 Ms. Cohen has filed a *pro se* notice of appeal of this Court's memorandum
17 decision to dismiss this adversary proceeding (adv. dkt. 50, 51). Notwithstanding that
18 notice, this trial court continues to have jurisdiction over this matter.

19 No dismissal order has yet been issued, and under Rule 8002(a)(2) (Fed. R.
20 Bankr. P.) a notice of appeal filed before entry of the judgment, order, or decree "is
21 treated as filed on the date of and after the entry." Accordingly, the notice of appeal
22 does not divest this Bankruptcy Court of any jurisdiction.

23 Alternatively, this trial court would have ongoing jurisdiction, notwithstanding any
24 appeal, to "implement" or "enforce" its prior orders, including the order confirming the
25 chapter 11 plan, such as by imposing coercive contempt sanctions that are intended to

26 ¹ For brevity, documents are principally referred to by their docket number ("case dkt." for the main case
27 and "adv. dkt." for the adversary proceeding). Unless the context suggests otherwise, references to a
28 "chapter" or "section" ("§") refer to the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the
"Code"), a "Rule" means one of the Federal Rules of Bankruptcy Procedure ("FRBP"), Federal Rules of
Civil Procedure ("FRCP"), or other federal or local rule, and other terms have the meanings provided in
the Code, the Rules, and the parties' briefs.

1 effectuate that plan. See, e.g., *In re Hagel*, 184 B.R. 793, 798-99 (9th Cir. BAP 1995),
2 *superseded by statute on other grounds per In re Diaz*, 459 B.R. 86, 89 n. 4 (Bankr.
3 C.D. Cal. 2011); *In re Prudential Lines, Inc.*, 170 B.R. 222, 243-45 (S.D.N.Y. 1994).

4 Alternatively, supposing for the sake of discussion that this trial court were to lack
5 jurisdiction because of the appeal, this trial court could still address the merits. If that
6 situation were presented, then the following memorandum decision should be treated as
7 an indicative ruling pursuant to Rule 8008 (Fed. R. Bankr. P.).

8 This Bankruptcy Court is also persuaded that it has the statutory and
9 constitutional subject matter jurisdiction and the authority to issue a final order on the
10 motion for sanctions. First, Ms. Cohen has expressly acknowledged this Court's
11 jurisdiction and has consented to this Court's issuance of final orders in her amended
12 complaint that underlies this sanctions proceeding. See adv. dkt. 9, p. 2 ¶ 5 ("[T]he
13 Court can and should enter a final judgment."). See also Adversary Proceeding Status
14 Report (adv. dkt. 33, p. 5 ¶ F.) (both parties' consent). See generally *Wellness Int'l*
15 *Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015).

16 Second, although no No-party in interest has briefed the issues of jurisdiction and
17 authority specifically as to the sanctions motion, but sanctions matters appear to be
18 "core" both under the applicable statute (28 U.S.C. § 157(b)(2)(A) & (O)) and under the
19 U.S. Constitution because (1) they "stem from the bankruptcy itself" given that it is this
20 Court's "inherent" sanctioning powers as a Bankruptcy Court that are at issue, and it is
21 difficult to conceive how any bankruptcy case could be effectively managed by a
22 bankruptcy court without the ability to issue civil sanctions; and (2) alternatively, Ms.
23 Cohen has not asserted any jury right or contested this Court's authority to issue final
24 orders regarding the sanctions motion, and therefore has implicitly consented to such
25 authority (and, if she were now permitted to change that implicit consent, after an
26 adverse ruling, it would amount to the sort of "sandbagging" that the Supreme Court has
27 disparaged). See ~~*generally Wellness-Int'l Network, Ltd. v. Sharif*~~, 135 S.Ct. 1932
28 (2015); *In re AWTR Liquidation Inc.*, 547 B.R. 831 (Bankr. C.D. Cal. 2016).

1 For all of the foregoing reasons, this memorandum decision addresses the merits
2 of the motion for sanctions.

3 **B. Legal standards for sanctions**

4 This Court previously set forth the basic legal standards for sanctions (at case
5 dkt. 1292, PDF pp. 3-4, ¶ (2)). "[B]ankruptcy courts, like district courts, ... possess [the]
6 inherent power" to sanction "bad faith" or "willful misconduct" because "the very creation
7 of the court" establishes such inherent power "unless Congress intentionally restricts
8 those powers," and Congress' intent is confirmed by § 105(a). *In re Dyer*, 322 F.3d
9 1178, 1196 (9th Cir. 2003) (citations omitted). "Before imposing sanctions under its
10 inherent sanctioning authority, a court must make an explicit finding of bad faith or willful
11 misconduct." *In re Lehtinen*, 564 F.3d 1052, 1058 (9th Cir. 2009) (quoting *In re Dyer*,
12 322 F.3d 1178, 1196 (9th Cir. 2003)). "To impose inherent power sanctions, a court
13 must find that a party acted 'in bad faith, vexatiously, wantonly, or for oppressive
14 reasons.'" *In re Deville*, 361 F.3d 539 (9th Cir. 2004) (quoting *Chambers v. NASCO*,
15 *Inc.*, 501 U.S. 32, 51, 111 S.Ct. 2123 (1991)).

16 The parties have not squarely addressed whether sanctionable conduct must be
17 proven by clear and convincing evidence or by a preponderance of the evidence, and
18 the Ninth Circuit has not yet resolved that issue. See *In re Lehtinen*, 564 F.3d 1052,
19 1061 n. 4 (9th Cir. 2009); *In re Dyer*, 322 F.3d 1178, 1197 n. 20 (9th Cir. 2003); *F.J.*
20 *Hanshaw Enterprises, Inc. v. Emerald River Development, Inc.*, 244 F.3d 1128, 1143 n.
21 11 (9th Cir. 2001). This Court is aware of one decision in the Northern District of
22 California applying the preponderance of the evidence standard (*In re Napster, Inc.*
23 *Copyright Litig.*, 462 F.Supp.2d 1060, 1072 (N.D. Cal. 2006) (dismissal sanction for
24 destruction of evidence)). Nevertheless, while respecting that decision from the District
25 Court of another district, this Bankruptcy Court is not bound by it and is persuaded that
26 the most analogous and persuasive authority requires proof by clear and convincing
27 evidence. See, e.g., *Shepherd v. Am. Broadcasting Co's, Inc.*, 62 F.3d 1469, 1476-78
28 (D.C. Cir. 1995) (*cited in Hanshaw*, 244 F.3d 1128, 1143 n. 11); *Parsi v. Dairoleslam*,

1 778 F.3d 116, 131 (D.C. Cir. 2015) (following *Shepherd*).

2 Alternatively, this Bankruptcy Court would reach the same results stated below
3 regardless whether the "preponderance of the evidence" or "clear and convincing"
4 standard applies.

5 **C. Additional evidence regarding sanctions motion**

6 At the hearing on May 16, 2016, this Bankruptcy Court noted that the parties had
7 already had a full opportunity to brief the sanctions issues. This Court nevertheless
8 determined that the Court itself would benefit from further briefing on two limited issues:

9 (1) whether an evidentiary hearing would be required for purposes of
10 deciding the sanctions motion; but that issue has now been mooted because Ms. Cohen
11 and the Forsley firm have both waived their right to an evidentiary hearing (adv. dkt. 45);
12 and

13 (2) whether the Forsley firm is "less subject to sanctions" than Ms. Fariba
14 Cohen because of matters already in the record, such as evidence that "his firm is late
15 to the process, there are vast numbers of documents to review, [and] there was limited
16 time and limited funds to do the review." Adv. dkt. 59 at PDF pp. 3:1-17 & 4:11-5:2 &
17 adv. dkt. 61 p.2: 2-7 (quoting Transcript 5/16/16 (adv. dkt. 57) at pp. 45:10-17, 55:1-
18 56:10, 59:1-60:6). This latter issue has now been briefed (adv. dkt. 47-61).

19 The parties dispute whether this Court permitted not just argument on the
20 foregoing issues but also additional evidence to be submitted on the issues of whether
21 Ms. Cohen and the Forsley firm acted in bad faith or with willful misconduct (e.g.,
22 vexatiously, wantonly, or for oppressive reasons). This Court did not intend to permit
23 further evidence to be submitted (or, for that matter, further argument, except on the two
24 limited issues described above). The deadline to file briefs and evidence in opposition
25 to the motion for sanctions has long since passed, and this Court only authorized the
26 limited additional briefing described above.

27 Accordingly, this Court's ruling is to sustain the objections of the debtor (adv. dkt.
28 58, 59) and the Committee (adv. dkt. 60), and to reject the arguments in Ms. Cohen's

1 reply (adv. dkt. 61). Alternatively, even considering Ms. Cohen's further evidence and
2 briefs beyond the authorized issues, it is still proper to grant sanctions, as set forth
3 below.

4 **D. Merits of the sanctions motion**

5 The ruling is to issue coercive and compensatory sanctions (1) against Ms.
6 Cohen but (2) not ~~(2)~~ against the Forsley firm. In brief, based on this Court's review of
7 the parties' supplemental filings related to the sanctions motion (adv. dkt. 47, 48, 49, 53,
8 54, 55, 56, 58, 59, 60, 61), and as further set forth below and in this Court's adopted
9 tentative ruling from May 16, 2016 (case dkt. 1292) and in its memorandum decision on
10 the motion to dismiss (adv. dkt. 37), there is clear and convincing evidence that Ms.
11 Fariba Cohen has acted in bad faith or with willful misconduct (*e.g.*, vexatiously,
12 wantonly, or for oppressive reasons). As to the Forsley firm, the ruling is that this
13 Bankruptcy Court cannot find that its attorneys acted with such intent (that would be true
14 even under the preponderance of the evidence standard, although it would be a close
15 call; and sanctions are accordingly even less appropriate against that firm under the
16 "clear and convincing" standard, which is the standard adopted above).

17 As an aside, this Court previously referred to the mental state required for
18 imposition of sanctions as "mens rea" - as a shorthand for having acted ~~acted~~ in bad
19 faith or with willful misconduct (*e.g.*, vexatiously, wantonly, or for oppressive reasons).
20 The term "mens rea" may have confused Ms. Cohen and the Forsley firm somewhat
21 because it generally refers to criminal matters, whereas this proceeding is a civil matter.
22 In future this Court will attempt to refer more generally to the "requisite intent" instead.

23 Now this memorandum decision turns to the specific conduct that supports a
24 finding of bad faith or willful misconduct (*e.g.*, acting vexatiously, wantonly, or for
25 oppressive reasons).

26 1. Basis for sanctions against Ms. Cohen

27 Ms. Cohen acted in two capacities in filing and prosecuting the adversary
28 proceeding to revoke confirmation under 11 U.S.C. § 1144. First, she acted in a sense

1 as a representative of all creditors and, second, she acted in her own interests. It is
2 helpful to keep those two roles in mind in analyzing her excuses for filing and
3 prosecuting that adversary proceeding.

4 In her capacity as a representative of all creditors, it is dispositive (just as this
5 Court held in its memorandum decision (adv. dkt. 37)) that all creditors were on notice
6 from the inception of this case of Ms. Cohen's allegations of hidden assets and yet no
7 persuasive evidence of such hidden assets was presented either prior to confirmation or
8 before the deadline to revoke the confirmation order. Alternatively, it is dispositive (*id.*)
9 that the terms of the confirmed plan contemplated the possibility that there might be
10 undisclosed assets (despite the lack of evidence of such), and the plan provides that
11 any such undisclosed assets would be used for the benefit of creditors.

12 In other words, in Ms. Cohen's capacity as a representative of all creditors she
13 had no good faith basis to allege any plausible nexus between the alleged fraud and the
14 confirmation of the debtor's plan. She also had no good faith basis to argue that
15 revocation of the plan would have been sensible, because ~~it~~ the plan already provides
16 for bringing any undisclosed assets into the estate, and she offered no alternative
17 mechanism let alone a better mechanism for doing that on behalf of all creditors. See
18 adv. dkt. 37, pp. 16:10-17:20.

19 In her capacity of representing her own interests, the same analysis shows even
20 more strongly that Ms. Cohen had no good faith basis to seek revocation of the
21 confirmation order under §1144. She asserts that she did not understand that she was
22 entitled to engage in discovery (see adv. dkt. 56, p. 2), and that if she had known of the
23 allegedly undisclosed assets then she would not have agreed to the consensual
24 resolution under the plan. That is sheer nonsense.

25 Since the beginning of this case, Ms. Cohen has alleged fraud and undisclosed
26 assets. Between the divorce action and this bankruptcy case (and multiple adversary
27 proceedings and contested matters), Ms. Cohen had *years* to engage in discovery and
28 has in fact engaged in discovery. She has not explained how it is remotely plausible

1 that (even if she never had legal counsel) she could have expected to litigate her
2 positions without ever having to obtain actual *evidence* of hidden assets (instead of
3 simply repeating her accusations).

4 Nor has Ms. Cohen explained how it is remotely plausible that not a single one of
5 her numerous counsel ever made that clear to her. In addition, this Court takes judicial
6 notice that Ms. Cohen was present at almost every hearing (even if that might not
7 always be reflected in every transcript), so even more than a typical client she knew
8 what arguments were being made on her behalf, what she would have to prove, and
9 what evidence she was lacking.

10 Ms. Cohen's repeated assertions that she has had no opportunity for discovery
11 are similarly outrageous. It is certainly true that this Court denied Ms. Cohen's
12 extremely last minute request to delay the confirmation hearing even further for
13 additional discovery (see case dkt. 1107), and she appears to have described this to her
14 latest counsel (Mr. Forsley) as having been outright denied the opportunity for
15 discovery. But by that time she already had years in which to engage in discovery (both
16 in the divorce proceeding and in this bankruptcy case).

17 Likewise, although this Court no doubt would have denied any post-confirmation
18 requests to engage in exactly the same discovery, she allegedly discovered "new"
19 evidence in November of 2015. That was more than two months before the expiration
20 of the 180-day deadline set forth in 11 U.S.C. § 1144, and if that "new" evidence were
21 really as much of a revelation to her and as different from the pre-confirmation evidence
22 as she alleges then, if she were proceeding in good faith, she should have immediately
23 informed her attorneys why she thought this evidence was so "new" and why it would
24 justify further discovery to attempt to establish a sufficient basis for bringing her claims
25 under § 1144 before the 180-day deadline. But she did not seek any such discovery.

26 Moreover, Ms. Cohen's purported basis for finding "new" evidence is entirely
27 incredible (although this Court accepted this allegation as true for the purposes of ruling
28 on the motion to dismiss, and inadvertently failed to question it in the initial version of

1 this memorandum decision). Specifically, Ms. Cohen alleges that "[d]uring
2 Thanksgiving weekend of 2015, [she] found some of [the debtor's] financial documents
3 under the seat in a family car." Adv. dkt. 9, p. 3 ¶ 13. That is unbelievable on its face.
4 Ms. Cohen and the debtor had been separated for years prior to this alleged discovery.
5 She offers no explanation how she could have failed to find these documents in all that
6 time, nor why the debtor would have left documents lying around in a family car when
7 she also claims he was trying to hide assets from her, nor why so many allegedly
8 hidden assets would be conveniently included all in one pile of documents. This Court
9 is persuaded that Ms. Cohen has simply lied under oath – perjured herself – by making
10 up a story of having found these documents under the seat of a family car. (This finding
11 is solely for purposes of the present motion, and not for any other sanctions against Ms.
12 Cohen for perjury, which is an issue that this Court may or may not address on another
13 day.) Ms. Cohen's false allegation of having discovered "new" documents is an
14 additional reason for granting compensatory sanctions (although this Court would reach
15 the same result even without this additional reason).

16 Likewise, Ms. Cohen's assertion that she would have held firm against the
17 negotiated "~~option 2~~" "option 1" plan if only she had known then what she knows now is
18 ludicrous. As noted in various parts of the memorandum decision (adv. dkt. 37) there is
19 essentially nothing new about her purported evidence (see also below, regarding the
20 allegedly "new" evidence regarding purported properties in Iran).

21 In addition, the whole point of "~~option 2~~" "option 1" was to give up (a) the
22 (remote) possibility of discovering and retrieving allegedly undisclosed assets for herself
23 (and not for creditors) in exchange for (b) the certainty of a very substantial distribution
24 under "~~option 2~~," "option 1," as well as not being exposed to the (very real) possibility of
25 a large claim running in the other direction under "~~option 1~~," "option 2." Ms. Cohen's old,
26 scant, unpersuasive, threadbare allegations about purportedly hidden assets were
27 nothing more than "cover" for a bad faith attempt to impose yet more delay and costs on
28 her adversaries and attempt to obtain yet another bite at the apple.

1 For all of the foregoing reasons, this Court finds that there is clear and convincing
2 evidence, indeed overwhelming evidence, that Ms. Cohen's § 1144 adversary
3 proceeding was filed and prosecuted in bad faith. She has engaged in willful
4 misconduct, including acting vexatiously, wantonly, and for oppressive reasons in doing
5 those things.

6 2. Insufficient basis for sanctions against Alan Forsley, Marc
7 Lieberman, and Fredman Lieberman Pearl, LLP

8 This Bankruptcy Court's ruling is that on the record presented there is insufficient
9 evidence to find that Mr. Forsley, Mr. Lieberman, or Fredman Lieberman Pearl, LLP
10 engaged in conduct with the requisite intent to justify sanctions. Unlike Ms. Cohen, who
11 was present at almost every hearing in this case and who was an active participant
12 through years of litigation with the debtor, Mr. Forsley, Mr. Lieberman, and their law firm
13 had several weeks (at most) to review the record of this bankruptcy case and the
14 divorce action, and largely had to rely on Ms. Cohen's statement of the circumstances of
15 this case in filing the revocation proceeding.

16 It is true that later, ~~when~~ Mr. Forsley potentially could have communicated with
17 opposing counsel and learned a different perspective, and allegedly was in fact told of
18 numerous deficiencies in the complaint and Ms. Cohen's factual allegations; but given
19 the time and budgetary constraints and his lack of history in this case he was in the
20 position of not necessarily being able to review the massive record in sufficient detail to
21 separate the wheat from the chaff. This Court cannot find that Mr. Forsley, Mr.
22 Lieberman, or his firm acted in bad faith by relying on what Ms. Cohen told them about
23 the status of this case.

24 For example, the first amended complaint alleges that Ms. Cohen discovered
25 documents underlying the fraud "[d]uring Thanksgiving weekend of 2015[,]" that "[t]his
26 was the first time that [she] learned some of [the debtor's] disclosures may not have
27 been accurate or truthful" (adv. dkt. 9, p. 3, para. 13), and that among the alleged non-
28 disclosures were certain assets in Iran (see adv. dkt. 9, p. 8, para. D.37-D.43). At best

1 this is a misrepresentation. In her motion for a Rule 2004 examination (case dkt. 1014,
2 PDF pp. 15-16, para. 26) - which was brought by her prior counsel and which this Court
3 denied - Ms. Cohen had requested information regarding identical properties in Iran.
4 How can Ms. Cohen have said that the allegations in her complaint came from
5 information discovered during Thanksgiving of 2015 if she explicitly asked about those
6 properties months earlier? Obviously, she cannot. This was known to her, but there is
7 insufficient evidence in the record to show that it was known, or should have been
8 known, by Mr. Forsley or Mr. Lieberman, or that they acted in bad faith by not
9 discovering these things.

10 This is merely an example of how, on the record presented, this Court is not
11 persuaded that it can find that Mr. Forsley, Mr. Lieberman, and their law firm acted in
12 bad faith or engaged in willful misconduct, unlike Ms. Cohen.

13 3. Amount and payment of the sanctions award

14 Ms. Cohen and her counsel contend that any award should be limited to \$5,000
15 (see adv. dkt. 55, p. 10:7-21 (citing *Mark Indus., Ltd. v. Sea Captain's Choice, Inc.*, 50
16 F.3d 730, 733 (9th Cir. 1995)) and should exclusively be made payable to the Court
17 (see adv. dkt. 55, p. 10:22-11:7 (citing, *inter alia*, *id.*)). ~~This limitation of approximately~~
18 ~~\$5,000 (in 1995 dollars) only applies~~ These limitations only apply to non-compensatory
19 sanctions. See *In re Dyer*, 322 F.3d 1178, 1193 (9th Cir. 2003) (~~Holding~~ holding that
20 "although 'relatively mild' non-compensatory fines may be necessary under some
21 circumstances, the language of § 105(a) simply does not allow for the serious punitive
22 penalties here assessed" and citing cases declining to expressly find a limit of \$5,000
23 "in 1998 dollars" to be an improper penalty) (internal citations omitted). Indeed, the
24 Ninth Circuit has upheld a larger sanctions award of attorneys' fees incurred by an
25 opposing party based on a bankruptcy court's inherent powers. *In re DeVille*, 361 F.3d
26 539, 549 (9th Cir. 2004). There is no \$5,000 limit on compensatory or coercive
27 sanctions.

28 This Court has reviewed the ~~requested attorney fees and the evidence in support~~

1 of them, and they appear to be reasonable. Ms. Cohen and her attorneys have not
2 disputed any specific time entries.

3 ~~Accordingly, because a proper showing has been made, it is appropriate to grant~~
4 ~~the motion's request for compensatory sanctions against Ms. Cohen in the amount of~~
5 ~~the requested attorney fees incurred. This amount is \$147,985.25 for fees incurred by~~
6 ~~the debtor's counsel (\$135,170.00 incurred by debtor's bankruptcy counsel and~~
7 ~~\$12,815.25 incurred by Jaffe and Clemens, adv. dkt. 49)) and \$118,172.00 for fees~~
8 ~~incurred by the committee (see adv. dkt. 53, exh. A) for a total of \$266,157.25.~~

9 At the status conference set forth in the caption, this Court set a briefing
10 schedule and continued hearing to permit Ms. Cohen and her counsel to object, if
11 appropriate, to the reasonableness of the attorney fees and expenses comprising the
12 requested compensatory sanctions. After that hearing this Court will determine the
13 dollar amount of sanctions. This Court emphasizes that the only remaining issue is the
14 reasonableness of such fees and expenses: the issue of liability has been finally
15 decided in this memorandum decision and shall not be addressed further in any
16 objection to the reasonableness of the fees.

17 At the continued status conference ~~set forth in the caption~~, Ms. Cohen should be
18 prepared to address how she proposes to pay these compensatory sanctions, including
19 whether Ms. Cohen proposes to amortize the amounts owed, whether she proposes to
20 sell any property, or any other proposal. In addition, she should be prepared to address
21 the requested coercive sanctions (this Court is posting a tentative ruling which will be
22 memorialized in a separate memorandum decision on that issue).

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1 **III. CONCLUSION**

2 For the foregoing reasons, the debtor's motion for sanctions is GRANTED IN
3 PART AND DENIED IN PART as set forth herein. Any procedural issues will be
4 addressed at the continued status conference set on the record at the date and time
5 noted in the caption at the start of this memorandum decision. This Court will issue an
6 order after the continued hearing on the motion for sanctions.

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24 Date: June 9, 2016


Neil W. Bason
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, the below-named deputy clerk of the United States Bankruptcy Court, certify that I deposited a copy of the attached document in a sealed envelope for collection and mailing, no later than the next business day that is not a court-observed holiday, in the United States mail, first class, postage prepaid, and addressed as follows:

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//

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Service information continued on attached page

Date: 6/9/2016

Signature: /s/ Sharon Sumlin

Deputy Clerk [Sharon Sumlin]:
