



**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re:
WILLIAM E. PRESTON TRUST aka
WILLIAM E. PRESTON

Debtor

Case No: 8:05-bk-50128-TA

Chapter: 7

STATEMENT OF DECISION CONSTRUING
DISMISSAL MOTION AS ONE FOR
AMENDMENT UNDER FRBP 1009,
GRANTING MOTION AS TO WILLIAM E.
PRESTON TRUST AND DENYING MOTION
TO DISMISS AS TO INDIVIDUAL DEBTOR,
WILLIAM E. PRESTON

Date: September 24, 2010

Time: 10:00 a.m.

Location: 5B

1. Introduction

This motion to dismiss was originally filed January 30, 2008 by Joyce Moore ("Moore") and Preston Music Group, Inc. ("PMG, Inc."). The motion was joined February 11, 2008 by the "William Preston Trust Dated December 1, 1999 by and through Frederick Wilhelms, II, Trustee" ("Trust"). Moore is William E. Preston's long-time personal manager; PMG, Inc. is a corporation, reportedly set up pre-petition by the debtor in order to hold various rights and

1 intellectual property and the Trust is a probate-avoidance trust which allegedly held title to,
2 among other assets, the debtor's Los Angeles real property. The motion to dismiss was and is
3 opposed by the appointed Chapter 7 trustee, R. Todd Neilson ("trustee"). Resolution of this
4 motion has been contentious and much delayed for a variety of reasons including: illness of
5 PMG's original counsel, Ms. Stief, necessitating a moratorium, a motion brought by the
6 movants to disqualify the judge, the trustee and his law firm, which was denied by the court,
7 the Honorable Erithe Smith presiding, August 17, 2009, and subsequent delays occasioned by
8 the length of live testimony and inability to complete the deposition of an important witness,
9 Richard Perlman, due to this witness' reported illnesses. Finally, the matter was completed
10 and submitted on September 24, 2010, which concluded several hours of live testimony
11 spread over all of that day and over several hours in at least two earlier hearings. The court
12 and parties have devoted considerable resources to the resolution of this matter not only
13 because of the celebrity of the debtor, and implications regarding the debtor's musical legacy,
14 but also because of the gravity of the charges raised in connection with the filing of this
15 bankruptcy.
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20 **2. Background Facts**

21 This is a very tragic case in many ways. It is also a sad footnote to the life of William E.
22 "Billy" Preston ("Preston"), the debtor, an acclaimed musician and composer whose career in
23 the 60's through the 80's reached such heights that he was once admiringly called "The Fifth
24 Beatle." By late 2005, however, although he was still making musical tours, most of his once
25 considerable financial fortune was gone, he was in very poor health and needed frequent
26 dialysis, and he was facing foreclosures, lawsuits and tax liens. He was also estranged from
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1 many of his living relatives, particularly Rodena Preston, his sister. Worst of all, debtor was a
2 drug addict, prone to recurrent binges on crack cocaine. Indeed, just after the petition in this
3 case was filed October 21, 2005, the debtor lapsed into a coma, from which he never emerged
4 until his death June 6, 2006.
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6 The principal controversy surrounds the circumstances of the filing of the petition on
7 October 21, 2005. It is obvious just from a simple review that the petition is no model of clarity.
8 Except for the pre-printed portions of the national forms and accompanying Central District
9 forms, it is entirely handwritten. In the first line of the petition form [trustee's exhibit "N"] under
10 "name of debtor" is written "William E. Preston Trust," but then below that under "all other
11 names used" appears "William Everett Preston." Scratch-outs also appear in unknown
12 handwriting on the second page (and on several later pages as well). Under "type of debtor"
13 the "individual" box is checked but then under "type of entity" in hand is written "trust." The
14 street address of debtor is given in the form's address box as "5410 W. 61st, Los Angeles"
15 which apparently was his deceased mother's residence owned by the Trust in Los Angeles.
16 But this address also appears on several other recent documents as an address he used as
17 well. On the petition his other address, "c/o PMG, 7119 E. Shea Blvd. #109, Scottsdale,
18 Arizona" is given as well. The last four digits of Mr. Preston's social security number appear
19 on the petition. No similar tax identification number appears for the Trust. On page 3 of the
20 petition at the signature line just under the request for relief under Title 11 appears only the
21 signature "William E. Preston"; no indication that that, or any other signature, is also affixed on
22 behalf of the Trust. Indeed, there are a total of eight "signatures" purporting to be that of Mr.
23 Preston throughout the petition, schedules, verification of creditor mailing list and statement of
24 affairs; each appears without any specific reference that the signatory was acting for the trust
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1 although on the "Notice to Individual Debtor" and on the "Declaration Concerning Statement of
2 Financial Affairs" both the name "William Everett Preston" and "William E. Preston Trust"
3 appear just above the signature line, but which is then signed apparently in the individual
4 capacity only. The petition and schedules are all filled in by hand and purport to be filed *in pro*
5 *se* without acknowledged assistance of counsel or any other party. However crude may have
6 been preparation of the bankruptcy petition, the question now before the court is whether it
7 nevertheless represented the voluntary act of the debtor.
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9 Of course, the debtor never appeared for examination under 11 U.S.C. §341(a).
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11 Moreover, since the filing was just after the October 17, 2005 effective date of the Bankruptcy
12 Abuse Prevention and Consumer Protection Act of 2005, no certificate of pre-petition credit
13 counseling as newly required by 11 U.S.C. §109(h), and no Form 22B nor other required
14 documents, were filed either. Not surprisingly, a "Notice of Case Deficiency" dated October
15 21, 2005 was generated by the clerk's office giving the debtor 15 days to cure the deficiencies.
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17 On December 1, 2005 the Office of the United States Trustee filed a "Motion to Dismiss
18 Chapter 11 Case; in the Alternative to Appoint Chapter 11 Trustee" which was heard January
19 3, 2006. The December 9, 2005 proof of service on the Amended Notice of this motion
20 indicates notice was served by mail on attorney Janice Turner¹ and upon the debtor and the
21 Trust, care of PMG at the same Shea Blvd address in Scottsdale as well as at the W. 61st
22 Street address, as appears on the face of the petition. No opposition was filed to the motion
23 and no issue was raised at this juncture about the petition having been an alleged forgery or
24 an unauthorized filing. Only the U.S. Trustee appeared through counsel at the hearing. On
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¹ Ms. Turner is currently counsel for the Trust.

1 January 4, 2006 the court denied dismissal but instead appointed a Chapter 11 trustee as
2 being in the best interest of the estate. Mr. Neilson was appointed trustee January 25, 2006.

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4 Upon realizing that the prepetition credit counseling required under §109(h)(1) was
5 missing, and given Mr. Preston's grave health, the trustee brought a motion for waiver of this
6 requirement pursuant to §109(h)(4) on grounds of the debtor's incapacity. The court granted
7 this motion by order entered June 2, 2006. Significantly, Ms. Moore provided a declaration
8 supporting the trustee's motion dated April 18, 2006 [trustee's exhibit "B"]. In this declaration
9 Ms. Moore readily acknowledges both the filing of the petition and the obvious need for same
10 given Mr. Preston's poor financial condition. At ¶ 21 of her declaration, Ms. Moore identifies
11 Mr. Preston's signature on the petition as consistent with that she had seen numerous times
12 and she concludes by fully supporting the trustee's administration of the estate.² The trustee
13 contends that Ms. Moore's view of the authenticity of the petition only changed after the trustee
14 commenced an adversary proceeding challenging certain of her transactions with the debtor.
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18 3. Forgeries?

19 The movants contend that the signatures of debtor to the petition, schedules and related
20 documents are forgeries. However, even the movants' own expert, Mr. James A. Black,³
21 concedes that at least three of the signatures are *possibly genuine*. As to perhaps the most
22 important signature, the first one on page 3 of the petition itself, just under the request for relief
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25 ² The court acknowledges Ms. Moore's argument about the form of declaration having been
26 slightly altered from an earlier draft, as introduced at trial, but the differences were not so
27 material as to alter the gist of the declaration.

28 ³ A declaration of one Dr. Richard S. Fraser was earlier submitted in support of the motion
January 5, 2008, and in his opinion Dr. Fraser also concluded that the signature to the petition
was a forgery. However, the accompanying analysis in the Fraser report is very sparse and
the movants seem to have largely ignored this opinion in favor of the later and more detailed
one of Mr. Black,

1 under Title 11 ["A" 0030], Mr. Black testified he believed this was a forgery. In answer to the
2 court's question he characterized his opinion that this was not Mr. Preston's signature as only
3 about "6 on a scale of 10," which the court took to mean that even he was not so certain that
4 this was a forgery, but only thought so by a narrow preponderance of evidence. In stark
5 contrast, the trustee's expert, Mr. James A. Blanco, was very confident that at least five of the
6 signatures are genuine signatures of Mr. Preston. Mr. Blanco characterized these as the
7 highest on the handwriting expert's scale, i.e. an "identification" including the important initial
8 signature on the petition at "A" 0030. Both of these experts were well qualified by reason of
9 background and training; however, the court was particularly impressed by Mr. Blanco's
10 excruciatingly careful analysis as discussed at length in his May 1, 2008 report [trustee's
11 exhibit "A"]. Moreover, Mr. Blanco carefully analyzed one of the principal reasons for Mr.
12 Black's doubts regarding "A" 0030⁴, i.e. the apparently very small, almost invisible "s" on the
13 signature just preceding the last letter "t", but Mr. Blanco concluded *it was nevertheless there*
14 *as is more readily seen in the magnified version.* [Exhibit A" at 0115] The experts agreed
15 readily that at least three of the signatures, on pages of trustee's exhibit "A" 0031, 0033 and
16 0060, were forgeries, and indeed these three are obvious even to the untrained eye. Moreover,
17 both experts went to great lengths to opine that much of the other handwriting and hand
18 printing on the petition and schedules was not Mr. Preston's and was similar to known writings
19 of either Mr. Richard Perlman⁵ or of Ms. Moore. This proved entirely unnecessary, of course,
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26 ⁴ This same doubt was expressed by Dr. Fraser as well, as is referenced in the Blanco report.

27 ⁵ Mr. Richard Perlman was at one time an attorney admitted in West Virginia until his license
28 was suspended in about 1997. He was involved as counsel on behalf of entertainers such as
Sam Moore, Ms. Moore's husband, in a lawsuit involving AFTRA pension and welfare benefits,
where he also met Mr. Wilhelms, the trustee of the Trust. He has known Ms. Moore for about
twenty years. In later years he apparently also acted as a sometime legal advisor to the debtor

1 as both Ms. Moore at trial and Mr. Perlman in his deposition readily admitted that they each
2 had contributed large portions of the hand printing appearing in the documents.

3 That another person might print, hand write or even type information on form schedules
4 does not affect its validity provided the debtor signs beneath. Although the movants attempted
5 to raise some doubt about Mr. Preston's intent to actually follow through with filing of the
6 petition, no satisfactory explanation was offered as to why Mr. Preston would have actually
7 signed the documents not once, or twice, *but at least five times*. The closest the movants
8 could come was the strained theory that Mr. Preston merely intended these pages to be some
9 sort of "worksheets" pending consultation with a lawyer. But since, as discussed below, there
10 is significant evidence that Mr. Preston in mid 2005 was aware of his financial difficulty and
11 had discussed with several persons his intent to commence bankruptcy proceedings, and
12 since he apparently signed the petition and accompanying documents not just in one place but
13 several times in several places, the court is not persuaded by movants' theories. Rather, the
14 more logical and simple explanation is that his signature can be read just as such signatures
15 are usually read, to signify his intent to commence a proceeding under Title 11 between about
16 October 10 when signed and October 21, 2005 when filed.

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20 The court finds that five signatures on the petition, schedules and related documents
21 are authentic signatures by Mr. Preston, probably made on or about the dates shown, October
22 10, 2005; these are found in Exhibit "A" at pages 0030, 0032, 0048, 0059 and 0064. The court
23 also finds that the signatures at "A" 0031, 0033 and 0060 are forgeries, probably affixed by or
24 at the direction of Richard Perlman on or near when the petition was filed, on October 21,
25 2005. That additional forged signatures might have been added, however, is not excusable
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and introduced Mr. Preston to Cara Blake, an attorney in Los Angeles, involved in some of Mr.
Preston's other legal issues.

1 but may not be that surprising. The forms had changed in conjunction with the new bankruptcy
2 law and Mr. Perlman seemed in some rush to get the documents filed, apparently concerned
3 about a foreclosure. [Perlman deposition 3/17/2010, p. 392-93]. The three forged signatures at
4 Exhibit "A" 0031, 0033 and 0060 are, respectively, the Central District Form requiring report of
5 related cases under LBR 1015-2, the list of twenty largest unsecured creditors and the
6 verification of the creditor mailing list. That these three might have been missed in earlier
7 preparation of a package is not surprising. It seems that some parts of the package were
8 assembled piecemeal and only by October 21, according to Mr. Perlman, did he finally have all
9 that he thought was needed, and he was reportedly under instruction to file that very day.
10 [Perlman deposition 2/24/10 at p. 234, lines 1-16] But, the court suspects, Mr. Perlman added
11 the additional three signatures as an expedient to get past the filing window. The court
12 hesitates to characterize these three added forgeries as "unimportant," as the court regards
13 the signing of all legal documents to be solemn acts, but it is true these forged documents
14 could be considered more peripheral. The forgeries do not change the fact that the request for
15 relief under Title 11, particularly the petition itself ["A" 0030], is the single most important
16 document for our purposes, it was signed by debtor and it was the volitional act of the debtor.
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21 **4. Agency**

22 The movants' strategy seemed to change as the months went by; the original insistence
23 that the signatures were forged gave way to an argument that even if the signatures or some
24 of them were genuine, Mr. Preston had not authorized Mr. Perlman to use the pre-signed
25 petition and schedule package to actually commence proceedings. The little evidence
26 adduced on this issue one way or the other strengthens the inference that Mr. Perlman's trip to
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1 the filing window with the partially completed, pre-signed petition and schedules package was
2 authorized by Mr. Preston. Mr. Perlman testified in his deposition that Ms. Moore instructed
3 him to file the petition and that he informed her on the same date after it occurred. [Deposition
4 2/24/2010 at 234; 1/11/2010 at 170, lines 1-13 and 171]. Mr. Perlman also testified that he
5 had spoken earlier with Mr. Preston who favored the filing of a petition. [Deposition 1/11/2010
6 at 170, lines 6-13 and at 190, lines 1-14; deposition 2/24/2010 at 268, lines 10-22; deposition
7 3/17/2010 at 343, lines 4-25 and 345, lines 12-25, 346, 1-16 and 391, lines 19-22]. The court
8 is aware the movants contend they had insufficient opportunity to cross-examine Mr. Perlman
9 because of his health issues and his apparent inability to attend trial. But even without Mr.
10 Perlman's testimony, what appears in the record persuades the court that the filing was
11 authorized. Perhaps most important of all is the declaration of Ms. Moore herself, dated April
12 18, 2006 offered in support of the trustee's attempt to waive the pre-petition counseling
13 requirement. [Exhibit "B"] in which she described Mr. Preston's awareness of and need for
14 bankruptcy protection [*id.* at ¶16] and his ability to understand the implications of filing a
15 petition [*id.* at ¶19-20]. Moreover, others also testified to awareness that Mr. Preston planned
16 a petition in bankruptcy and even reported conversations with him on the subject. [Declaration
17 of Valerie Ervin, Exhibit "D" ¶¶ 28-32; Ervin Deposition, Exhibit "C", at 31-35]
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21 Movants now contend that the petition and schedules, filled out by Ms. Moore and Mr.
22 Perlman, with Mr. Preston's assistance, were only intended (at least in Ms. Moore's mind) as
23 "worksheets." Ms. Moore argues that a meeting with some bankruptcy attorney to occur later,
24 before filing, was still thought necessary before a proceeding could be formally commenced.
25 But little evidence was offered supporting this conclusion beyond Ms. Moore's supposition. No
26 persuasive reason was given for why Mr. Preston would have gone to the trouble of signing
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1 not just once or twice, but *five separate times* if these were intended as mere "worksheets."
2 What does a signature add to a worksheet? This supposition cannot outweigh the significant
3 volume of evidence including Ms. Moore's own declaration that the filing was authorized.
4 Importantly, no explanation is offered for why Ms. Moore and the other movants *waited over*
5 *two years* before first raising the question of authorization. The more plausible explanation is
6 the one offered by the trustee, i.e. that it was only after Ms. Moore was sued by the trustee that
7 she looked for a way to terminate the proceedings. Movants have the burden of proof on this
8 issue and that burden is simply not carried. The court and parties in interest must be entitled
9 to rely upon the apparent authority of the debtor's genuine signature in commencing a
10 bankruptcy proceeding; it simply cannot be the case that such evidence can be overcome and
11 the validity of bankruptcy proceedings upset based on mere theory and conjecture, such as
12 was presented by movants here.
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17 In sum, the filing of the petition was authorized by Mr. Preston as verified by his own
18 signatures. That Mr. Perlman may have actually taken it to the filing window, and paid the filing
19 fee in cash, is not determinative. Indeed, although FRBR 1008 requires that the petition of an
20 individual be verified, even the verification of a petition by an agent can in the right
21 circumstances validly commence a bankruptcy proceeding. *In re Bestway Products, Inc.*, 151
22 B.R. 530, 536 (Bankr. E.D. Cal. 1993), *aff'd* 165 B.R. 339 (9TH Cir. BAP 1994). Except
23 perhaps for the three forgeries submitted with the petition and schedules, it is not necessary to
24 delve further into the question of agent authorization as Mr. Perlman acted essentially as
25 would any messenger service in taking the papers to the filing window, and the court is
26 satisfied that insofar as the bankruptcy of Mr. Preston individually was intended, that filing was
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1 authorized.

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3 **5. The Trust**

4 For the first several years that this proceeding has been pending the trustee and the
5 movants were united in the belief that the Trust simply did not exist. No one could find the
6 trust instrument and the common supposition was that a trust might have been intended at
7 some point but the debtor never got around to documenting it formally. [See Declaration of
8 Janis Turner, Exhibit "I"; see also Exhibit "O" at 0015-16] No urgent need appeared to amend
9 the caption of this case and the parties apparently initially viewed the reference only as some
10 sort of awkward fictitious business name as in a "dba." However, later the documents were
11 found and it now appears uncontested that the Trust was actually formed by Mr. Preston pre-
12 petition as a probate avoidance trust. The Trust apparently held title to the W. 61st Street
13 property, sale of which was earlier authorized by the court on motion of the trustee under 11
14 U.S.C. §363(b). This creates a dilemma for the court. The Trust is not an entity authorized to
15 obtain bankruptcy protection under 11 U.S.C. §109(a) and (b) because it does not fit the
16 definition of "person" referenced in that section and defined at 11 U.S.C. §101(41), which
17 includes individuals, partnerships and corporations. Although "corporation" is further defined to
18 include "business trust" at §101(9)(A)(v), this form of entity, as it is a subset of the
19 "corporation" definition, is confined to entities whose "primary purpose" is commercial and
20 profit-making enterprise. See e.g., *Brady-Morris v. Schilling (In re Knight Trust)*, 303 F. 3d 671,
21 680 (6th Cir 2002); *White Family Companies, Inc. v. Dayton Title Agency, Inc.*, 284 B.R. 238
22 (S.D. Ohio 2002); *In re Sung Soo Rim Irrevocable Intervivos Trust*, 177 B.R.673, 677 (Bankr.
23 C.D. Cal. 1995). "Business trust" does not include an estate planning device even if it
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1 conducts some incidental business. *Id.*; *In re Hughes Living Trust*, 305 B.R. 59, 61 (Bankr.
2 W.D. Okla. 2004); *In re Jay M. Weisman Irrevocable Children's Trust of 1981*, 62 B.R. 286,
3 288 (Bankr. M.D. Fla. 1986). Moreover, none of Mr. Preston's signatures on the petition and
4 related documents can fairly be said to be on behalf of the Trust, and manifestly the Trust
5 would be improperly joined with that of an individual as co-debtor in any event, as only an
6 individual's spouse may be a joint debtor. 11 U.S.C. §302. Although the Trust was named first
7 on the petition, this is no impediment to a determination now based upon the petition,
8 schedules and statements taken as a whole that the bankruptcy only of Mr. Preston was
9 properly intended. *Bestway*, 151 B.R. at 536. Consequently, the court will grant the motion but
10 not as one for dismissal, but rather more appropriately, as one for amendment pursuant to
11 Fed.R.Bank.P 1009(a) such that any reference to the Trust⁶ in the petition shall be deleted. *Id.*
12 Henceforth, the parties shall delete the reference to the Trust from the caption.
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17 **6. The Individual Debtor**

18 For the reasons stated, the court finds that five of the signatures on the petition and
19 related documents are genuine. The court further finds that Mr. Preston before the petition
20 was filed on October 21, 2005 fully intended to file a petition in bankruptcy and communicated
21 this not only to Mr. Perlman (who actually walked the petition to the filing window) but also to
22 several others, including Ms. Moore and to Ms. Valerie Ervin. The court therefore finds that Mr.
23 Perlman acted as an authorized agent in filing the petition and that the bankruptcy as to the
24 individual was fully effective when filed. That three of the signatures on peripheral documents
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27 ⁶ This opinion does not address the related issue of whether the trustee may revoke the Trust.
28 That issue is the subject of a separate proceeding. Consequently, the court also does not
address herein the question of whether the trustee must continue to hold the proceeds of the
W. 61st Street property sale pending resolution of these issues.

1 were not genuine (probably added by Mr. Perlman) is not determinative since they do not call
2 into question the main conclusion, i.e. that Mr. Preston on or after October 10, 2005 intended
3 to seek relief under Title 11, United States Code, as appears just above his signature on the
4 petition. [Exhibit "A" 0030] Movants had the burden of persuasion otherwise and that burden
5 was not carried.
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7. Conclusion

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9 The motion to dismiss as to the Trust is construed instead as a motion to amend under
10 Rule 1009(a) of the Fed. R. Bank. P., and on that basis is **granted nunc pro tunc** to October
11 21, 2005, so as to remove all reference to the Trust on all pleadings in this case henceforward.
12 The motion to dismiss as to the individual, William Everett Preston, for the reasons stated is
13 **denied**. This statement of decision shall serve as findings as may be required under Rule
14 52(a)(1) of the Fed. R. Civ. P. as made applicable to bankruptcy contested matters under Rule
15 9014(c) of the Fed. R. Bank. P. The trustee shall prepare an order consistent with these
16 findings.
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25 DATED: October 13, 2010


Theodore C. Albert
United States Bankruptcy Judge

NOTE TO USERS OF THIS FORM:

- 1) Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.
- 2) The title of the judgment or order and all service information must be filled in by the party lodging the order.
- 3) **Category I.** below: The United States trustee and case trustee (if any) will always be in this category.
- 4) **Category II.** below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) STATEMENT OF DECISION CONSTRUING DISMISSAL MOTION AS ONE FOR AMENDMENT UNDER FRBP 1009, GRANTING MOTION AS TO WILLIAM E. PRESTON TRUST AND DENYING MOTION TO DISMISS AS TO INDIVIDUAL DEBTOR, WILLIAM E. PRESTON as entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of October 13, 2010 the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

Raymond H Aver ray@averlaw.com
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Service information continued on attached page

II. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by U.S. Mail to the following person(s) and/or entity(ies) at the address(es) indicated below:

Service information continued on attached page

III. 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 U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s) and/or email address(es) indicated below:

Service information continued on attached page

ADDITIONAL SERVICE INFORMATION (if needed):

Category I (Served by the Court via Notice of Electronic Filing ("NEF")).

Category II (Served by Court via U.S. mail).

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Category III (To be served by the lodging party).