

1 TIMOTHY J. YOO (State Bar No. 155531)  
tjy@lnbyb.com  
2 CARMELA T. PAGAY (State Bar No. 195603)  
ctp@lnbyb.com  
3 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.  
10250 Constellation Boulevard, Ste. 1700  
4 Los Angeles, California 90067  
5 Telephone: (310) 229-1234  
Facsimile: (310) 229-1244  
6  
7 Attorneys for Jason M. Rund  
Chapter 7 Trustee

8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **LOS ANGELES DIVISION**  
11

12 In re  
13 THOMAS VINCENT GIRARDI,  
14  
15 Debtor.

Case No. 2:20-bk-21020-BR

Chapter 7

**CHAPTER 7 TRUSTEE'S  
STATEMENT REGARDING MOTION  
FOR ORDER APPOINTING ROBERT  
GIRARDI AS GUARDIAN AD LITEM**

Date: February 16, 2021

Time: 2:00 p.m.

Place: Courtroom 1668

Roybal Federal Building

255 E. Temple Street

Los Angeles, CA 90012

21 **TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY**  
22 **JUDGE:**

23 Jason Rund, the Chapter 7 Trustee (the "Trustee") for the estate of Thomas Vincent  
24 Girardi, debtor herein ("Debtor"), agrees with the position of interested party Edelson PC in its  
25 opposition [Doc 77] that the state probate court is the proper court to make the determination as  
26 to the Debtor's competency, and to avoid inconsistent rulings, this Court should defer to the  
27 probate court on this particular issue. In connection therewith, attached hereto is a true and  
28 correct copy of the probate court's February 1, 2021 minute order concerning the Petition -

1 Appoint a Temporary Conservator (Subsequent) filed in probate court on January 19, 2021 by  
2 Robert J. Girardi, the movant herein.

3 DATED: February 2, 2021

LEVENE, NEALE, BENDER, YOO &  
BRILL L.L.P.

5 By: /s/ Carmela T. Pagay  
6 CARMELA T. PAGAY  
7 Attorneys for Jason M. Rund  
8 Chapter 7 Trustee  
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Probate Division**

**Stanley Mosk Dept. - 67**

**21STPB00413**

**In re: Girardi, Thomas V. - Conservatorship**

**February 1, 2021**

**1:30 PM**

Honorable Daniel Juarez, Judge

Corrina Ornelas, Judicial Assistant  
Jasmine Orozco, Court Services  
Assistant

Teresa Baez (#11611), Court Reporter

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**NATURE OF PROCEEDINGS:** Petition - Appoint a Temporary Conservator (Subsequent) filed on January 19, 2021 by Robert J. Girardi.

The following parties are present for the aforementioned proceeding:

Nicholas Van Brunt, Attorney for Robert J. Girardi, Petitioner - via LACourtConnect  
Robert J. Girardi, Petitioner - via LACourtConnect  
Rudy M. Cosio, Appointed Counsel - via LACourtConnect  
Kim Archie - via LACourtConnect  
Ronald Richards - via LACourtConnect  
Boris Trezon, Attorney for Creditor Rui Gomez - via LACourtConnect

The matter is called for hearing.

The Court reads, considers and accepts the Probate Volunteer Panel Attorney Report in lieu of the Probate Court Investigator Report.

The Court finds that the Proposed Temporary Conservatee consents and does not object to the Temporary Conservatorship of the Person and Estate.

The Court finds that the Proposed Temporary Conservatee is not attending the hearing because of medical inability, and the Court finds that it is necessary to hold the hearing in the absence of the Proposed Temporary Conservatee to prevent harm.

The Court finds that sufficient evidence has been provided to grant the matter on calendar this date based upon the reading of the moving papers and consideration of all presented evidence.

Good cause having been found, the Court dispenses with notice to any un-noticed parties.

The Petition - Appoint a Temporary Conservator (Subsequent) filed on 1/19/2021 by Petitioner(s) Robert J. Girardi is Granted, in part. Robert Girardi is appointed as Temporary Conservator of the Person and Estate of Thomas Girardi until 03/30/31 and Temporary Letters shall be valid until that date.

Temporary Conservator, Robert J. Girardi, is allowed the power to contract on behalf of the Temporary Conservatee, Thomas Girardi.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Probate Division**

**Stanley Mosk Dept. - 67**

**21STPB00413**

**In re: Girardi, Thomas V. - Conservatorship**

**February 1, 2021**

**1:30 PM**

The Court defers the remainder of this Temporary Petition to 3/15/21.

The Court sets a/an Order to Show Cause Hearing regarding Completion of Temporary Conservatorship Ruling / Previously Granted In Part on March 15, 2021 at 1:30 PM. in this department.

Attorney Nicholas Van Brunt is to prepare the Order Appointing Temporary Conservator and upon the signing of said order, Letters shall issue forthwith; may electronically file or file directly in department 67.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

10250 Constellation Blvd, Suite 1700, Los Angeles CA 90067

A true and correct copy of the foregoing document entitled (*specify*): **CHAPTER 7 TRUSTEE'S STATEMENT REGARDING MOTION FOR ORDER APPOINTING ROBERT GIRARDI AS GUARDIAN AD LITEM** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **February 2, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED NEF SERVICE LIST.

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) **February 2, 2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Hon. Barry Russell  
USBC – Central District of CA  
255 E. Temple St  
Suite 1660 / Ctrm 1668  
Los Angeles, CA 90012

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/2/2021  
Date

Megan Wertz  
Printed Name

/s/ Megan Wertz  
Signature

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

Rafey Balabanian , docket@edelson.com  
Richard D Buckley richard.buckley@arentfox.com  
Marie E Christiansen mchristiansen@vedderprice.com, ecfladocket@vedderprice.com,marie-christiansen-4166@ecf.pacerpro.com  
Jennifer Witherell Crastz jcrastz@hrhlaw.com  
Ashleigh A Danker Ashleigh.danker@dinsmore.com, SDCMLFiles@DINSMORE.COM;Katrice.ortiz@dinsmore.com  
Clifford S Davidson csdavidson@swlaw.com, jlanglois@swlaw.com;cliff-davidson-7586@ecf.pacerpro.com  
Lei Lei Wang Ekvall lekvall@swelawfirm.com,  
lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com  
Richard W Esterkin richard.esterkin@morganlewis.com  
Timothy W Evanston tevanston@swelawfirm.com,  
gcruz@swelawfirm.com;lgarrett@swelawfirm.com;jchung@swelawfirm.com  
Eric D Goldberg eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com  
Andrew Goodman agoodman@andyglaw.com, Goodman.AndrewR102467@notify.bestcase.com  
M. Jonathan Hayes jhayes@rhmfirm.com,  
roksana@rhmfirm.com;matt@rhmfirm.com;janita@rhmfirm.com;susie@rhmfirm.com;priscilla@rhmfirm.com;pardis@rhmfirm.com;russ@rhmfirm.com;rebeca@rhmfirm.com;david@rhmfirm.com;sloan@rhmfirm.com  
Marshall J Hogan mhogan@swlaw.com, knestuk@swlaw.com  
Razmig Izakelian razmigizakelian@quinnemanuel.com  
Lewis R Landau Lew@Landaunet.com  
Peter J Mastan peter.mastan@dinsmore.com, SDCMLFiles@dinsmore.com;Katrice.ortiz@dinsmore.com  
Edith R Matthai ematthai@romalaw.com  
Elissa Miller emiller@sulmeyerlaw.com, emillersk@ecf.inforuptcy.com;ccaldwell@sulmeyerlaw.com  
Eric A Mitnick MitnickLaw@aol.com, mitnicklaw@gmail.com  
Scott H Olson solson@vedderprice.com, scott-olson-2161@ecf.pacerpro.com,ecfsfdocket@vedderprice.com,nortega@vedderprice.com  
Carmela Pagay ctp@lnbyb.com  
Amrish B Patel apatelEI@americaninfosource.com  
Leonard Pena lpena@penalaw.com, penasomaecf@gmail.com;penalr72746@notify.bestcase.com  
Michael J Quinn mquinn@vedderprice.com, ecfladocket@vedderprice.com,michael-quinn-2870@ecf.pacerpro.com  
Matthew D. Resnik matt@rhmfirm.com,  
roksana@rhmfirm.com;janita@rhmfirm.com;susie@rhmfirm.com;max@rhmfirm.com;priscilla@rhmfirm.com;pardis@rhmfirm.com;russ@rhmfirm.com;rebeca@rhmfirm.com;david@rhmfirm.com;sloan@rhmfirm.com  
Ronald N Richards ron@ronaldrichards.com, morani@ronaldrichards.com,justin@ronaldrichards.com  
Jason M Rund (TR) trustee@srlawyers.com, jrund@ecf.axosfs.com  
Gary A Starre gastarre@gmail.com, mmoonniiee@gmail.com  
Philip E Strok pstrok@swelawfirm.com, gcruz@swelawfirm.com;1garrett@swelawfirm.com;jchung@swelawfirm.com  
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov  
Christopher K.S. Wong christopher.wong@arentfox.com, yvonne.li@arentfox.com  
Timothy J Yoo tjy@lnbyb.com