

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
SHELBY DIVISION

Charles R. Jonas Federal Courthouse  
401 W. Trade Street  
Charlotte, NC 28202  
Customer Service: (704) 350-7500

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05/20/2024

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

MONDAY, MAY 20, 2024

9:30 a.m.

- |    |   |                      |          |  |
|----|---|----------------------|----------|--|
| 1) | 7 | Francesco X. Pinella | 23-30383 | Continued hearing on Motion of the<br>Trustee for Order Directing Turnover<br>of 2016 Honda Pilot (15) |
|----|---|----------------------|----------|--|

DALRYMPLE  
WRIGHT, TR.

*CON'T TO 6/3*

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- |    |    |               |          |   |
|----|----|---------------|----------|---|
| 2) | 13 | Mark A. Pasko | 18-31360 | Hearing on Motion of Wells Fargo Bank<br>for Disbursement of Unclaimed Funds<br>(137) |
|----|----|---------------|----------|---|

CULP  
FAJGENBAUM

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3) 7 Jeffrey M. Adams 22-30421 3rd continued hearing on Debtor's Motion to Avoid Judicial Lien of KRG Toringdon Market, LLC (74); Objection of Trindel Investments, Inc. (79); Order Avoiding Judicial Lien (82); Amended Objection of Trindel Investments, Inc. (83); Debtor's Response to Objection and Amended Objection of Trindel Investments, Inc., et al. to Motion to Avoid Judicial Lien (88) - **CON'T TO 6/3**

Hearing on Motion of Trindel Investments, Inc., et al. to Continue [Debtor's Motion to Avoid Judicial Lien] (92) **GRANTED w/o HEARING**

HENDERSON  
CULP, TR.  
COLSTON/MORSE

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4) 7 Eric S. Cline 23-30549 2nd continued compliance hearing on Order Granting Motion to Turnover Brandy L. Cline (57) - **CON'T TO 6/3**

Continued hearing on Fourth Motion of Family Business Fund to Extend Time to Object to Dischargeability (53); Debtors' Response (54)

Continued hearing on Trustee's Motion to Compel Compliance [William S. Withers d/b/a Withers Accounting Services] (61) - **CON'T TO 6/3**

PLANER  
CULP, TR./WOODMAN  
PETTIT

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5) 7 John S. Wilson, II 23-30129 Hearing on Debtor's Verified Motion  
for Sanctions for Violations of the  
Discharge Injunction (29)

CULP/WOODMAN  
SHUFORD, TR.

*CONT TO 6/3*

6) 7 Burnette Trust 24-30221 Continued Court Order to Appear and  
Show Cause for Dismissal (12)

PRO SE  
SHUFORD, TR.

7) 7 Theresa Bealon 24-30192 Continued hearing on Motion to  
Withdraw as Attorney for the Debtor (9)

PREVOST  
HAYES, TR.

8) 7 Joshua A. Hubbard 24-30016 3rd continued hearing on Order  
Finding Cause for Dismissal (13)

PRO SE  
HAYES, TR.

9) 7 Applied Machinery 23-30461 4th continued compliance hearing on  
Rentals, LLC Third Order Allowing In Part and  
Continuing In Part Trustee's Motion to  
Hold Parties in Contempt and Compel  
Production of Documents (420)

Hearing on Trustee's Motion for  
Approval of Auction Marketing  
Agreement and to Sell Free and Clear of  
Any Interests in Property (410); Limited  
Objection of First National Bank of  
Pennsylvania (425)

HENDERSON  
HAYES, TR. / MARTIN  
SUMNER

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2:00 p.m.

10)	Adv	Cole Hayes, Ch. 7 Trustee v. Fusion Funding, LLC	23-03042 Ch. 7 23-30461	Compliance hearing on Consent Order Regarding Order Granting Plaintiff's Rule 37 Motion to Compel Fusion Funding, LLC to Produce Documents (17)
 MARTIN PEARCE / BUCHMAN / KAMINSKI				

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11)	Adv	Cole Hayes, Ch. 7 Trustee v. Apex Funding Source, LLC	23-03041 Ch. 7 23-30461	2nd continued hearing on Defendant's Motion to Dismiss (12); Plaintiff's Response in Opposition to Motion to Dismiss, and Motion for Leave to Amend Complaint (13); Reply by Apex Funding to Plaintiff's Response (14); Plaintiff's Sur Reply in Opposition to Motion to Dismiss (15)
 Continued hearing on Defendant's Motion to Dismiss Claims 1 through 4 of Amended Complaint (19); Plaintiff's Response in Opposition to the Motion (23)				

MARTIN  
BRUTON

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05/21/2024  
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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

TUESDAY, MAY 21, 2024

9:30 a.m.

1)	11	John McGlone Edith E. McGlone	24-30207	Continued Subchapter V Status Conference (10)
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JOHNSON  
HAYES, TR.

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2)	11	Gabriel Custom Homes, LLC	24-30332	Hearing on Motion to Withdraw as Counsel (12)
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Court Order for Debtor to Appear and  
Show Cause for Dismissal of Case (13)

JOHNSON

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3)	Adv	Matthew W. Smith, <i>Ch. 11 Trustee</i> v. Darrin L. Payne, et al.	23-03030 Ch. 11 18-30241	Hearing on Plaintiff's Motion to Extend Pretrial Deadlines and for Scheduling Conference (41)
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HOUSTON / BROWN  
SHOOK / MATHLESS  
ANDERSON

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4)	11	C.B. Honeycutt Grading, Inc.	20-30658	Continued hearing on Motion of Deere Credit, Inc. for Relief from Automatic Stay (347); Debtor's Response (349)
		WOODMAN LEONARD		
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5)	11	Ronda Carson	22-30256	3rd continued status hearing (148)
		DiMATTEO / WOODMAN RAUBACH, TR.		
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6)	11	KBML Associates, LLC	24-30296	Subchapter V Status Conference (19); Pre-Status Conference Report (41)
		WOODMAN MARTINEZ, TR.		
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7)	11	District 9 Brewing Company	24-30289	2nd continued hearing on Debtor's Motion to Use Cash Collateral (11); Interim Order Authorizing Use of Cash Collateral (36)
				Subchapter V Status Conference (6); Pre-Status Conference Report (64)

WOODMAN  
SCHILLI, TR.  
SUMMERLIN  
*(Atty Michael Mueller to dial in)*  
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8)	Adv	Carol Black v. Oliver Rensow	20-03061 Ch. 11 18-40169	4th continued Court Order for Plaintiff to Appear and Show Cause (83)
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CRABTREE / OEBKER / FAWKES  
PRO SE

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9)	11	Aetius Companies, LLC	23-30470	8th continued hearing on Debtors' Motion for an Order Authorizing and Approving (I) Interim Authority to Use Cash Collateral and (II) Setting Final Hearing on Authority to Use Cash Collateral (6); Limited Opposition of the Committee to Debtors' Motion (59); the Committee's to Limited Objection to Debtors' Motion for Entry of an Order Authorizing Use of Cash Collateral (150)
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9th continued hearing on Amended  
Motion of LJ Wings, Inc., KPOW  
Wings, LLC, and JC Wings, LLC to  
Prohibit Transfer of Funds to Affiliated  
Entities, to Direct Payment of Any  
Funds Remitted to Affiliated Entities to  
Debtor, to Require and Confirm that All  
Franchisees Owned by Any Affiliate of  
the Debtor Have Paid All Post-Petition  
Fees and for Other Relief (47, 46);  
Debtor's Response to Amended Motion  
(71)

3rd continued hearing on Debtors'  
Motion for Entry of an Order  
Authorizing the Assumption of Leases  
(158)

Continued hearing on Motion of HMC Restaurant Group, LLC to Prohibit Transfers of Funds from Aetius Franchising, LLC, et al. to Affiliated Entities for Adequate Protection, for Relief from Stay, and to Determine Secured Status (191); Response and Objection of the Committee of Unsecured Creditors (201); Debtor's Response and Objection (205); HMC Restaurant's Memorandum of Law (232)

Continued hearing on Debtors' Motion for Entry of an Order Authorizing the Employment and Retention of Professionals Used in the Ordinary Course of Business (195); Response of HMC Restaurant Group, LLC (206)

Hearing on Disclosure Statement (203); Objection of the Committee of Unsecured Creditors (230); Objection of HMC Restaurant Group, LLC (236)

WINER/RAUBACH/COX  
ABEL, BA  
HAYES/BRINKMAN  
PETTIT

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**10:30 a.m.**

10) 11 Aetius Companies, LLC 23-30470

Hearing on Motion of the Bankruptcy Administrator to Convert or Dismiss (215); Joinder of HMC Restaurant Group, LLC in Bankruptcy Administrator's Motion (228); Debtor's Response and Objection to the Motion (231); Response and Objection of the Official Committee of Unsecured Creditors to the Motion (233)

Hearing on Motion of HMC Restaurant Group, LLC to Extend Time to Make Election Under 11 U.S.C. § 1111(b) (226)

WINER / RAUBACH / COX  
ABEL  
PETTIT

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05/23/2024  
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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

**PLEASE REFER TO THE FILED NOTICE OF AGENDA OF MATTERS  
SCHEDULED FOR HEARING**

**THURSDAY, MAY 23, 2024**

**9:30 a.m.**

- |    |    |          |          |  |
|----|----|----------|----------|--|
| 1) | 11 | DBMP LLC | 20-30080 | <p>Continued hearing on Motion of the Estate of Peter L. Bergrud for Relief from the Automatic Stay (2753, Exhibits 2757); Debtor's Omnibus Objection (2777); Joinder of Non-Debtor Affiliates in Debtor's Omnibus Objection (2778); Statement of the Committee in Support of Claimants' Motions for Relief from Automatic Stay (2779); Estate of Peter L. Bergrudy and Michael and Ann Herlihys' Omnibus Reply in Support of Motions for Relief from the Automatic Stay (2782)</p> <p>Continued hearing on Motion of Michael and Ann Herlihy for Relief from the Automatic Stay (2755); Estate of Peter L. Bergrudy and Michael and Ann Herlihys' Omnibus Reply in Support of Motions for Relief from the Automatic Stay (2782)</p> |
|----|----|----------|----------|--|

CASSADA / GORDON / ELLMAN  
WALDREP / LANIK / ROGERS / THOMPSON / STEFFAN  
TOMSIC / MILLER / GOLDSTEIN / STEEL / FLAUM / GOULD / DASARO  
RAMSEY / WRIGHT / MACLAY / PHILLIPS / LIESEMER / COX / THOMPSON

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- 2)    Adv    Official Committee of    21-03023    Hearing on Plaintiff's Motion to Compel  
             Asbestos Personal Injury    Ch. 11    the U.S. Defendants to Produce Documents  
             Claimants, et al,    20-30080    (302)  
             v.  
             DBMP LLC, et al.

MACLAY / PHILLIPS / LIESEMER / NEIER / HARDMAN / RAMSEY / WRIGHT / COX /  
THOMPSON / PARRISH / PATTON / HARRON / ZIEG  
CASSADA / GORDON / ELLMAN

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- 3)    Adv    Official Committee of    22-03000    Hearing on Motion of the Official  
             Asbestos Personal Injury    Ch. 11    Committee of Asbestos Personal Injury  
             Claimants, et al,    20-30080    Claimants, et al. to Compel the U.S.  
             v.    Defendants to Produce Documents (243)  
             Saint-Gobain Corp., et al.

MACLAY / PHILLIPS / LIESEMER / NEIER / HARDMAN / RAMSEY / WRIGHT / COX /  
THOMPSON / PARRISH / PATTON / HARRON / ZIEG  
MILLER / FLAUM / GOULD / STEEL / GOLDSTEIN

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- 4)    Adv    Official Committee of    22-03001    Hearing on Motion of the Official  
             Asbestos Personal Injury    Ch. 11    Committee of Asbestos Personal Injury  
             Claimants, et al,    20-30080    Claimants, et al. to Compel the U.S.  
             v.    Defendants to Produce Documents (211)  
             Compagnie de Saint-Gobain,  
             S.A., et al.

MACLAY / PHILLIPS / LIESEMER / NEIER / HARDMAN / RAMSEY / WRIGHT / COX /  
THOMPSON / PARRISH / PATTON / HARRON / ZIEG  
MILLER / FLAUM / GOULD / STEEL / GOLDSTEIN

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05/24/2024

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

FRIDAY, MAY 24, 2024

9:30 a.m.

1)	12	Jeffery L. Benfield April E. Benfield	21-40009	Compliance hearing on Order Granting Motion for Turnover (158)
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JOHNSON

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2)	13	Stephen L. Ledford Karen Q. Ledford	21-40034	Continued hearing on Trustee's Motion to Dismiss Case (36)
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MOORE / LEONARD

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3)	13	James S. Goodson	24-40020	Hearing on Motion of First Federal Savings Bank of Lincolnton for Relief from Stay or, in the Alternative, for Adequate Protection (13); Debtor's Response and Objection (15)
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Hearing on Trustee's Objection to  
Confirmation of Plan; Motion to  
Dismiss (14)

FARMER  
DEATON

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|--|----|---|----------|---|
| 4)   | 13 | Thomas L. Howard<br>Sandra W. Howard      | 24-40024 | Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (11)    |
| B. PITTS   |    |   |          |   |
| -----  |    |   |          |   |
| 5)   | 13 | Thomas P. Mahlan<br>Angela Johnson-Mahlan | 19-40081 | Hearing on Trustee's Motion to Dismiss Case (56)                                  |
| Hearing on Debtors' Motion to Modify Plan Base to Amount Paid or, Alternatively, a Hardship Discharge (61) |    |   |          |   |
| PLANER   |    |   |          |   |
| -----  |    |   |          |   |
| 6)   | 13 | Jason D. Smith<br>Crystal S. Smith        | 24-40046 | Hearing on Motion of the IRS to Dismiss or Convert (9)                            |
| PLANER   |    |   |          |   |
| WARREN   |    |   |          |   |
| -----  |    |   |          |   |
| 7)   | 13 | Ritamarie H. Thomason                     | 23-40065 | Status hearing on Order Granting Debtor's Motion for Plan Payment Moratorium (31) |
| SHEEK  |    |   |          |   |
| -----  |    |   |          |   |
| 8)   | 13 | Susan B. Graham                           | 24-40027 | Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (16)    |
| SHEEK  |    |   |          |   |
| -----  |    |   |          |   |
| 9)   | 13 | Mitchell T. Ride, Jr.                     | 22-40144 | Continued hearing on Trustee's Motion to Dismiss Case (31)                        |
| LUTZ   |    |   |          |   |
| -----  |    |   |          |   |

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|-------|----|---|----------|---|
| 10)   | 13 | Richard L. Ledford                        | 22-40154 | Hearing on Trustee's Motion to Dismiss Case (19)  |
|       |    | LUTZ                                      |          |   |
| ----- |    |   |          |   |
| 11)   | 13 | Willie E. Kee                             | 23-40225 | Continued hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (12, 2)   |
|       |    | LUTZ                                      |          |   |
| ----- |    |   |          |   |
| 12)   | 13 | Joseph K. Ackermann<br>Betti L. Ackermann | 24-40006 | Continued hearing on Objection of the Internal Revenue Service to Confirmation of Debtors' Chapter 13 Plan of Reorganization (9, 2) |
|       |    | LUTZ<br>WARREN                            |          |   |
| ----- |    |   |          |   |
| 13)   | 13 | Ronald L. Dalton                          | 24-40009 | Hearing on Motion of the IRS to Dismiss or Convert (10)   |
|       |    | LUTZ                                      |          |   |

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**10:30 a.m.**

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|-------|----|----------------------------|----------|---|
| 14)   | 11 | Carolina Sleep Shoppe, LLC | 24-40057 | Subchapter V Status Conference (5); Pre-Status Conference Report (42) |
|       |    |                            |          | Continued hearing on Debtor's Motion to Use Cash Collateral (10)      |
|       |    | WRIGHT<br>NAVE, TR.        |          |   |
| ----- |    |                            |          |   |

15) 7 Mary L. Call

24-40074

Court Order for Debtor to Appear and  
Show Cause for Dismissal of Case (5)

PRO SE  
WRIGHT, TR.

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***NO COURT***

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HONORABLE J. CRAIG WHITLEY

**THERE ARE NO HEARINGS SCHEDULED FOR  
MAY 22, 2024**

**SCHEDULE CHANGES OCCUR DAILY.  
PLEASE REFER TO ANY FILED NOTICES  
OR ADVISE THE COURT IF THERE IS A NEED  
FOR A SPECIAL HEARING DATE.**