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8 Email: tgeher@jmbm.com

9 Attorneys for Appellee Bradley D. Sharp,
10 Chapter 11 Trustee for Namco Capital Group, Inc.

11 UNITED STATES BANKRUPTCY COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 LOS ANGELES DIVISION

14 In re
15
16 NAMCO CAPITAL GROUP, INC.,
17
18 Debtor.

CASE NO. 2:08-bk-32333 BR

Chapter 11

NOTICE OF

**(1) OBJECTION OF APPELLEE
BRADLEY D. SHARP, CHAPTER 11
TRUSTEE OF NAMCO CAPITAL GROUP,
INC. TO REFERRAL OF APPEAL OF
APPELLANT HINO-8, LLC TO
BANKRUPTCY APPELLATE PANEL;
AND**

**(2) ELECTION OF APPELLEE TO HAVE
APPEAL OF APPELLANT HEARD AND
DETERMINED BY THE DISTRICT
COURT**

[NO HEARING REQUIRED]

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

On January 18, 2010, Appellant Hino-8, LLC ("Hino") filed a Notice of Appeal, docket number 673 (the "Appeal"), from that "Order Granting Motion of Bradley D. Sharp, Chapter 11 Trustee for Namco Capital Group, Inc., for an Order: (1) Approving, and Authorizing the Execution of and Performance Under, Sale Agreement; (2) Authorizing Sale of Interests in Promissory Note and Deed of Trust Pursuant to Bankruptcy Code Section 363(f); and (3) Approving and Authorizing Compromise of Controversy" (the "Order") entered by the United States Bankruptcy Court for the Central District of California on January 11, 2010 in the above captioned case. A copy of the Notice of Appeal filed by Hino is annexed hereto as Exhibit "A".

Appellee Bradley D. Sharp, Chapter 11 Trustee for Namco Capital Group, Inc. ("Trustee"), hereby objects to the referral of the Appeal to the Bankruptcy Appellate Panel of the Ninth Circuit.

Pursuant to 28 U.S.C. §158(c)(1)(B), the Trustee hereby elects to have the District Court hear the Appeal.

Dated: January 21, 2010

JEFFER, MANGELS, BUTLER & MARMARO LLP

By: /s/ Thomas M. Geher
Thomas M. Geher
Attorneys for Appellee Bradley D. Sharp, Chapter
11 Trustee for Namco Capital Group, Inc.

EXHIBIT A

In re Namco Capital Group, Inc. Debtor(s)	CHAPTER: 11 CASE NUMBER: 2:08-bk-32333
---	---

Dated: 1/18/10

/s/ H. Mark Madnick

Signature (Attorney for Appellant or Appellant if not represented by an Attorney)

Ræder, Lu & Green LLP

Attorney Name

2121 Ave. of the Stars, Suite 950, Los Angeles, California 90067

Address

(310) 270-9300

Telephone Number

If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this Notice of Appeal. Any other party may elect, within the time provided in 28 U.S.C. §.158(c), to have the appeal heard by the district court.

If a child support creditor or its representative is the appellant, and if the child support creditor or its representative files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

Notice of Appeal
Attachment "2"

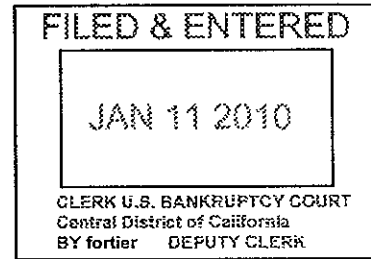
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EXHIBIT "A"



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 E-Mail: tgeher@jmbm.com

5 Attorneys for Bradley D. Sharp, Chapter 11 Trustee for
 6 Namco Capital Group, Inc.

7 UNITED STATES BANKRUPTCY COURT
 8 CENTRAL DISTRICT OF CALIFORNIA
 9 LOS ANGELES DIVISION

10 In re) Case No. 2:08-bk-32333 BR
 11)
 12 NAMCO CAPITAL GROUP, INC.,)
) Chapter 11
 13 Debtor.)
) **ORDER GRANTING MOTION OF**
 14) **BRADLEY D. SHARP, CHAPTER 11**
) **TRUSTEE FOR NAMCO CAPITAL**
 15) **GROUP, INC., FOR AN ORDER:**
)
 16) **(1) APPROVING, AND AUTHORIZING**
) **THE EXECUTION OF AND**
 17) **PERFORMANCE UNDER, SALE**
) **AGREEMENT;**
)
 18) **(2) AUTHORIZING SALE OF INTERESTS**
) **IN PROMISSORY NOTE AND DEED OF**
 19) **TRUST PURSUANT TO BANKRUPTCY**
) **CODE SECTION 363(f); AND**
)
 20) **(3) APPROVING AND AUTHORIZING**
) **COMPROMISE OF CONTROVERSY**
)
 21)
 22)
 23)
 24) Hearing:
) Date: December 15, 2009
 25) Time: 2:00 p.m.
) Courtroom: 1668
 26) 255 E. Temple Street
) Los Angeles, California 90012
 27)
 28)

1 The Motion of Bradley D. Sharp, Chapter 11 Trustee for Namco Capital Group, Inc.,
2 for an Order: (1) Approving, and Authorizing the Execution of and Performance Under, Sale
3 Agreement; (2) Authorizing Sale of Interests in Promissory Note and Deed of Trust Pursuant to
4 Bankruptcy Code Section 363(f); and (3) Approving and Authorizing Compromise of Controversy
5 (the "Motion") came on for hearing at the above date and time in Courtroom 1668 with the
6 Honorable Barry Russell, judge presiding. Thomas M. Geher of Jeffer, Mangels, Butler &
7 Marmaro, LLP appeared for Bradley D. Sharp, Chapter 11 Trustee for the bankruptcy estate of
8 Namco Capital Group, Inc. (the "Trustee"), who was also present at the hearing; Susan I.
9 Montgomery of the Law Offices of Susan I. Montgomery appeared for The Amended and Restated
10 Kamran and Atoosa Benji 1993 Trust (the "Benji Trust"); Ronald Michelman of Michelman &
11 Michelman appeared for Lenmar Goshen, LLC, formerly known as Marmar Goshen, LLC
12 ("Lenmar"); Robert L. Esensten of Wasserman, Comden & Casselman, L.L.P. appeared for 26
13 Etehad, LLC ("26 Etehad"), Barry Agalar, AST Construction, Inc., AST 26 LLC, Fariba Atighehchi
14 and Joseph Sagahian (collectively, the "26 Etehad Parties"); Christopher S. Reeder and H. Mark
15 Madnick of Reeder/Lu/Green, LLP appeared for Hino-8, LLC ("Hino 8") and no other appearances
16 were made.

17 The Court having (i) read and considered the Motion and all papers and pleadings
18 filed by Trustee, Benji Trust, 26 Etehad Parties and Hino 8 in support of and in opposition to the
19 Motion; (ii) announced, on the record, its rulings concerning the Trustee's evidentiary objections to
20 that (a) Declaration of H. Mark Madnick filed by Hino 8 and (b) Declaration of Fariba Atighehchi
21 filed by the 26 Etehad Parties, (iii) heard and considered the arguments of counsel, (iv) made and
22 stated its findings of fact and conclusions of law on the record in this proceeding, which are adopted
23 and incorporated herein, (v) found that notice and service of the Motion was proper, and based
24 thereon and good cause appearing, it is hereby

25 **ORDERED** that the Motion is granted in full in its entirety; and it is further

26 **ORDERED** that the *Sale Agreement*, a copy of which is attached to the Motion as
27 Exhibit "A," is approved and effective and the parties to the *Sale Agreement*, i.e., Trustee, Lenmar
28 and Benji Trust, are authorized to, and ordered to, perform thereunder; and it is further

1 **ORDERED** that the (i) "All Inclusive Promissory Note" dated December 14, 2007,
2 in the principal amount of \$6,000,000 executed by Lenmar in favor of Namco Capital Group, Inc.
3 ("Namco") (the "Goshen Note"), a copy of which is attached to the Motion as Exhibit "B" and (ii)
4 "All Inclusive Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing," which
5 was recorded on January 3, 2008, in the Los Angeles County Recorder's Office as Instrument No.
6 20080011090 (the "Goshen Deed of Trust"), a copy of which is attached to the Motion as Exhibit
7 "C," are property of Namco's bankruptcy estate and both the 26 Etehad Parties and Hino 8 have no
8 lien, encumbrance, interest or claim in, on or with respect to the Goshen Note and Goshen Deed of
9 Trust; and it is further

10 **ORDERED** that Lenmar shall, pursuant to the terms of the *Sale Agreement*, pay to
11 the Trustee the sum of \$1,300,000 in exchange for Trustee's, Namco's and Benji Trust's right, title
12 and interest in and to the Goshen Note and Goshen Deed of Trust; and it is further

13 **ORDERED** that the sale, transfer and delivery to Lenmar of Trustee's, Namco's and
14 Benji Trust's right, title and interest in and to the Goshen Note and Goshen Deed of Trust is free and
15 clear of all liens, encumbrances, interests and claims of every person, organization and entity,
16 including, but not limited to, all asserted and/or alleged liens, encumbrances, interests and claims of
17 Benji Trust, Namco, Ezri Namvar, Kamran Benji, Atoosa Benji, Hino 8 and 26 Etehad; and it is
18 further

19 **ORDERED** that within seven (7) days of the Trustee's receipt of the sum of
20 \$1,300,000 from Lenmar, the Trustee shall pay to Benji Trust the sum of \$1,000,000 in full and
21 final satisfaction of Namco's obligations under that *Promissory Note*, dated December 20, 2007, in
22 the principal sum of \$923,251.67, a copy of which is attached to the Motion as Exhibit "D;" and it is
23 further

24 **ORDERED** that the sum of \$300,000 remaining with and in the bankruptcy estate of
25 Namco, after the disbursement of \$1,000,000 to Benji Trust, is free and clear of any and all liens,
26 encumbrances, interests and claims; and it is further

27 **ORDERED** that Lenmar, within eleven days after its payment of \$1,300,000 to
28 Trustee, shall file herein a withdrawal, with prejudice, of that proof of claim filed by Lenmar, which

1 proof of claim is attached to the Motion as Exhibit "I;" and it is further

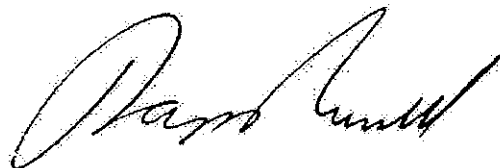
2 **ORDERED** that Lenmar is a "good faith" purchaser of the Goshen Note and Goshen
3 Deed of Trust and that Lenmar shall be, and is, entitled to all of the protections and benefits
4 afforded a "good faith" purchaser pursuant to Bankruptcy Code § 363(m); and it is further

5 **ORDERED** that the stay of this Order provided for by Rule 6004(g) of the Federal
6 Rules of Bankruptcy Procedure shall be, and hereby is, waived and not applicable.

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DATED: January 11, 2010



United States Bankruptcy Judge

1 **PROOF OF SERVICE OF DOCUMENT**

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

4 1900 Avenue of the Stars, Seventh Floor, Los Angeles, CA 90067

5 The foregoing document described ORDER GRANTING MOTION OF BRADLEY D. SHARP,
6 CHAPTER 11 TRUSTEE FOR NAMCO CAPITAL GROUP, INC., FOR AN ORDER:
7 (1) APPROVING, AND AUTHORIZING THE EXECUTION OF AND PERFORMANCE
8 UNDER, SALE AGREEMENT; (2) AUTHORIZING SALE OF INTERESTS IN PROMISSORY
9 NOTE AND DEED OF TRUST PURSUANT TO BANKRUPTCY CODE SECTION 363(f); AND
10 (3) APPROVING AND AUTHORIZING COMPROMISE OF CONTROVERSY will be served or
11 was served (a) on the judge in chambers in the form and manner required by LBR 5005- 2(d); and
12 (b) in the manner indicated below:

13 **I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** –
14 Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing
15 document will be served by the court via NEF and hyperlink to the document _____, I
16 checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that
17 the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the
18 email address(es) indicated below:

19 Service information continued on attached page

20 **II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity
21 served): On December 22, 2009, I served the following person(s) and/or entity(ies) at the last
22 known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct
23 copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with
24 an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that*
25 *mailing to the judge will be completed no later than 24 hours after the document is filed.*

26 [Served By U.S. Mail]

27 Honorable Barry Russell
28 United States Bankruptcy Court
255 E. Temple St., Suite 1660
Los Angeles, CA 90012

Ronald Michelman
Michelman & Michelman, LLP
20265 Ventura Blvd Ste "D"
Woodland Hills, CA 91364

Service information continued on attached page

29 **III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL**
30 (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR,
31 on December 22, 2009, I served the following person(s) and/or entity(ies) by personal delivery, or
32 (for those who consented in writing to such service method), by facsimile transmission and/or email

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as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

[Served By E-Mail]

Ronald Michelman - ronaldmichelman@sbcglobal.net

Service information continued on attached page

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

December 22, 2009	Claudean Brandon	/s/ Claudean Brandon
<i>Date</i>	<i>Type Name</i>	<i>Signature</i>

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled ORDER GRANTING MOTION OF BRADLEY D. SHARP, CHAPTER 11 TRUSTEE FOR NAMCO CAPITAL GROUP, INC., FOR AN ORDER: (1) APPROVING, AND AUTHORIZING THE EXECUTION OF AND PERFORMANCE UNDER, SALE AGREEMENT; (2) AUTHORIZING SALE OF INTERESTS IN PROMISSORY NOTE AND DEED OF TRUST PURSUANT TO BANKRUPTCY CODE SECTION 363(f); AND (3) APPROVING AND AUTHORIZING COMPROMISE OF CONTROVERSY was 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 1/5/10, 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.

- Simon Aron saron@wrslawyers.com
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- Robert D Bass rbass@greenbass.com
- Christine E Baur christine.e.baur@bakernet.com,
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- Melissa Davis mdavis@shbllp.com
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- Philip A Gasteier pgasteier@rdwlawcorp.com

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- 2 • Barry S Glaser bglaser@swjlaw.com
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- 4 • Robert P Goe kmurphy@goeforlaw.com,
rgoe@goeforlaw.com,mforsythe@goeforlaw.com
- 5 • Jeffrey I Golden jgolden@wglp.com
- 6 • David Gould dgould@davidgouldlaw.com
- 7 • Steven T Gubner sgubner@ebg-law.com, ecf@ebg-law.com
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- 23 • Harris M Madnick hmmadnick@reederlugreen.com
- 24 • William Malcolm bill@mclaw.org
- 25 • Elmer D Martin elmermartin@msn.com
- 26 • Daniel J McCarthy dmccarthy@hillfarrer.com
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- 28 • Hal M Mersel mark.mersel@bryancave.com
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- Uzzi O Raanan uor@dgdgk.com
- Christopher S Reeder creeder@reederlugreen.com
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- Sam Tabibian sam.tabibian@gmail.com
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- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Howard J Weg hweg@pwkllp.com
- Michael H Weiss mw@weissandspees.com, lm@weissandspees.com;jb@weissandspees.com
- Kimberly S Winick kwinick@clarktreve.com
- Rebecca J Winthrop winthropr@ballardspahr.com
- Beth Ann R Young bry@lnbrb.com
- Afshin Youssefeyeh ady@adylaw.com

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 United States Mail, first class, postage prepaid, 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

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In Re: Namco Capital Group, Inc.	Case No. 2:08-bk-32333-BR
Debtor,	Chapter 11

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: 2121 Avenue of the Stars, Suite 950, Los Angeles, California 90067

A true and correct copy of the foregoing document described **NOTICE OF APPEAL** 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 indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On January 18, 2010, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On January 18, 2010, I served the following person(s) and/or entity(ies) at the last known address(es) 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/or with an overnight mail service 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.

Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 18, 2010, I served the following person(s) and/or entity(ies) by personal delivery, 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 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 of America that the foregoing is true and correct.

January 18, 2010
Date

H. Mark Madnick
Type Name

/s/ H. Mark Madnick
Signature

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In Re: Namco Capital Group, Inc.	Case No. 2:08-bk-32333-BR
Debtor,	Chapter 11

ADDITIONAL INFORMATION:

VIA ELECTRONICALLY SERVED:

Chapter 11 Trustee – TMG@JMBM.com
Susan I. Montgomery- susan@simontgomerylaw.com
Ronald Michaelman- ronaldmichaelman@sbcglobal.net
Robert Esensten- resensten@wcclaw.com

SERVED VIA OVERNITE EXPRESS

Honorable Barry Russell
United States Bankruptcy Court
255 East Temple Street, Courtroom 1668
Los Angeles, California 90012

SERVED VIA U.S. MAIL

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:

1900 Avenue of the Stars, Seventh Floor, Los Angeles, CA 90067

The foregoing document described NOTICE OF (1) OBJECTION OF APPELLEE BRADLEY D. SHARP, CHAPTER 11 TRUSTEE OF NAMCO CAPITAL GROUP, INC. TO REFERRAL OF APPEAL OF APPELLANT HINO-8, LLC TO BANKRUPTCY APPELLATE PANEL; AND (2) ELECTION OF APPELLEE TO HAVE APPEAL OF APPELLANT HEARD AND DETERMINED BY THE DISTRICT COURT, 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 indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On January 21, 2010, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

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Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On January 21, 2010, I served the following person(s) and/or entity(ies) at the last known address(es) 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/or with an overnight mail service 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.*

[Served By U.S. Mail]

Honorable Barry Russell
United States Bankruptcy Court
255 E. Temple St., Suite 1660
Los Angeles, CA 90012

Ronald Michelman
Michelman & Michelman, LLP
20265 Ventura Blvd Ste "D"
Woodland Hills, CA 91364

Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 21, 2010, I

served the following person(s) and/or entity(ies) by personal delivery, 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 the judge will be completed no later than 24 hours after the document is filed.*

[Served by E-Mail]

Ronald Michelman - ronaldmichelman@sbcglobal.net

Service information continued on attached page

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

January 21, 2010

Claudean Brandon



Date

Type Name