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8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SAN FERNANDO VALLEY DIVISION

11 *In re*

12 KAST MEDIA INC.

13
14 Debtor and
15 Debtor in Possession

Case No. 1:24-bk-10396-MB

**OBJECTION OF X1T, LLC TO
MOTION FOR ORDER EXTENDING
THE AUTOMATIC STAY TO NON-
DEBTOR DEFENDANT TO
ARBITRATION; DECLARATION OF
ASHA DHILLON; PROOF OF
SERVICE**

Date: May 18, 2024

Time: 1:30 p.m.

Courtroom: 303

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22 **TO THE COURT, DEBTOR, AND THE OFFICE OF THE UNITED STATES**
23 **TRUSTEE:**

24 **PLEASE TAKE NOTICE** that X1T, LLC (X1T), hereby objects to the
25 “Motion for an Order Extending the Automatic Stay to Non-Debtor Defendant [Colin
26 Thomson] to Arbitration” (Motion). Pursuant to Local Bankruptcy Rule 9013-1(f)(2),
27 any reply to this objection must be filed with the court and served on the responding
28 party not later than seven days prior to the hearing on the motion.

1 Debtor and Debtor-in-Possession Kast Media, Inc.’s (Kast) Motion lacks
2 merit and includes materially false information concerning the JAMS arbitration entitled
3 *XIT, LLC v. Kast Media, LLC and Colin Thomson* (JAMS Case No. 522001331)
4 (hereinafter “the X1T Arbitration”). Therefore, X1T respectfully requests that Kast’s
5 Motion be denied.

6 **I. KAST’S MOTION IS NOT SUPPORTED BY FACT**

7 In the declaration filed in support of Kast’s Motion, non-debtor Colin
8 Thomson declares, under penalty of perjury, that the “X1T case is being aggressively
9 litigated, with multiple depositions and extensive discovery,” and therefore, an extension
10 of the automatic stay to non-debtor Thomson is warranted. (Motion, p. 4; Thomson
11 Decl. ¶ 6.) This is inaccurate. No depositions have occurred to date in the X1T
12 Arbitration, nor are any depositions scheduled to occur. (Dhillon Decl. ¶ 3.)
13 Additionally, X1T has not propounded any written discovery in the X1T Arbitration.
14 (Dhillon Decl. ¶ 4.) Further, Kast’s assertion that “X1T’s claims against Thomson are
15 the same as those alleged against the debtor” is also inaccurate. (Motion, p. 4.) X1T’s
16 claim for fraud against Mr. Thomson is independent of any claims against Kast.
17 Therefore, Kast’s Motion is not supported by fact and should be denied.

18 **II. KAST’S MOTION IS NOT SUPPORTED BY THE LAW**

19 The bankruptcy of one defendant in a multidefendant case does not stay the
20 case as to the remaining defendants. *See In re Miller*, 262 B.R. 499, 503-504 & n. 6 (9th
21 Cir. B.A.P 2001); *Fortier v. Dona Anna Plaza Partners*, 747 F.2d 1324, 1329-30 (10th
22 Cir. 1984); *Queenie, Ltd. v. Nygard Int’l*, 321 F.3d 282, 287 (2nd Cir. 2003). A plaintiff,
23 at its option, may proceed in litigation against a non-debtor party even where a co-
24 defendant has declared bankruptcy: “[w]ith limited exceptions, the automatic stay
25 protects only the debtor, the debtor’s estate and some property of the debtor ... [i]t does
26 not prohibit the debtor’s creditors from taking actions against non[-]debtors (e.g.,
27 partners, guarantors, etc.), even where the non[-]debtors are closely related to the
28 debtor.” Kathleen March and Janel A. Shapiro, *Cal. Prac. Guide Bankruptcy* Ch. 8(I)-

DECLARATION OF ASHA DHILLON

I, Asha Dhillon, declare that:

1. I am an attorney duly licensed to practice before all of the Courts of the State of California, and before this Court. I am a partner of Turner Dhillon LLP, and I am counsel for X1T, LLC. I have personal knowledge of the facts stated herein, and could and would testify competently thereto if sworn as a witness.

2. I am counsel of record for X1T, LLC in the JAMS arbitration entitled *X1T, LLC v. Kast Media, LLC and Colin Thomson* (JAMS Case No. 522001331) (hereinafter “the X1T Arbitration”).

3. No depositions have occurred to date in the X1T Arbitration, nor are any depositions scheduled to occur.

4. X1T has not propounded any written discovery in the X1T Arbitration.

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

Executed on May 14, 2024, at Los Angeles, California.

/s/ Asha Dhillon

Asha Dhillon

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:

707 Wilshire Boulevard, Suite 3250
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (*specify*): OBJECTION OF X1T, LLC TO MOTION FOR ORDER EXTENDING THE AUTOMATIC STAY TO NON-DEBTOR DEFENDANT TO ARBITRATION; DECLARATION OF ASHA DHILLON; PROOF OF SERVICE

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*) 05/14/2024, 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:

Russell Clementson russell.clementson@usdoj.gov
Leslie A. Cohen leslie@lesliecohenlaw.com,
Moriah Douglass Flahaut (TR) douglas.flahaut@arentfox.com
United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 05/14/2024, 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.

The Office of the United States Trustee, 915 Wilshire Blvd., Suite 1850, Los Angeles, CA 90017

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.

05/14/2024 Asha Dhillon
Date *Printed Name*

/s/ Asha Dhillon
Signature