

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

January 15, 2014 at 9:30 a.m.

1. [13-25503](#)-B-7 SUNRISE VISTA MORTGAGE CONTINUED STATUS CONFERENCE RE:
[13-2262](#) CORPORATION COMPLAINT
U.S. BANK N.A. V. SUNRISE 8-23-13 [[1](#)]
VISTA MORTGAGE CORPORATION

Disposition Without Oral Argument: The status conference is continued to February 26, 2014, at 9:30 a.m. for resolution of the motion for entry of default judgment set for hearing on January 28, 2014. If the adversary proceeding is not resolved by January 30, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b) (2) (A) (ii)-(vii), including dismissal of the action for plaintiff's failure to comply.

The court will issue a minute order.

2. [12-35709](#)-B-7 ARTURO SANCHEZ CONTINUED STATUS CONFERENCE RE:
[12-2666](#) TRAVELERS EXPRESS COMPANY, COMPLAINT
INC. V. SANCHEZ 11-16-12 [[1](#)]

Disposition Without Oral Argument: The status conference is continued to March 26, 2014 at 9:30 a.m. If the adversary proceeding is not resolved by February 28, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b) (2) (A) (ii)-(vii), including dismissal of the action for plaintiff's failure to comply.

The court will issue a minute order.

3. [13-30420](#)-B-7 STEPAN KIRCHU
[13-2348](#)
LEE V. KIRCHU

STATUS CONFERENCE RE: COMPLAINT
11-4-13 [[1](#)]

Disposition Without Oral Argument: The status conference is continued to March 26, 2014 at 9:30 a.m. On or before January 24, 2013, the plaintiff shall obtain a reissued summons. On or before January 24, 2013, the plaintiff shall also properly serve the defendant and the defendant's bankruptcy attorney with the complaint, reissued summons and the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") in accordance with Fed. R. Bankr. P. 7004(b)(9) and (g). If the adversary proceeding is not resolved by twenty-eight days before the date of the status conference set in the reissued summons, the parties shall also comply with the OTC as if the date of the status conference set in the reissued summons were the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or striking defendant's answer and entering defendant's default for defendant's failure to comply.

The status conference is continued and the plaintiff is required to obtain a reissued summons and to re-serve the reissued summons with the complaint on the debtor and the debtor's bankruptcy counsel because the court's docket indicates that the plaintiff did not serve the initial summons filed November 5, 2013, and complaint filed November 4, 2013, until December 11, 2013. The OTC required the plaintiff to serve these summons, complaint and OTC within 14 days of the date of the OTC. At the time that plaintiff effective service, the summons was stale.

The court will issue a minute order.

4. [13-31022](#)-B-7 KATHLEEN DEEGAN
[13-2363](#)
NOBACH V. DEEGAN

STATUS CONFERENCE RE: COMPLAINT
11-15-13 [[1](#)]

Disposition Without Oral Argument: The status conference is continued to February 12, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by January 29, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 4) (the "OTC") as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 3), including, inter alia, the preparation and filing of a joint discovery plan. Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's

failure to comply or the striking of the defendant's answer and the entry of the defendant's default for the defendant's failure to comply.

The status conference is continued because there is no evidence on the court's docket of the parties' compliance with the OTC.

The court will issue a minute order.

5. [11-35325](#)-B-7 JAMES COXETER CONTINUED STATUS CONFERENCE RE:
[11-2643](#) COMPLAINT
MISKE V. COXETER 9-19-11 [[1](#)]

Disposition Without Oral Argument: The status conference is continued to May 21, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by April 22, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 3), including, inter alia, the preparation and filing of a joint discovery plan. Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or the striking of the defendant's answer and the entry of the defendant's default for the defendant's failure to comply.

The court will issue a minute order.

6. [09-36633](#)-B-13 ROBERT/PAMALA PAULSON STATUS CONFERENCE RE: COMPLAINT
[13-2353](#) 11-7-13 [[1](#)]
PAULSON ET AL V. BANK OF
AMERICA, N.A.

Disposition Without Oral Argument: The status conference is continued to March 26, 2014 at 9:30 a.m. to allow the plaintiff debtors time to file and set for hearing a motion for entry of default judgment. If the adversary proceeding is not resolved by February 28, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply.

The court will issue a minute order.

7. [13-20645](#)-B-7 ROBERT/TRISTINA KITAY CONTINUED STATUS CONFERENCE RE:
[13-2126](#) AMENDED COMPLAINT
GONZALEZ V. KITAY ET AL 11-19-13 [[45](#)]

Tentative Ruling: The status conference is continued to February 26, 2014, at 9:30 a.m., for resolution of the motion to set aside entry of default and entry of default judgment and to dismiss the adversary proceeding, set for hearing on February 11, 2014, at 9:32 a.m.

The court will issue a minute order.

8. [09-21751](#)-B-13 KRISTINE BOWEN STATUS CONFERENCE RE: COMPLAINT
[13-2328](#) 10-25-13 [[1](#)]
FEUTZ ET AL V. BOWEN

Disposition Without Oral Argument: The status conference is continued to March 26, 2014 at 9:30 a.m. If the adversary proceeding is not resolved by February 28, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC"), including, inter alia, the preparation and filing of a joint discovery plan, as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or the striking of defendant's answer and entry of defendant's default for defendant's failure to comply.

The status conference is continued to allow for the filing and service of an amended complaint by the plaintiff, and for the filing and service of a response thereto. It is also continued to allow the parties to comply with the OTC, including, inter alia, the preparation and filing of a joint discovery plan, if the adversary proceeding is not resolved.

The court will issue a minute order.

9. [12-29353](#)-B-11 DANIEL EDSTROM CONTINUED STATUS CONFERENCE RE:
[13-2132](#) AMENDED COMPLAINT
EDSTROM V. AUBURN LAKE TRAILS 8-25-13 [[58](#)]
PROPERTY OWNERS ASSOCIATION ET

Disposition Without Oral Argument: The status conference is continued to February 26, 2014 at 9:30 a.m. If the adversary proceeding is not resolved by January 28, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC"), including, inter

alia, the preparation and filing of a joint discovery plan, as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or the striking of defendant's answer and entry of defendant's default for defendant's failure to comply.

The court will issue a minute order.

10. [11-46760](#)-B-7 BRIAN/RANDI THIEL STATUS CONFERENCE RE: AMENDED
[12-2284](#) COMPLAINT
DIDRIKSEN V. THIEL ET AL 10-23-12 [[29](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is removed from the calendar. This adversary proceeding was resolved by entry of a judgment against defendant Brian Thiel on January 7, 2014 (Dkt. 83). The plaintiff's motion to dismiss defendant Randi Thiel was granted on the court's law and motion calendar on January 14, 2014, at 9:32 a.m.

11. [11-46760](#)-B-7 BRIAN/RANDI THIEL CONTINUED STATUS CONFERENCE RE:
[12-2018](#) AMENDED COMPLAINT
FARM CREDIT WEST, PCA V. THIEL 8-28-12 [[50](#)]
ET AL

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to February 26, 2014, at 9:30 a.m. All parties appearing in the adversary proceeding shall file and serve status conference statements on or before February 19, 2014.

The court will issue a minute order.

12. [13-27271](#)-B-7 DEANDRA JACKSON CONTINUED STATUS CONFERENCE RE:
[13-2285](#) COMPLAINT
FLORES V. JACKSON 9-5-13 [[1](#)]

Tentative Ruling: The adversary proceeding is dismissed pursuant to Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f).

The adversary proceeding is dismissed due to the plaintiff's failure to comply with the court's order continuing the status conference entered on November 18, 2013 (Dkt. 22), which order required the plaintiff to file a status report on or before January 8, 2014. As of 10:24 a.m. on January 14, 2014, no status report appears on the court's docket.

The court will issue a minute order.

13. [09-37183](#)-B-13 CALANDRA RAIFORD STATUS CONFERENCE RE: COMPLAINT
[13-2350](#) 11-5-13 [[1](#)]
RAIFORD V. JPMORGAN CHASE BANK
N.A. ET AL
SUMMONS REISSUED FOR 2/26/14
@ 9:30 A.M.

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is removed from the calendar. The next time this adversary proceeding will appear on a status conference calendar will be February 26, 2014, at 9:30 a.m., pursuant to the reissued summons issued on December 20, 2013 (Dkt. 6), which was served on the defendants to the adversary proceeding on December 23, 2013. There is no evidence on the court's docket that the initial summons (Dkt. 3) setting this status conference was served on the defendants.

14. [13-25191](#)-B-7 AJAY CHANDRA CONTINUED STATUS CONFERENCE RE:
[13-2204](#) COMPLAINT
CENTRAL VALLEY CONCRETE, INC. 6-20-13 [[1](#)]
V. CHANDRA

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to February 26, 2014, at 9:30 a.m., for resolution of the motion for entry of default judgment set for hearing on February 11, 2014, at 9:32 a.m.

The court will issue a minute order.

