

Notes:

Plaintiff's Status Conference Statement filed 12/14/12 [Dckt 8]

Defendants' Request for Continuance in Adversary Proceeding filed 1/8/13 [Dckt 11]; Order granting continuance to 2/21/13 filed 1/9/13 [Dckt 12]

Final Ruling: The Status Conference has been continued to 2:30 p.m. on February 21, 2013, by prior order of the court. Dckt. 12. No appearance at the January 17, 2013 Status Conference is required.

3. [12-92094-E-7](#) JOSEPH MARTINS STATUS CONFERENCE RE: COMPLAINT
[12-9033](#) 11-5-12 [[1](#)]
FIA CARD SERVICES, N.A. V.
MARTINS, II

Plaintiff's Atty: Richard S. Ralson
Defendant's Atty: Jessica A. Dorn

Adv. Filed: 11/5/12
Answer: 12/4/12

Nature of Action:
Dischargeability - false pretenses, false representation, actual fraud

Notes:

JANUARY 17, 2013 STATUS CONFERENCE

SUMMARY OF COMPLAINT

FIA Card Services, N.A., Plaintiff, alleges that between February 17, 2012 and July 10, 2012, Joseph Geoffrey Martins, II, Defendant-Debtor, incurred \$4,757.00 in charges on the credit card account with Plaintiff. It is further alleged that on March 21, 2012 the Defendant-Debtor paid counsel to file a bankruptcy petition and on June 12, 2012 the Defendant-Debtor obtained his Certificate of Credit Counseling. The Chapter 7 bankruptcy case was filed by the Defendant-Debtor on July 31, 2012.

It is alleged that the Defendant-Debtor did not intend to repay the credit card charges as he incurred them, and as such he obtained the credit through fraud. It is further alleged that the Defendant-Debtor made only the minimum payments due on the account and used credit from another account to make the payments. It is asserted that this conduct constitutes "credit card kiting" and renders the debt nondischargeable. It is requested that the court determine the debt of \$4,757.00 to be nondischargeable pursuant to 11 U.S.C. § 523(a)(2)(A).

SUMMARY OF ANSWER

The Answer specifically admits and denies the allegations in the Complaint. The Answer asserts 11 affirmative defenses.

FINAL BANKRUPTCY COURT JUDGMENT

The Complaint alleges that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I). Complaint ¶ 4, Dckt. 1. In his answer, Defendant-Debtor admits the allegations of jurisdiction and core proceedings. Answer ¶ 1, Dckt. 5. **To the extent that any issues in this Adversary Proceeding are "related to" matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court.**

The court shall issue a Pre-Trial Scheduling Order setting the following dates and deadlines:

- a. The Plaintiff alleges that jurisdiction exists for this Adversary Proceeding pursuant to 28 U.S.C. §§ 1334 and 157(b), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I). Complaint ¶ 4, Dckt. 1. In his answer, Defendant-Debtor admits the allegations of jurisdiction and core proceedings. Answer ¶ 1, Dckt. 5. **To the extent that any issues in this Adversary Proceeding are "related to" matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court.**
- b. Initial Disclosures shall be made on or before -----, 2013.
- c. Expert Witnesses shall be disclosed on or before -----, 2013, and Expert Witness Reports, if any, shall be exchanged on or before -----, 2013.
- d. Discovery closes, including the hearing of all discovery motions, on -----, 2013.
- e. Dispositive Motions shall be heard before -----, 2013.
- f. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at ----- p.m. on -----, 2013.
