

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge  
Modesto, California

February 12, 2015 at 2:30 p.m.

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1. [14-91128-E-7](#) JOSE RODRIGUEZ STATUS CONFERENCE RE: COMPLAINT  
[14-9029](#) 12-5-14 [[1](#)]  
RODRIGUEZ V. LOBEL FINANCIAL  
CORPORATION

Final Ruling: No appearance at the February 12, 2015 Status Conference is required.

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Plaintiff's Atty: Shane Reich  
Defendant's Atty: unknown

Adv. Filed: 12/5/14  
Summons Reissued: 1/20/15

Answer: none

**The Status Conference is continued to 2:30 p.m. on March 26, 2015.**

Nature of Action:  
Recovery of money/property - preference

Notes:

**FEBRUARY 12, 2015 STATUS CONFERENCE**

The Complaint seeks to avoid a transfer as a preference and preserve it for the Plaintiff-Debtor as an exempt asset. The transfer occurred as an involuntary wage garnishment.

On January 23, 2015, a Reissued Summons was obtained from the court. It appears that the Plaintiff-Debtor is in the process of serving the Reissued Summons.

The court continues the Status Conference to 2:30 p.m. on March 26, 2015.

2. [13-91938-E-7](#) OSCAR CARDENAS  
[14-9001](#)  
TURLOCK IRRIGATION DISTRICT V.  
CARDENAS, JR.

ORDER TO APPEAR  
1-16-15 [[39](#)]

**Final Ruling: No appearance at the February 12, 2015 hearing is required.**  
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The Order to Show Cause was served by the Clerk of the Court on John Brewer, Ken Whittall, Chapter 7 Trustee, Defendant-Debtor and the Office of the United States Trustee on January 22, 2015. The court computes that 21 days' notice has been provided.

**The Order to Show Cause is discharge, no sanctions ordered.**

This Adversary Proceeding was set for trial on December 17, 2014. On December 9, 2014, the Defendant-Debtor filed a letter with the court stating that his attorney, John C. Brewer, was not communicating with him. Dckt. 28. Further, Defendant-Debtor believed that the attorney was suffering from some health issues. The court removed the trial date from the calendar and conducted a Trial Scheduling Conference on December 18, 2014. Counsel for Plaintiff and Defendant-Debtor appeared. Counsel for Defendant- Debtor did not appear.

On January 16, 2015, the court ordered the following order:

**IT IS ORDERED** that John Brewer shall appear at **2:30 p.m. on February 12, 2015**, in Department E of the United States Bankruptcy Court, 1200 I Street, Modesto, California, to advise the court regarding his representation of the Defendant-Debtor. Telephonic appearance permitted.

**IT IS FURTHER ORDERED** that on or before **February 5, 2015**, John Brewer shall file and serve any motion to withdraw from representation of the Defendant-Debtor or report his ability to continue to provide such representation. Such motion or report shall be supported by appropriate evidence (including medical). Mr. Brewer may request that such evidence or pleadings may be sealed, as appropriate, to prevent the unnecessary and inappropriate disclosure of private or confidential information from the court's files which are open to the public.

Dckt. 39.

To date, Mr. Brewer has not filed any Motion to Withdraw or any report as to his ability to continue such representation.

**FEBRUARY 12, 2015 HEARING**

**February 12, 2015 at 2:30 p.m.**

The California State Bar reports that Mr. Brewer's status was "Inactive - Vol. Resignation tendered" on January 27, 2015. <http://members.calbar.ca.gov/fal/Member/Detail/111192>. This is consistent with the representations made by the Defendant that counsel appeared to be suffering from an illness.

The court discharges the Order to Appear. Mr. Brewer has enough other matters to address without providing an explanation to this court. The court continued the trial date and afforded Mr. Brewer's client, the Defendant-Debtor in this Adversary Proceeding, sufficient time to engage the services of a replacement counsel.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The continued hearing on the Order to Appear having been conducted by the court, and upon review of the pleadings, evidence, arguments of counsel, information from the State Bar that John Brewer's status as a lawyer in California is "Inactive," and good cause appearing,

**IT IS ORDERED** that the Order to Appear is discharged, no sanctions ordered.

3. [14-91197-E-7](#) NICOLAS PEREZ AND MARIA STATUS CONFERENCE RE: COMPLAINT  
[14-9030](#) MOSQUEDA DEPEREZ 12-10-14 [[1](#)]  
MCGRANAHAN V. MOCTEZUMA

**Final Ruling: No appearance at the February 12, 2015 Status Conference is required.**

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Plaintiff's Atty: Steven S. Altman  
Defendant's Atty: unknown

Adv. Filed: 12/10/14  
Summons Reissued: 1/13/15

Answer:

Nature of Action:  
Recovery of money/property - fraudulent transfer

**The Status Conference is continued to 2:30 p.m. on March 26, 2015.**

**FEBRUARY 12, 2015 STATUS CONFERENCE**

The Complaint seeks to avoid a transfer as a fraudulent. The property transferred is real property located in Modesto, California. It is asserted that Debtor transferred it for no consideration.

On January 13, 2015, a Reissued Summons was obtained from the court. It appears that the Plaintiff-Trustee is in the process of serving the Reissued Summons.

The court continues the Status Conference to 2:30 p.m. on March 26, 2015.

4. [14-91197-E-7](#) NICOLAS PEREZ AND MARIA STATUS CONFERENCE RE: COMPLAINT  
[14-9031](#) MOSQUEDA DEPEREZ 12-10-14 [[1](#)]  
MCGRANAHAN V. BRAVO

Plaintiff's Atty: Steven S. Altman  
Defendant's Atty: unknown

Adv. Filed: 12/10/14  
Summons Reissued: 1/13/15

Answer: none

Nature of Action:  
Recovery of money/property - fraudulent transfer

**The Status Conference is continued to 2:30 p.m. on March 26, 2015.**

#### **FEBRUARY 12, 2015 STATUS CONFERENCE**

The Complaint seeks to avoid a transfer as a fraudulent. The property transferred is real property located in Modesto, California. It is asserted that Debtor transferred it for no consideration.

On January 13, 2015, a Reissued Summons was obtained from the court. It appears that the Plaintiff-Trustee is in the process of serving the Reissued Summons.

The court continues the Status Conference to 2:30 p.m. on March 26, 2015.

5. [13-91999-E-7](#) [14-9009](#) JESSE/WENDY WYLIE  
FALTON CUSTOM CABINETS, INC V.  
WYLIE

PRE-TRIAL CONFERENCE RE:  
COMPLAINT TO DETERMINE  
DISCHARGEABILITY  
2-10-14 [[1](#)]

Plaintiff's Atty: James A. Fonda  
Defendant's Atty: Cort V. Wiegand

Adv. Filed: 2/10/14  
Summons Reissued: 2/11/14

Answer: 3/10/14

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

Notes:

Scheduling Order -  
Initial disclosures by 5/1/14  
Close of discovery 11/18/14  
Dispositive motions heard by 1/20/15

Pretrial statements to be filed on or before 2/5/15

**FEBRUARY 23, 2015 PRETRIAL CONFERENCE**

The court's review of the Docket on February 8, 2015, disclosed that no pre-trial statements have been filed by either party.