

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

March 26, 2014 at 9:30 A.M.

1. [12-28102](#)-B-7 RALPH/SUZANNE EMERSON CONTINUED STATUS CONFERENCE RE:
[13-2176](#) AMENDED COMPLAINT
EMERSON ET AL V. EMOVATIONS 6-7-13 [[5](#)]
INCORPORATED

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

The status conference is continued to May 21, 2014, at 9:30 a.m., to allow the plaintiff trustee time to file a motion to approve a settlement of the adversary proceeding.

The court will issue a minute order.

2. [13-31213](#)-B-7 JASON/BREANNA BRANNON CONTINUED STATUS CONFERENCE RE:
[13-2374](#) COMPLAINT
CORONADO V. BRANNON 12-2-13 [[1](#)]

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. By order signed March 25, 2014, the court dismissed the adversary proceeding with prejudice pursuant to the stipulation of the parties filed on March 13, 2014.

3. [12-28614](#)-B-7 PETER/VALENTINA PETRENKO CONTINUED STATUS CONFERENCE RE:
[13-2380](#) COMPLAINT
PETRENKO V. SALLIE MAE ET AL 12-10-13 [[1](#)]

Tentative Ruling: The status conference is concluded. The court will issue a scheduling order based on the schedule set forth in the Joint Scheduling Report between the plaintiff and Educational Credit Management Corporation ("ECMC") filed on March 12, 2014 (Dkt. 34).

The court notes that the plaintiff has named five other entities as defendants to the adversary proceeding, which entities have yet to file a responsive pleading or to appear in the adversary proceeding. Intervention of ECMC in the adversary proceeding does not effect the dismissal of the other named defendants. Before this adversary proceeding is closed and/or judgment is entered, it must be resolved as to all named defendants, either by judgment or dismissal.

The court will issue a minute order.

4. [10-44715](#)-B-13 CHRISTOPHER/LISA LOMBARDO STATUS CONFERENCE RE: COMPLAINT
[14-2031](#) 1-23-14 [[1](#)]
LOMBARDO ET AL V. BANK OF
AMERICA N.A. ET AL

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, the parties shall also 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, development of a joint proposed 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 defendant's answer and the entry of defendant's default for defendant's failure to comply.

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

The court will issue a minute order.

5. [09-21417](#)-B-7 EDGAR/RHEA BEACH STATUS CONFERENCE RE: COMPLAINT
[14-2042](#) 1-29-14 [[1](#)]
ACEITUNO V. VEL SQUEZ

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, the parties 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, development of a proposed 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 defendant's answer, if any, and the entry of defendant's default for defendant's failure to comply.

The court will issue a minute order.

6. [13-30420](#)-B-7 STEPAN KIRCHU CONTINUED STATUS CONFERENCE RE:
[13-2348](#) COMPLAINT
LEE V. KIRCHU 11-4-13 [[1](#)]

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. By order entered March 14, 2014 (Dkt. 21), the status conference date on this calendar was vacated. The next status conference in this adversary proceeding will be held on May 21, 2014, at 9:30 a.m.

7. [11-29224](#)-B-13 DAVID/MARITZA FLORES STATUS CONFERENCE RE: COMPLAINT
[14-2035](#) 1-27-14 [[1](#)]
FLORES, JR. ET AL V. NATIONAL
CAPITAL MANAGEMENT, LLC ET AL
ADV. VOLUNTARILY DISMISSED
2/24/14

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 adversary proceeding was voluntarily dismissed by the plaintiff by notice filed February 24, 2014 (Dkt. 7). The adversary proceeding is closed.

8. [09-36633](#)-B-13 ROBERT/PAMALA PAULSON CONTINUED STATUS CONFERENCE RE:
[13-2353](#) COMPLAINT
PAULSON ET AL V. BANK OF AMERICA, N.A. 11-7-13 [[1](#)]

Tentative Ruling: None.

9. [09-21751](#)-B-13 KRISTINE BOWEN CONTINUED STATUS CONFERENCE RE:
[13-2328](#) AMENDED COMPLAINT
FEUTZ ET AL V. BOWEN 1-16-14 [[27](#)]

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

The status conference is concluded. The court will issue a scheduling order based on the schedule set forth in the joint discovery plan filed by the parties on March 4, 2014 (Dkt. 40).

10. [13-33362](#)-B-7 JOSE/ALICIA RIOS STATUS CONFERENCE RE: COMPLAINT
[14-2032](#) 1-23-14 [[1](#)]
NEIBUHR V. RIOS ET AL

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, the parties 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, development of a proposed 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 defendant's answer, if any, and the entry of defendant's default for defendant's failure to comply.

The court will issue a minute order.

11. [05-29283](#)-B-7 SHERRY HARTMAN CONTINUED STATUS CONFERENCE RE:
[11-2700](#) COMPLAINT
HARTMAN ET AL V. RIGAMONTI ET AL 11-1-11 [[1](#)]

Disposition Without Oral Argument: The status conference is continued to June 18, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by May 20, 2014, the parties 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, development of a joint proposed 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 defendant's answer, if any, and the entry of defendant's default for defendant's failure to comply.

In addition, the court notes that in that their status conference statement filed on March 24, 2014 (Dkt. 111) the plaintiffs request that any deposition of either of them be taken within either 30 miles of their Los Angeles residence or in Bakersfield, California. This request is more appropriately set forth in a separate noticed motion that is set for hearing on one of the court's regularly scheduled law and motion calendars, and not in a status conference report filed and served two days before the date of the continued status conference and five days after the court ordered that the status report be filed.

The court will issue a minute order.

12. [11-29591](#)-B-13 BRIAN SAECHAO CONTINUED STATUS CONFERENCE RE:
[13-2368](#) COMPLAINT
SAECHAO V. FEDERAL NATIONAL 11-21-13 [[1](#)]
MORTGAGE ASSOCIATION ET AL

Disposition Without Oral Argument: The status conference is continued to June 18, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by May 20, 2014, the parties 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, development of a joint proposed 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 defendant's answer, if any, and the entry of defendant's default for defendant's failure to comply.

With respect to the joint discovery plan ordered above, it is useful to the court in formulating a scheduling order if the parties proposed dates which consist of more than a date for expected completion of discovery issues. Specific proposed dates useful for the formulation of a scheduling order include the following (if applicable):

- 1.) Last date to make initial disclosures.
- 2.) Last date to hear motions asserting failure to state a claim upon which relief may be granted.
- 3.) Last date to hear motions to amend pleadings.
- 4.) Close of non-expert discovery.

- 5.) Last date to disclose initial experts.
- 6.) Last date to disclose rebuttal experts.
- 7.) Close of expert discovery.
- 8.) Last date to hear motions for summary judgment.
- 9.) Last date to take action to preserve timely jury trial demands.

The court will issue a minute order.

13. [13-31893](#)-B-7 ERIC/NANCI STEGER CONTINUED STATUS CONFERENCE RE:
[13-2388](#) COMPLAINT
EDWARDS V. STEGER ET AL 12-16-13 [[1](#)]

Tentative Ruling: The status conference is continued to May 7, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by April 8, 2014, the parties shall also 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, development of a proposed 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 defendant's answering and the entry of defendant's default for defendant's failure to comply.

Because the plaintiff objects to the debtors' discharge under 11 U.S.C. § 727, the parties are required to comply with the instructions set forth in the OTC. The OTC is designed to have the parties meet and confer prior to the status conference for the purposes of discussing the possibility of settlement, the timing of initial disclosures required by Federal Rule of Civil Procedure 26(a) and to develop a discovery plan which includes a schedule setting forth deadlines by which the parties expect to conclude discovery related to the claims alleged in the adversary complaint. The foregoing help the adversary proceeding move toward an orderly conclusion and to give all parties an opportunity to collect the information necessary to support their respective positions. Specifically, the development and filing of a discovery plan with the court assists the court in issuing a scheduling order which sets forth instructions and procedures for moving the adversary proceeding toward trial. As of March 25, 2014, there is no evidence on the court's docket that the parties have complied with the OTC.

The court will issue a minute order.

14. [13-33397](#)-B-7 BERNADETTE
[13-2361](#) LIABEUF-ROSENTHAL
LIABEUF-ROSENTHAL V. KEYBANK
NATIONAL ASSOCIATION

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

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

The status conference is continued to May 7, 2014 at 9:30 a.m., to allow resolution of the motion for entry of default judgment set for hearing on April 8, 2014, at 9:32 a.m. If the adversary proceeding is not resolved by April 8, 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, if any, and entry of defendant's default for defendant's failure to comply.

The court will issue a minute order.