

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge
Sacramento, California

April 1, 2015 at 2:30 p.m.

1. [14-31202](#)-E-13 DANILO/BRANKA POLJAK CONTINUED STATUS CONFERENCE RE:
[14-2332](#) COMPLAINT
U.S. TRUSTEE V. POLJAK ET AL 12-2-14 [[1](#)]

Final Ruling: No appearance at the April 1, 2015 Status Conference is required.

Plaintiff's Atty: Judith C. Hotze
Defendant's Atty: unknown

Adv. Filed: 12/2/14
Answer: none

Nature of Action:
Injunctive relief - other

The Status Conference is continued to 2:30 p.m. on June 25, 2015, to allow for a hearing on the motion for entry of default judgment.

Notes:

Continued from 2/18/15 to allow time for Plaintiff to file a motion for entry of default judgment.

[UST-1] Plaintiff's Application for Default Judgment filed 2/23/15 [Dckt 18], set for hearing 4/9/15 at 1:30 p.m.

2. [13-33903-E-7](#) JAMES/GINA MOORE
[14-2086](#)
COUNTY OF SACRAMENTO V. MOORE
ET AL

PRE-TRIAL CONFERENCE RE:
COMPLAINT TO DETERMINE
DISCHARGEABILITY OF DEBT AND
REPAYMENT
3-24-14 [[1](#)]

Plaintiff's Atty: Robert P. Parrish
Defendant's Atty: Peter Cianchetta

Adv. Filed: 3/24/14
Answer: 6/11/14
Nature of Action:
Dischargeability - other

Notes:
Scheduling Order-
Initial disclosures by 10/7/14
Disclose experts by 11/3/14
Exchange expert reports by 11/3/14
Close of discovery 1/30/15
Dispositive motions heard by 3/15/15

No Pretrial Statements filed as of 3/26/15

SUMMARY OF COMPLAINT

The County of Sacramento has filed the present Complaint seeks to have fines and penalties determined non-dischargeable pursuant to 11 U.S.C. § 523(a)(7). The amount at issue is \$17,920.00, for which the court obtained a civil judgment.

FINAL BANKRUPTCY COURT JUDGMENT

The Plaintiff alleges that jurisdiction exists for this Adversary Proceeding pursuant to 28 U.S.C. § 1334 and 157, and the referral to this bankruptcy court from the United States District Court for the Eastern District of California. Further, that this is a core proceeding before this bankruptcy court pursuant to 28 U.S.C. §§ 1334 and 157(b)(2), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I). Complaint 1, Dckt. 1. In their Answer, James Moore and Gina Moore admits the allegations of jurisdiction and core proceedings. Answer 1, Dckt. 24. To the extent that any issues in this Adversary Proceeding are related to proceedings, 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 claims and issues in this Adversary Proceeding referred to the bankruptcy court.

3. [12-28312-E-7](#) [14-2214](#) MARIANNE GULLINGSRUD
GULLINGSRUD V. AURORA LOAN
SERVICES, LLC ET AL

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
3-13-15 [[34](#)]

Plaintiff's Atty: Scott D. Shumaker
Defendant's Atty: unknown

Adv. Filed: 7/23/14
Answer: none

Amd Cmplt Filed: 10/20/14
Reissued Summons: 12/15/14
Answer: none

2nd Amd Cmplt Filed: 3/13/15

Nature of Action:
Recovery of money/property - other



Notes:

Continued from 1/21/15 to allow the Parties to further investigate Florida law relating to the contested foreclosure sale. Time to file an answer or other responsive pleading to the Complaint extended for an open period of time.

Order denying Defendant's Motion to Dismiss First Amended Complaint filed 2/26/15 [Dckt 31]; Plaintiff to file an amended complaint on or before 3/13/15; Defendants to file responsive pleading to the amended complaint on or before 4/3/15.

Second Amended Adversary Complaint filed 3/13/15 [Dckt 34]

REVIEW OF SECOND AMENDED COMPLAINT

In the First Cause of Action Plaintiff-Debtor seeks a determination that Defendant has an equitable ownership interest in the Property, notwithstanding no judicial foreclosure sale having occurred and that by virtue of that equitable ownership interest Defendant must accept a transfer of title that is tendered by Plaintiff-Debtor. Alternatively, Debtor requests that the court issue a mandatory injunction that the Defendant conduct a foreclosure sale.

In the Second and Third Causes of Action seeks a declaratory judgment that Defendant has an obligation to indemnify Plaintiff-Debtor for expenses relating to the Property for which the foreclosure sale has not occurred. FN.1.

FN.1. In reviewing the complaint the court is reminded of the case in which a creditor withheld foreclosing on property so that it would not have to pay the homeowner's association dues. Those obligations continued to accrue

against the debtor who sought to surrender the property through the bankruptcy. The judge in that case accepted the election not to proceed with a foreclosure as that creditor's consent to a sale free and clear of its lien pursuant to 11 U.S.C. § 363(f), the application of the sales proceeds to the costs of holding the property and sale, and to accept the net proceeds as the "foreclosure proceeds."

4. [09-22712-E-13](#) FELIPE/SONIA KIOCHO STATUS CONFERENCE RE: COMPLAINT
[15-2016](#) 1-21-15 [[1](#)]
KIOCHO ET AL V. BANK OF
AMERICA N.A.

Final Ruling: No appearance at the April 1, 2015 Status Conference is required.

Plaintiff's Atty: Stephen M. Reynolds
Defendant's Atty: unknown

Adv. Filed: 1/21/15
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Declaratory judgment

The Status Conference is continued to 2:30 p.m. on June 24, 2015.

Notes:

Status Conference Report filed 3/14/15 [Dckt 8]

MARCH 14, 2015 STATUS REPORT, DCKT. 8

Plaintiff-Debtor reports that this matter has been resolved and the parties are in the process of dismissing the Complaint, awaiting return of a recorded copy of the reconveyance of the deed of trust.

5. [10-26415-E-13](#) IGNACIO/ANNA ADAM
[14-2145](#)
ADAM ET AL V. SUNTRUST
MORTGAGE, INC.

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
5-29-14 [[1](#)]

Plaintiff's Atty: Peter G. Macaluso
Defendant's Atty: unknown

Adv. Filed: 5/29/14
Reissued Summons: 10/2/14

Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Declaratory judgment

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Notes:

Continued from 2/18/15

[PGM-1] Order granting motion for entry of default judgment filed 3/2/15
[Dckt 33]

APRIL 1, 2015 STATUS CONFERENCE

The court granted Plaintiff-Debtor's Motion for Entry of Default Judgment on March 2, 2015. Dckt. 33. Counsel for Plaintiff-Debtor is to prepare a proposed judgment and lodge it with the court. The court has not received a proposed judgment.

6. [13-23119](#)-E-13 CYNTHIA MCDONALD
[14-2210](#)
MCDONALD V. JPMORGAN CHASE
BANK, N.A. ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
7-21-14 [[1](#)]

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: Amy M. Spicer

Adv. Filed: 7/21/14
Answer: none

Nature of Action:
Recovery of money/property - other
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Notes:

Continued from 2/18/15. Court to set the deadline for all parties to file an answer or responsive pleading after conducting the continued status conference.

OCTOBER 15, 2014 STATUS CONFERENCE

Plaintiff states that the parties have stipulated to allow Defendant until September 30, 2014 to file a response to the Complaint. This was granted in light of the Parties engaging in settlement negotiations. The Plaintiff requests that the court continue the Status Conference for a sufficient amount of time for the Parties to conclude the settlement discussions.

As of the courts October 12, 2014 review of the Docket (twelve days after the deadline stipulated to for a response to the Complaint) no answer or responsive pleading has been filed. No motion for further extension of time to respond to the Complaint has been filed. Defendant has not appeared in this Adversary Proceeding.

The Complaint was filed on July 21, 2014. The October 15, 2014 Status Conference is eight-six (86) days after the Complaint was filed. The Complaint, with exhibits, is fifty-two (52) pages. The Complaint itself is thirteen (13) pages long. The Complaint states the following Causes of Action:

I. First Cause of Action Objection to the JPMorgan Chase Bank Proof of Claim.

A. The substance of this Objection is that Proof of Claim No. 2 filed by JPMorgan Chase Bank, N.A. misstates the claim because it lists the following information,

1.Principal Balance.....\$187,774.58
2.Arrearage.....\$ 22,403.04
3.Which Amounts Total.....\$210,177.62.

B. However, JPMorgan Chase Bank, N.A. has filed the claim for the lesser amount of \$204,873.32, which is \$5,300.00 than the total of the principal amount and arrearage.

C. The amount of the Proof of Claim and the total of the Principal

Balance and Arrearage cannot be reconciled.

D. This difference which cannot be reconciled is sufficient to disallow the Proof of Claim.

II. Second Cause of Action for Violation of California Rosenthal Act.

A. It is asserted that Plaintiff misapplied non-specific payments made by Plaintiff in 2012 and 2013, and that by misapplying the payments Defendant violated the Rosenthal Act.

B. It is asserted that the Proof of Claim filed is a misrepresentation of the debt, and such misrepresented Proof of Claim is a violation of the Rosenthal Act.

III. Third Cause of Action for Negligence.

A. It is alleged that JPMorgan Chase Bank, N.A. had a duty to file a Proof of Claim in Plaintiffs bankruptcy case which has some semblance of accuracy.

B. JPMorgan Chase Bank, N.A. violated the duty to file such proof of claim when it filed Proof of Claim No. 2 in Plaintiffs bankruptcy case.

IV. Fourth Cause of Action for Fraud and Intentional Misrepresentation (Cal. Civ. §§ 1572, 1709, and 1710)

A. It is alleged that when JPMorgan Chase Bank, N.A. filed Proof of Claim No. 2 it knew that the information therein was false. It is alleged that the Bank misapplied payments made by Plaintiff.

V. Fifth Cause of Action for Violation of Real Estate Settlement Procedures Act (12 U.S.C. §§ 2601 et seq.).

A. JPMorgan Chase Bank, N.A. misapplied nonspecified payments made by Plaintiff for the loan upon which Proof of Claim No. 2 is based.

VI. Sixth Cause of Action for Breach of Contract

A. It is alleged that JPMorgan Chase Bank, N.A. has breached the terms of the contract (promissory note) with Plaintiff. The breach of contract arises from misapplying nonspecified payments made by Plaintiff.

VII. Seventh Cause of Action for Conversion.

A. It is alleged that JPMorgan Chase Bank, N.A. misapplying nonspecified payments made by Debtors to the Bank on the loan constitutes a conversion of said monies.

VIII. Eight Cause of Actions for Attorneys Fees.

A. Pursuant to a nonspecified term of the Note and Deed of Trust and the California Civil Code, Plaintiff is entitled to attorneys fees.

Recently the court addressed an adversary proceeding in which the Plaintiff-Debtor was represented by counsel for Plaintiff in this case and Nationstar Mortgage, LLC, in which similar claims were asserted. Adv. Pro. 14-2187. In considering a motion to dismiss the first amended complaint in that case, the court reviewed the contention that because the amount of the secured

claim stated on the proof of claim form was less than the amount of the principal balance and arrearage. In that Adversary Proceeding the court noted that merely adding the principal balance to the arrearage (which includes the missed monthly payments) would not necessary accurately state the amount of the claim. This is because the missed monthly payments each contain a small principal payments. Attempting to add the principal balance and the arrearage, as done by Plaintiff, would necessary overstate the amount of the claim (double counting a portion of the principal).

Proof of Claim No. 2 filed by JPMorgan Chase Bank, N.A. is attached as Exhibit 2 to the Complaint. The amount of the claim is stated to be \$204,873.32. Included as Proof of Claim No. 2 is the Mortgage Proof of Claim Attachment [Form 10(Attachment A)]. The information on Attachment is,

- A. Principal.....\$187,774.58
- B. Interest Due as of Commencement.....\$ 15,356.30
- C. Pre-petition Fees and Expenses.....\$ 2,707.17

D. Total Claim Computed From Part 1 and Part 2 of Attachment.....\$205,838.05

Though less than Plaintiffs Principal + Arrearage Calculation, it is still higher than the \$204,403.04 amount stated by JPMorgan Chase Bank, N.A. on the Proof of Claim (Section 4).

From a review of the Proof of Claim attachment the court cannot readily identify the \$1,435.01 overstated amount.

7. [07-27123-E-13](#) DOREEN GASTELUM
PGM-4

CONTINUED MOTION FOR CONTEMPT
10-21-13 [[123](#)]

Debtor's Atty: Peter G. Macaluso
Movant's Atty: Marc B. Koenigsberg

The Evidentiary Hearing in this Contested Matter shall be conducted at **xx:xx x.m. on xxxxxx, 2015**, and the Pre-Trial Conference is **xxxx**.

Notes:

Continued from 1/21/15 for the court to set an evidentiary hearing, if the matter is not resolved by the Parties.

Debtor's 3rd Pre-Evidentiary Hearing Conference Statement filed 3/21/15 [Dckt 176]

City of Chicago's Third Pre-Evidentiary Hearing Statement filed 3/26/15 [Dckt 178]

APRIL 1, 2015 CONFERENCE

Debtor requests that the court set the date for an evidentiary hearing. Report, Dckt. 176.

The City of Chicago concurs and requests that the evidentiary hearing be set.

A. Evidence shall be presented according to Local Bankruptcy Rule 9017-1.

B. On or before -----, 2015, Doreen M. Gastelum ("Movant") shall file and serve on the City of Chicago ("Respondent") a list of witnesses which Debtor will present as their witnesses for their case in chief (excluding rebuttal witnesses). Failure to designate a witness or exhibit will preclude use thereof for the parties case in chief or as rebuttal evidence if such "rebuttal" was reasonably anticipated.

C. On or before -----, 2015, Respondent, shall file and serve on the Movant, a list of witnesses which Creditors will present as their witnesses for their case in chief (excluding rebuttal witnesses). Failure to designate a witness or exhibit will preclude use thereof for the parties case in chief or as rebuttal evidence if such "rebuttal" was reasonably anticipated.

D. Movant, shall lodge with the court and serve their Testimony Statements and Exhibits on or before , 2015.

E. Respondent, shall lodge with the court and serve Direct Testimony Statements and Exhibits on or before -----, 2015.

F. Evidentiary Objections and Hearing Briefs shall be lodged with the court and served on or before -----, 2015.

G. Oppositions to Evidentiary Objections shall be lodged with the court and served on or before -----, 2015.

H. The Evidentiary Hearing shall be conducted at -----m. on -----, 2015.

8. [13-22028-E-13](#) FAITH EVANS
[14-2105](#)
EVANS V. MOULTON ET AL

PRE-TRIAL CONFERENCE RE:
COMPLAINT FOR TURNOVER OF
PROPERTY OF THE ESTATE AND FOR
VIOLATION OF THE AUTOMATIC STAY
BY DEFENDANT
4-16-14 [[1](#)]

Plaintiff's Atty: Patricia Wilson
Defendant's Atty: Pro Se

Adv. Filed: 4/16/14
Answer: 5/14/14

Nature of Action:
Recovery of money/property - turnover of property
Recovery of money/property - other

Notes:

Scheduling Order-
Initial disclosures by 8/4/14
Close of discovery 12/31/14
Dispositive motions heard by 2/27/15

[BLG-1] Plaintiff's Motion to Compel Discovery, and to Have All Requests for Admissions Deemed Admitted and Request for Attorney Fees & Costs filed 12/16/14 [Dckt 22]; Order granting filed 1/27/15 [Dckt 45]

[BLG-1] Order Entering Default of Daniel Moulton filed 1/9/15 [Dckt 31]

[BLG-2] Plaintiff's Motion for Turnover of Funds Held in Trust by Harrison L. Goodwin, Esq. As A Custodian and Order for Accounting of Property filed 1/26/15 [Dckt 35]; Order granting filed 3/2/15 [Dckt 63]

[BLG-3] Plaintiff's Motion for Turnover of Funds Held in Trust by Harrison L. Goodwin, Esq. As A Custodian and Order for Accounting of Property filed 1/26/15 [Dckt 40]; Order granting filed 3/2/15 [Dckt 64]

[BLG-1] Motion for Supplemental Order filed 2/23/15 [Dckt 55]; no order docketed

Plaintiff's Pretrial Statement filed 3/25/15 [Dckt 67]

The Plaintiff alleges that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(a), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(1) and (b)(2)(E). Complaint 19, Dckt. 1. In his answer, Dan Moulton, the Defendant, does not deny the allegations of jurisdiction and core proceedings, but merely states that he is without information and belief, and thereon denies. Federal Rule of Bankruptcy Procedure 7008(a) requires that the defendant affirmatively state whether there it is a core or non-core adversary proceeding. This is a core matter.

The court shall issue an Trial Setting in this Adversary Proceeding setting the following dates and deadlines:

- A. Evidence shall be presented pursuant to Local Bankruptcy Rule 9017-1.
- B. Plaintiff shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, 201x.
- C. Defendant shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, 201x.
- D. The Parties shall lodge with the court, file, and serve Hearing Briefs and Evidentiary Objections on or before -----, 201x.
- E. Oppositions to Evidentiary Objections, if any, shall be lodged with the court, filed, and served on or before -----, 201x.
- F. The Trial shall be conducted at ----x.m. on -----, 201x.

Plaintiff, in her Pretrial Conference Statement, has provided the following information, Defendant having failed to file a Pre-Trial Conference Statement,:

Plaintiff(s)	Defendant(s)
<p>Jurisdiction and Venue:</p> <p>1. 28 U.S.C. §§ 1334 and 157(a), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(1) and (b)(2)(E).</p>	<p>Jurisdiction and Venue:</p> <p>1. Admitted in Answer</p>
<p>Undisputed Facts:</p> <p>a) Faith Evans (Debtor/Plaintiff) and Daniel Moulton (Defendant) were never legally married to each other;</p> <p>b) Title to the Rhodes Lane House was purchased in October 2008 and title was recorded in Faith Evans' name alone;</p> <p>c) The mortgage to the Rhodes Lane house was taken out in the name of Faith Evans alone;</p> <p>d) From the purchase date of the Rhodes Lane house to when the Rhodes Lane house was sold in 2013 title at all times remained in Faith Evans name;</p> <p>e) The Rhodes Lane house was sold on or about February 1, 2013;</p>	<p>Undisputed Facts:</p> <p>1. None, No Pre-Trial Statement Filed.</p>

f) The net proceeds from the sale of the Rhodes Lane house of \$30,178.13 were deposited into the trust account of Harrison L Goodwin;

g) Monies from the net sale proceeds were disbursed as follows (Declaration of Harrison L Goodwin, Docket #65 and Declaration of Harrison L Goodwin, Docket #53):

a. To Defendant, Dan Moulton \$26,889.06

b. For Debtor/Plaintiff (held by Mr. Goodwin at time of filing of Petition and later transferred to Robert McCann) \$3,289.07. (See Declaration of Harrison L Goodwin, Docket #65).

h) In June 2009, the inventory of an existing liquor store located at 1811 Douglas Boulevard, Roseville, CA was transferred through a bulk sale to Faith Evans;

I) From July 2009 until February 2013 Faith Evans operated the business known as Discount Mart Liquor out of the premises at 1811 Douglas Boulevard, Roseville, CA;

j) After February 15, 2013 (the filing date of the bankruptcy petition) Defendant sold the business known as Discount Mart Liquors located at 1811 Douglas Boulevard, Roseville, CA;

k) This court never granted permission for the sale of the business known as Discount Mart Liquors;

l) Defendant has not turned over any of the proceeds of the Sale of Discount Mart Liquor to Faith Evans;

m) Defendant has not turned over any of the proceeds of the Sale of Discount Mart Liquor to Chapter 13 Trustee David Cusick;

<p>n) Funds held by David L Brown of \$2,375.72 on behalf of Faith Evans belong to Faith Evans. (See Declaration of David L Brown, Docket #66). Funds have been transferred to Chapter 13 Trustee David Cusick to be held until further order from the Court.</p>	
<p>Disputed Facts:</p> <p>a. Whether a marriage exists based on the doctrine of putative spouse under California Law;</p> <p>b. Whether the Liquor License was the sole and separate property of Faith Evans on February 15, 2013, at the time the Bankruptcy Petition was filed;</p> <p>c. Whether the business known as Discount Mart Liquors located at 1811 Douglas Boulevard, Roseville, CA, was the sole and separate property of Faith Evans on February 15, 2013, at the time the Bankruptcy Petition was filed;</p> <p>d. Whether the net proceeds from the sale of the Rhodes Lane house of \$30,178.13, was the sole and separate property of Faith Evans on or about February 1, 2013, when the property was sold and therefore the \$26,889.06 paid to Defendant was in fact Debtor/Plaintiff's property.</p>	<p>Disputed Facts:</p> <p>1. None, No Pre-Trial Statement Filed.</p>
<p>Disputed Evidentiary Issues:</p> <p>1. None</p>	<p>Disputed Evidentiary Issues:</p> <p>1. None, No Pre-Trial Statement Filed.</p>
<p>Relief Sought:</p> <p>a. Finding that a marriage never existed between Plaintiff and Defendant based on the doctrine of putative spouse under California Law;</p> <p>b. Finding that funds held by David</p>	<p>Relief Sought:</p> <p>1. No Pre-Trial Statement Filed.</p>

<p>Brown on February 15, 2013, were the property of Faith Evans.</p> <p>c. Finding that the Liquor License No. 479183 held in the name of Faith Ann Evans was her sole and separate property on February 15, 2013, when her bankruptcy petition was filed and that all sales proceeds are property of her Bankruptcy Estate;</p> <p>d. Finding that the business known as Discount Mart Liquors located at 1811 Douglas Boulevard, Roseville, CA was the sole and separate property of Faith Evans on February 15, 2013 when her bankruptcy petition was filed and that all sales proceeds are property of her Bankruptcy Estate; issuing a Judgment against Defendant in the amount equal to the gross sale amount of Discount Mart Liquor store with interest at the rate of 10% retroactive to the date of the sale; and, all appropriate sanctions against Daniel Moulton for selling Discount Mart Liquor after Faith Evans' bankruptcy Petition was filed and without leave of this court.</p> <p>e. Finding that the net proceeds of \$30,178.13 from the sale of the Rhodes Lane house were the sole and separate property of Faith Evans.</p> <p>f. Finding that proceeds in the amount of \$26,889.06 were improperly disbursed for the benefit of Defendant Daniel Moulton; finding that they should have been disbursed to Faith Evans; and, issuing a Judgment against Defendant in the amount of \$26,889.06 plus interest at the rate of 10% as of the date of this judgment.</p>	
<p>Points of Law:</p> <ol style="list-style-type: none"> California Putative Spouse Doctrine, Family Code 2250-2255 and relevant 	<p>Points of Law:</p> <ol style="list-style-type: none"> No Pre-Trial Statement Filed.

California case law.	
<p>Abandoned Issues:</p> <ol style="list-style-type: none"> 1. The issue regarding the funds which were held in trust by Mr. Harrison L Goodwin at the time Faith Evans filed her bankruptcy Petition will be decided in a separate adversary case to be filed against Mr. Goodwin and Mr. McCann. 	<p>Abandoned Issues:</p> <ol style="list-style-type: none"> 1. None, No Pre-Trial Statement Filed.
<p>Witnesses:</p> <ol style="list-style-type: none"> 1. Faith Evans; 2. Amrinder Singh; 3. Most Knowledgeable Person from Shivamabhi, Inc. 4. Lalit Bhatoy; 5. California Department of Alcoholic Beverage Control Custodian of Records. 	<p>Witnesses:</p> <ol style="list-style-type: none"> 1. None, No Pre-Trial Statement Filed.
<p>Exhibits:</p> <ol style="list-style-type: none"> a. Copy of Liquor License held in Faith Evans' name. b. Copies of State of California Department of Alcoholic Beverage Control liquor license ownership records for the 1811 Douglas Boulevard, #A5, Roseville, California, location from February 15, 2006, to the present. c. All documents pertaining to Faith Evans' purchase of Discount Mart in 2009. d. Tax Returns filed by Faith Evans (2010 - 2013) 	<p>Exhibits:</p> <ol style="list-style-type: none"> 1. None, No Pre-Trial Statement Filed.

<p>e. Copy of the Deed for Faith Evans' purchase of the residential property located at 2025 Rhodes Lane, Roseville, CA.</p> <p>F. Copy of Closing Statement from sale of house at 2025 Rhodes Lane, Roseville, CA</p> <p>g. Accounting of funds held in trust by David Brown, divorce attorney for Faith Evans, and Harrison Goodwin, divorce attorney for Daniel Moulton.</p>	
<p>Discovery Documents:</p> <p>a. Order on Motion to Compel, Docket #45;</p> <p>b. Request for Admissions filed as Exhibit B, Docket #25;</p> <p>c. Written Interrogatories filed as Exhibit C, Docket #29;</p> <p>d. Request for Production of Documents filed as Exhibit D, Docket #29.</p>	<p>Discovery Documents:</p> <p>1. None, No Pre-Trial Statement Filed.</p>
<p>Further Discovery or Motions:</p> <p>1. None</p>	<p>Further Discovery or Motions:</p> <p>1. None, No Pre-Trial Statement Filed.</p>
<p>Stipulations:</p> <p>1. None</p>	<p>Stipulations:</p> <p>1. No Pre-Trial Statement Filed.</p>
<p>Amendments:</p> <p>1. None</p>	<p>Amendments:</p> <p>1. None, No Pre-Trial Statement Filed.</p>
<p>Dismissals:</p> <p>1. None</p>	<p>Dismissals:</p> <p>1. None, No Pre-Trial Statement Filed.</p>
<p>Agreed Statement of Facts:</p> <p>1. None</p>	<p>Agreed Statement of Facts:</p>

	1. No Pre-Trial Statement Filed.
Attorneys' Fees Basis: 1. Not Requested.	Attorneys' Fees Basis: 1. None, No Pre-Trial Statement Filed.
Additional Items 1. Request June 2015 Trial Date.	Additional Items 1. No Pre-Trial Statement Filed.
Trial Time Estimation: One-Half Day in Light of No Pre-Trial Statement From Defendant.	Trial Time Estimation: No Pre-Trial Statement Filed.

9. [11-26328-E-13](#) JULIE VIRGA
[15-2003](#)
VIRGA V. WELLS FARGO BANK N.A.

STATUS CONFERENCE RE: COMPLAINT
1-7-15 [[1](#)]

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: Eddie R. Jimenez

Adv. Filed: 1/7/15
Answer: 2/23/15

Nature of Action:
Declaratory judgment
Dischargeability - other

Notes:

Wells Fargo Bank, N.A.'s Corporate Disclosure Statement filed 2/23/15 [Dckt 9]
SUMMARY OF COMPLAINT

The Complaint seeks relief for the following stated causes of action:

A. First Claim for Relief: Declaration that the Plaintiff-Debtor having completed her Chapter 13 Plan and having provided for the secured claim of Defendant in the amount determined by the court pursuant to 11 U.S.C. § 506(a), that the debt has been discharged and the lien (second deed of trust) is void.

B. Second Claim for Relief: \$500.00 statutory penalty pursuant to California Civil Code § 2941(d) for the failure of Defendant to reconvey the deed of trust once the plan had been completed and the secured claim in the amount determined by the court pursuant to 11 U.S.C. § 506(a) had been paid in full.

C. Third Claim for Relief: Attorneys fees pursuant to the note and deed of trust upon which the debt to Defendant is based and California Civil Code § 2941.

Complaint, Dckt. 1.

While the complaint requests that the court enter: (1) a declaratory judgment that the order valuing the secured claim of defendant pursuant to 11 U.S.C. § 506(a) is a final order, (2) a declaratory judgment that the debt and security interest was "discharged," and (3) a declaratory judgment "in a format for recording that voids the Deed of Trust of Defendant;" in substance the requested relief is a simple quiet title action in which the court is asked, not to issue a declaratory judgment of the respective rights of the parties so that they may know in the future to govern their conduct with each other, but a judgement determining that the Defendant's Deed of Trust is void and not an encumbrance on the Property.

SUMMARY OF ANSWER

Defendant Wells Fargo Bank, N.A. has filed a detailed answer which admits and denies specific allegations in the Complaint. Dckt. 8. The Answer admits that this court entered an order determining the value of Defendant's secured claim to be \$0.00, and the balance of the claim to be an unsecured claim through the bankruptcy plan.

FINAL BANKRUPTCY COURT JUDGMENT

The Complaint alleges that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157, and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and consents to the bankruptcy judge entering all orders and final judgment for any non-core matter stated in the Complaint. Complaint ¶¶ 1, 2, 5, Dckt. 1. In its answer, Wells Fargo Bank, N.A. admits the allegations of jurisdiction and core proceedings, and consents to the bankruptcy judge entering all orders and final judgment for any non-core matter stated in the Complaint as now filed. Answer ¶¶ 1, 2, 5, Dckt. 8. 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 for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157, and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and consents to the bankruptcy judge entering all orders and final judgment for any non-core matter stated in the Complaint. Complaint ¶¶ 1, 2, 5, Dckt.

1. In its answer, Wells Fargo Bank, N.A. admits the allegations of jurisdiction and core proceedings, and consents to the bankruptcy judge entering all orders and final judgment for any non-core matter stated in the Complaint as now filed. Answer ¶¶ 1, 2, 5, Dckt. 8. 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 -----, 2015.

c. Expert Witnesses shall be disclosed on or before -----, 2015, and Expert Witness Reports, if any, shall be exchanged on or before -----, 2015.

d. Discovery closes, including the hearing of all discovery motions, on -----, 2015.

e. Dispositive Motions shall be heard before -----, 2015.

f. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at ----- p.m. on -----, 2015.

10. [14-29231](#)-E-11 MIZU JAPANESE SEAFOOD
BUFFET, INC.

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
9-15-14 [[1](#)]

Debtor's Atty: Stephen M. Reynolds

Notes:

Continued from 12/3/14

Operating Reports filed: 12/15/14, 1/15/15, 2/12/15

[RLC-12] Offer of Proof and Memorandum in Support of Confirmation of Debtor's Plan of Reorganization filed 1/29/15 [Dckt 118]; Order Confirming Plan filed 2/10/15 [Dckt 138]

[RLC-13] Motion to Approve Compromise filed 1/29/15 [Dckt 122]; Order granting filed 3/2/15 [Dckt 150]

[RLC-14] Motion for Final Compensation and Costs by Stephen M. Reynolds as Counsel for Debtor filed 2/19/15 [Dckt 143]; Order granting filed 3/19/15 [Dckt 158]

[RLC-15] Motion for First and Final Compensation by Accountant for Debtor filed 3/11/15 [Dckt 151], set for hearing 4/9/15 at 10:30 a.m.

[RLC-16] Objection to Allowance of Claim Number 7 by Win Woo Trading, Inc. filed 3/24/15 [Dckt 161], set for hearing 5/14/15 at 10:30 a.m.

[RLC-17] Renewed Motion for First and Final Compensation by Accountant for Debtor filed 3/24/15 [Dckt 164], set for hearing 4/23/15

APRIL 1, 2015 STATUS CONFERENCE

The Chapter 11 Plan has been confirmed in this case. Final allowance of attorneys fees for counsel for the Debtor in Possession has been entered. The court entered its order approving the sale of personal property and approved a compromise upon which the confirmed plan has been based.

Order Approving Sale of Property

The order approving the sale was filed on February 10, 2015. Dckt. 137. The order expressly identifies the assets being sold in the Addendum attached to the Order. The assets being sold and allocated sales price are stated to be:

Registered Vehicle; van	\$8,371
Furniture, Fixtures and Equipment	\$31,000
Leasehold Improvements	\$2,000
Goodwill	\$85,229
Covenant Not to Compete	\$1,000
Inventory	\$0

Total Purchase:	\$127,600

The Motion seeking authorization for the sale was supported by the Purchase and Sale Agreement, which states,

"The ABC liquor license will not be included in the sale of the business opportunity outlined in this Offer and Agreement to Buy."

July 24, 2014 Amendment #2 to Purchase and Sale Agreement, executed by Buyer and Seller, Dckt. 107, p. 5. This provision was not altered by the final amendment to the Agreement, Amendment #3 dated September 3, 2014 by Buyer.

On March 19, 2015, counsel for the Debtor in Possession lodged with the court an amended order stating that the sale included a "Beer & Wine License." Counsel for the Debtor in Possession has filed his declaration in support of an amended order, stating under penalty of perjury,

"The Buyer had previously been advised that the beer and wine license need not be transferred as

a part of the sale. The buyer has now requested that the license be transferred as a part of the sale. The total consideration to be paid remains the same; the allocation of the sales price to good will has been reduced by \$2,000 to account for the \$2,000 addition of the beer and wine license."

Declaration, Dckt. 159. No motion for an amended order has been filed and no notice has been presented to parties in interest that the liquor license would now be ordered sold by the court.

The court has not issued an amended order, and is unsure of (1) how such an order can be issued without the relief sought by a motion, (2) the basis for Debtor in Possession counsel to request an amended order merely on his declaration, and (3) the basis for ordering, without notice, the sale of an asset expressly excluded from the Purchase and Sale Agreement, Motion, and Notice to Creditors.

Retroactive Employment of Professionals

On March 19, 2015, counsel for the Debtor in Possession lodged with the court to retroactively authorize the Debtor in Possession to employ an accountant. The lodged order stated that the retroactive authorization would date back five months to October 4, 2014.

In reviewing the file the court notes that an ex parte motion to employ the accountant was filed on October 17, 2014. Dckt. 57. It appears that no order authorizing such employment was ever lodged with the court or the court provided with an opportunity to consider whether such employment was proper.

In reviewing the declaration of Kit Sun, the accountant, he fails to provide sufficient information as to whether he is a "disinterested person" qualified to be employed as a professional. 11 U.S.C. § 327. Instead, he merely states "I was not a creditor on September 15, 2014 when this case was filed." Dckt. 58. This statement is pregnant with an apparent omission that Mr. Sun was a creditor either before or after the commencement of the case and has some other potentially disqualifying conflicts with the Debtor and bankruptcy estate.

On March 24, 2015, counsel for the Debtor in Possession filed a motion for the court to approve \$4,800.00 in fees for the accountant. Dckt. 164.

11. [10-48239-E-7](#) BARBARA STEWART AND WAYNE STATUS CONFERENCE RE: COMPLAINT
[15-2019](#) STEWART 1-22-15 [[1](#)]
STEWART ET AL V. ROSS ET AL

Final Ruling: No appearance at the April 1, 2015 Status Conference is required.

Plaintiff's Atty: Michael A. Scheibli
Defendant's Atty: David M. Brady

The Status Conference is continued to 1:30 p.m. on April 28, 2015 (specially set by the court).
--

Adv. Filed: 1/22/15
Answer: none

Nature of Action:
Recovery of money/property - other
Injunctive relief - imposition of stay
Declaratory judgment

Notes:

[DMB-1] Order granting Motion to Dismiss Complaint for Failure to State a Claim filed 3/23/15 [Dckt 15]

APRIL 1, 2015 STATUS CONFERENCE

On March 23, 2015, the court filed its order granting Defendant's Motion to Dismiss the Complaint. The Complaint was dismissed without prejudice. No leave has been requested to file an amended complaint, nor has it been asserted that an amended complaint may now be filed as a matter of right.

The court continues the Status Conference to 1:30 p.m. on April 28, 2015. If a motion to file an amended complaint is not filed and served on or before April 13, 2015, the Clerk of the Court shall close the file for this Adversary Proceeding and the Status Conference shall be removed from the Calendar.

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 court dismissed without prejudice the Complaint on March 23, 2015. Dckt. 15. No motion for leave to file an amended complaint has been filed. Upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to

1:30 p.m. on April 28, 2015. If a motion to file an amended complaint is not filed and served on or before April 13, 2015, the Clerk of the Court shall close the file for this Adversary Proceeding and the Status Conference shall be removed from the Calendar.

12. [12-36944-E-13](#) EDA URRIZA
[14-2227](#)
URRIZA V. AMERICA'S SERVICING
COMPANY ET AL

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
8-7-14 [[6](#)]

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: Bernard J. Kornberg

dv. Filed: 8/6/14
Amd Cmplt Filed: 8/7/14
Reissued Summons: 8/8/14

Answer: none

Nature of Action:
Declaratory judgment
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Notes:

Continued from 1/21/15 to allow the Parties to document their settlement.

13. [14-27045-E-13](#) HARINDER SINGH
DMA-1

CONTINUED STATUS CONFERENCE RE:
MOTION TO AVOID LIEN OF
SACRAMENTO SIKH SOCIETY
BRADSHAW TEMPLE
8-2-14 [[15](#)]

Final Ruling: No appearance at the April 1, 2015 Status Conference is required.

Debtor's Atty: David M. Alden

The Status Conference is continued to 3:00 p.m. on July 9, 2015 (specially set).

Notes:

Continued from 10/15/14. All further proceedings, except Status Conference, stayed pending completion of the Adversary Proceeding, No. 14-2237 or further order of the court.

APRIL 1, 2015 STATUS CONFERENCE

No further pleadings have been filed in connection with the Motion. The Pre-Trial Conference in the Adversary Proceeding (14-2237) has been continued to July 9, 2015 at 3:00 p.m. to afford the parties the opportunity to participate in a BDRP mediation.

The Status Conference is continued to 3:00 p.m. on July 9, 2015, to be conducted in conjunction with the Pre-Trial Conference if the Adversary Proceeding and this Contested Matter are not resolved through the BDRP mediation.

14. [14-20352](#)-E-11 PATRICK GREENWELL

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
1-9-14 [[1](#)]

Final Ruling: No appearance at the April 1, 2015 Status Conference is required.

Debtor's Atty: Patrick B. Greenwell

The Chapter 11 Plan is set for a confirmation hearing, **the Status Conference is continued to 2:30 p.m. on June 24, 2015.**

Notes:

[PBG-5] Order Approving Disclosure Statement filed 2/6/15 [Dckt 105], set for hearing 4/9/15

15. [11-26053](#)-E-13 SAMANTHA PINKSTON
[15-2008](#)
PINKSTON V. WELLS FARGO DEALER
SERVICES, INC. ET AL

STATUS CONFERENCE RE: COMPLAINT
1-12-15 [[1](#)]

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: unknown

The Status Conference is ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.

Adv. Filed: 1/12/15
Answer: none

Nature of Action:
Declaratory judgment
Dischargeability - other
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Notes:

SUMMARY OF COMPLAINT

The Complaint asserts causes of action against Wells Fargo Bank, N.A. for the failure to release a lien on a vehicle after being paid for its secured claim in the bankruptcy case. Dckt. 1.

16. [14-27755-E-13](#) ANTHONY FURR
[15-2012](#)
FURR ET AL V. PENNYMAC
HOLDINGS, LLC ET AL

STATUS CONFERENCE RE: COMPLAINT
1-16-15 [[1](#)]

Final Ruling: No appearance at the April 1, 2015 Status Conference is required.

Plaintiff's Atty: Pro Se
Defendant's Atty: Christopher O. Rivas

Adv. Filed: 1/16/15
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property

The Status Conference is continued to 1:30 p.m. to be conducted in conjunction with the Defendant's Motion to Dismiss.

Notes:

[COR-1] Defendant's Motion to Dismiss Plaintiffs' Adversary Complaint filed 2/17/15 [Dckt 6], set for hearing 4/9/15 at 1:30 p.m.

Defendants' Status Conference Statement filed 3/18/15 [Dckt 15]

17. [11-36470](#)-E-13 WASIF/IRUM ASGHAR
WW-3

EVIDENTIARY HEARING RE:
OBJECTION TO CLAIM OF STATE
BOARD OF EQUALIZATION, CLAIM
NUMBER 29 AND/OR MOTION TO
CONDITIONALLY DETERMINE THE
VALUE OF THE CLAIM PENDING
RESOLUTION OF THE APPEAL
7-15-13 [[73](#)]

Final Ruling: No appearance at the April 1, 2015 hearing is required.

The Evidentiary Hearing Scheduling Conference has been continued to 10:30
a.m. on May 14, 2015, pursuant to prior order of the court (Dckt. 126).

18. [14-23471](#)-E-11 ERROL/SUZANNE BURR
[14-2184](#)
BURR ET AL V. SHINE ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
6-24-14 [[1](#)]

Final Ruling: No appearance at the April 1, 2015 Status Conference is
required.

Plaintiff's Atty: Steven A. White
Defendant's Atty:
 Betsy S. Kimball [Raymond E. Shine]
 unknown [Shine & Compton; Shine, Compton & Nelder]

Adv. Filed: 6/24/14
Answer: none

Nature of Action:
Determination of removed claim or cause
Other (e.g. other actions that would have been brought in state court if
unrelated to bankruptcy case)
Declaratory judgment

The Status Conference is continued to 1:30 p.m. on April 23, 2015, to allow
the parties to dismiss this Adversary Proceeding or other resolution
consistent with the Stipulation approved by the court in the Debtors'
bankruptcy case.

Notes:

[BSK-1] Order continuing Motion to Remand to 4/23/15 at 1:30 p.m.

19. [14-29671](#)-E-13 DANNY RUE
[14-2290](#)
U.S. TRUSTEE V. RUE

PRE-TRIAL CONFERENCE RE:
COMPLAINT FOR INJUNCTIVE RELIEF
10-8-14 [[1](#)]

Plaintiff's Atty: Allen C. Massey
Defendant's Atty: Pro Per

Adv. Filed: 10/8/14
Answer: 11/7/14

Nature of Action:
Injunctive relief - other

Notes:

Scheduling Order-
Initial disclosures by 11/26/14
Close of discovery 2/27/15
Dispositive motions heard by 3/26/15

APRIL 1, 2015 PRE-TRIAL CONFERENCE

The Parties were required to file Pre-Trial Conference Statements on or before March 24, 2015. Order, Dckt. 12. No Pre-Trial Conference Statements have been filed by either party.

20. [10-28871-E-13](#) CHRISTIAN/PATRICIA
[15-2004](#) ZIMMERMAN
ZIMMERMAN ET AL V. JPMORGAN
CHASE BANK, N.A.
ADV. CASE DISMISSED 3/18/15

STATUS CONFERENCE RE: COMPLAINT
1-8-15 [[1](#)]

Final Ruling: No appearance at the April 1, 2015 Status Conference is required.

Plaintiff's Atty: Douglas B. Jacobs
Defendant's Atty: unknown

Adv. Filed: 1/8/15
Answer:

Nature of Action:
Validity, priority or extent of lien or other interest in property
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

The Status Conference is removed from the Calendar, the Adversary Proceeding having been dismissed.
--

Notes:
Plaintiffs' Status Conference Statement filed 3/18/15 [Dckt 11]

21. [10-24674-E-13](#) MATTHEW/ADELL MOORE
[15-2026](#)
MOORE ET AL V. BANK OF AMERICA
N.A. ET AL

STATUS CONFERENCE RE: COMPLAINT
2-3-15 [[1](#)]

Plaintiff's Atty: Rebecca E. Ihejirika
Defendant's Atty: unknown

Adv. Filed: 2/3/15
Answer:

Nature of Action:
Validity, priority or extent of lien or other interest in property
Injunctive relief - other
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Notes:

Stipulation to Extend Time to Respond to Adversary Complaint filed 3/6/15 [Dckt 9]; Order granting extension to 3/13/15 filed 3/9/15 [Dckt 10]

Request for Entry of Default filed inaccurately [missing first page] [Dckts 11 & 12]

SUMMARY OF COMPLAINT

The Complaint seeks to have the court determine that the Second Deed of Trust held by Bank of America, N.A. is now void following completion of the Chapter 13 Plan. The court determined pursuant to 11 U.S.C. § 506(a) that the Defendant's secured claim had a value of \$0.00, which was so provided for in the Chapter 13 Plan. The Complaint also seeks statutory damages pursuant to California Civil Code § 2941(d) and attorneys' fees from Bank of America, N.A. and Nationstar Mortgage, LLC, and Mortgage Electronic Registration Systems, Inc. Additional claims are asserted for violating the discharge injunction, the Rosenthal Fair Debt Collection Practices Act, and the Fair Credit Reporting Act.

22. [14-25376-E-7](#) KEVIN/BREE SEARS
[13-2284](#)
ADAMS V. SEARS

CONTINUED PRE-TRIAL CONFERENCE
RE: COMPLAINT TO DETERMINE
DISCHARGEABILITY OF DEBT
9-4-13 [[1](#)]

No Tentative Ruling

The Order to Show Cause was served by the Bankruptcy Notice Center on Kevin and Bree Sears ("Debtor"), Trustee, and other such other parties in interest as stated on the Certificate of Service on March 22, 2015. The court computes that 9 days' notice has been provided.

XXXXXXXXXX

On March 20, 2015, the court issued the following order to show cause:

IT IS ORDERED that Arthur J. Pollock, attorney for Plaintiff, and Douglas Jacobs, attorney for Defendant, in the above-captioned case, shall appear on **April 1, 2015, at 2:30 p.m.** in Department E of the United States Bankruptcy Court, 501 I Street, Sixth Floor, Sacramento, California, to show cause as to why the court should not immediately stay proceedings in the above adversary proceeding and close the adversary proceeding file based on the court having ordered the Defendant's current Chapter 7 case dismissed. The court believes that staying this adversary proceeding, rather than dismissing it, is prudent and in the interests of judicial economy, as well as the economy of the parties, in light of the Defendant's multiple bankruptcy filings and this adversary proceeding ready to be set for trial.

IT IS FURTHER ORDERED that any response or opposition to the Order to Show Cause shall be presented orally at the hearing.

IT IS FURTHER ORDERED that no appearance of either counsel is required if they do not have any responses or opposition to staying this adversary proceeding.

Dckt. 33.

APRIL 1, 2015 HEARING

At the hearing, -----

23. [15-21393-E-11](#) RICKIE WALKER

STATUS CONFERENCE RE: VOLUNTARY
PETITION
2-24-15 [[1](#)]

Plaintiff's Atty: Arthur J. Pollock
Defendant's Atty: Douglas B. Jacobs

Adv. Filed: 9/4/13
Answer: 9/24/13

Nature of Action:
Dischargeability - fraud as fiduciary, embezzlement, larceny

Notes:

Continued from 2/18/15 to be heard after the motion to dismiss.

Order to Show Cause filed 3/20/15 [Dckt 33], set for 4/1/15 at 2:30 p.m.

Debtor's Atty: Pro Se

Notes:

Debtor's Chapter 11 Preliminary Status Report filed 3/6/15 [Dckt 22]

[UST-2] Motion to Designate Case a Small Business Case filed 3/10/15 [Dckt 23],
set for hearing 4/9/15 at 10:30 a.m.

Tax Documents filed 3/26/15 [Dckt 30] - restricted access

APRIL 1, 2015 STATUS CONFERENCE

Debtor filed his Status Conference Report on March 6, 2015. On his Schedules and Statement of Financial Affairs (Dckt 31) Debtor lists the following Assets, Debts, and Other Information:

Schedules

A. Schedule A

- 1. 3830 Whitney Oaks.....\$850,000.00
 - a. Secured Claim.....(\$ 0.00)

B. Schedule B

- 1. Miscellaneous Personal Assets.....\$8,750.00
- 2. No Business Assets Listed

C. Schedule C

- 1. No Exemptions Claimed

D. Schedule D

- 1. Specialized Loan Servicing.....(\$1,076,000)
 - a. Value of Collateral..... \$ 850,000
- 2. Special Loan Servicing.....(\$ 255,000)
 - a. No Collateral Identified

E. Schedule E.....None Listed

F. Schedule F.....None Listed

G. Schedule I

- 1. From Business.....\$1,800
- 2. No Income Listed for Spouse

H. Schedule J

1. No Mortgage or Housing Expense
2. Food.....\$250
3. No Clothing, Laundry, or Dry Cleaning
4. Transportation.....\$150
5. No Life Insurance
6. No Health Insurance
7. No Vehicle Insurance

Statement of Financial Affairs

A. Question 1, Income from Employment or Business

1. 2015.....\$ 4,000
2. 2014.....\$20,000
3. 2013.....\$ 0.00

25. [11-40159](#)-C-7 COLLEEN LEHR
[13-2257](#) PA-7
BELL V. LEHR ET AL

SETTLEMENT CONFERENCE RE:
MOTION FOR SUMMARY JUDGMENT
AND/OR MOTION FOR SUMMARY
ADJUDICATION
1-30-15 [[222](#)]

The court shall issue a Settlement Conference Order setting the following dates and deadlines:

1. Each party shall lodge with the court their respective Settlement Conference Statements, which shall include (without limitation to other issues the party believes relevant) addressing the following issues:

A.

B.

C.

D.

2. The Settlement Conference Statements shall be delivered directly to Chambers, Attn: Janet Larson, Courtroom Deputy for Dept. E, and not electronically filed. The court shall have the Settlement Conference Statements filed under seal.

26. [11-94410](#)-E-7 SAWTANTRA/ARUNA CHOPRA
[15-9011](#) RMY-2
CHOPRA V. BLEDSOE ET AL

MOTION TO IMPOSE AUTOMATIC STAY
O.S.T.
3-26-15 [[10](#)]

Final Ruling: No appearance at the April 1, 2015 hearing is required.

The Plaintiff-Debtor having filed a Withdrawal of the Motion to Impose Automatic Stay, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041 **the Motion was dismissed without prejudice, and the matter is removed from the calendar.**