

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Modesto, California

May 12, 2016 at 2:00 p.m.

1. [15-90502](#)-E-7 ANNA STARR
[16-9006](#)
EDMONDS V. STARR ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
2-10-16 [[1](#)]

Plaintiff's Atty: Anthony D. Johnston
Defendant's Atty:
Pro Se [William K. Starr; Marlene Starr]
Peter G. Macaluso [Anna E. Starr]

Adv. Filed: 2/10/16
Answer: 3/14/16
Amd Answer: 3/28/16 [Anna E. Starr]

Nature of Action:
Declaratory judgment
Approval of sale of property of estate and of a co-owner

The Status Conference is ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.

Notes:

Continued from 4/7/16 to allow for the court to rule on Defendant-Debtor's motion to convert her Chapter 7 case to one under Chapter 13.

Motion to Convert denied 4/28/16 [Dckt 59]

SUMMARY OF COMPLAINT

Irma Demonds, the Chapter 7 Trustee in the Anna Starr bankruptcy case, ("Plaintiff-Trustee") has filed this adversary proceeding to determine the interests of the bankruptcy estate in a 1959 Corvette, which is asserted to be community property. The Trustee asserts at least a 1/3 interest in the Corvette. The Plaintiff-Trustee asserts a claim arising under 11 U.S.C. § 363(h) to sell the vehicle, including the co-owner's interests.

SUMMARY OF ANSWER

William Starr and Anna Starr (the Debtor) ("Defendant") filed a pro se answer in which they generally deny the allegations in the complaint and affirmatively allege that this is a core proceeding.

Marlene Starr ("Defendant Co-Owner") filed a pro se answer in which they generally deny the allegations in the complaint and affirmatively allege that this is a core proceeding.

May 12, 2016 2:00 p.m.

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff-Trustee alleges in the Complaint 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)(A), (E), and (N). Complaint ¶¶ 2, 3, Dckt. 1. In their respective Answers, Defendant and Defendant Co-Owner affirmatively allege that this Adversary Proceeding is a core matter. Answers, Dckts. 11, 12. To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued 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.

ISSUANCE OF PRE-TRIAL SCHEDULING ORDER

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

- a. The Plaintiff-Trustee alleges in the Complaint 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)(A), (E), and (N). Complaint ¶¶ 2, 3, Dckt. 1. In their respective Answers, William Starr and Anna Starr, Defendant, and Marlene Starr, Defendant Co-Owner, affirmatively allege that this Adversary Proceeding is a core matter. Answers, Dckts. 11, 12. To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued 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 -----, 2016.
- c. Expert Witnesses shall be disclosed on or before -----, 2016, and Expert Witness Reports, if any, shall be exchanged on or before -----, 2016.
- d. Discovery closes, including the hearing of all discovery motions, on -----, 2016.
- e. Dispositive Motions shall be heard before -----, 2016.
- f. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at ----- p.m. on -----, 2016.

2. [12-90014](#)-E-7 MINOO KASHIKAR

STATUS CONFERENCE RE: MOTION TO
KEEP CASE OPEN
3-2-16 [[23](#)]

Debtor's Atty: Bryan J. Harrison

The Status Conference is XXXXXXXXXXXXXXXXXXXX .
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Notes:

Order Setting Status Conference re Debtor's Motion to Keep Case Open filed 3/7/16 [Dckt 24]. Debtor and Debtor's counsel ordered to appear in person.

MAY 12, 2016 HEARING

On February 4, 2016, Minoo Kashivkav, the Debtor, filed a motion requesting the court keep the case "open" for another thirty days. Dckt. 22. Debtor previously requested that the court reopen this case, stating, "My Lender needs this form for Credit update." Dckt. 18. In a letter, Debtor advised the court that she and her attorney were working on a reaffirmation with her mortgage lender. Dckt. 23.

The court issued the Order on March 7, 2016, setting this Status Conference when the matter had not been resolved within the thirty days projected by Debtor. At the Status Conference ~~XXXXXXXXXXXXXXXXXXXX~~.

3. [14-91023](#)-E-11 JOSEPH TEDESCO

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
7-16-14 [[1](#)]

Debtor's Atty: David C. Johnston

The Status Conference is XXXXXXXXXXXXXXXXXXXXXXXXXXXX .
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Notes:

Continued from 3/21/16. John Tedesco to appear and show cause why the court should not administratively close this case. Written response due on or before 4/28/16.

MAY 12, 2016 STATUS CONFERENCE

On March 21, 2016, the court issued an Order to Show Cause why this bankruptcy case should not be administratively closed. The Chapter 11 Plan was confirmed in this case on December 13, 2015. Order, Dckt. 139. Counsel for the former Debtor in Possession has not yet file a motion for approval of professional fees. Civil Minutes, Dckt. 147. Responses to the Order to Show Cause were to be filed and served on or before April 28, 2016. Nothing has been filed by the Plan Administrator/Debtor.

4. [13-91189](#)-E-11 MICHAEL/JUDY HOUSE

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
6-25-13 [[1](#)]

Debtors' Atty: Robert M. Yaspan; Joseph G. McCarty

The Status Conference is XXXXXXXXXXXXXXXXXXXX.
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Notes:

Continued from 1/14/16

[RMY-9] Order Confirming Debtor's First Amended Plan of Reorganization filed 1/21/16 [Dckt 412]

[WHS-1] Application for Allowance of Compensation and Reimbursement of Costs of Secured Creditor American AgCredit, FLCA filed 2/16/16 [Dckt 416]; Order granting filed 3/23/16 [Dckt 434]

[RMY-1] Reorganized Debtors' Post Confirmation Status Report filed 4/28/16 [Dckt 436]

[RMY-22] Application of Reorganized Debtors (Formerly Debtors-in-Possession) for Order Authorizing Compensation of Surveyor filed 4/29/16 [Dckt 438], set for hearing 6/2/16 at 10:30 a.m.

MAY 12, 2016 STATUS CONFERENCE

On April 28, 2016, the Plan Administrator/Debtor filed a Status Report. Dckt. 436. A motion for compensation for the Surveyors for the estate has been filed and set for hearing on June 2, 2016. The court has entered the order allowing final fees and costs for counsel for the Debtor in Possession. Order, Dckt. 411.

5. [13-91189](#)-E-11 MICHAEL/JUDY HOUSE
[14-9025](#)
HOUSE ET AL V. AMARAL

CONTINUED PRE-TRIAL CONFERENCE
RE: COMPLAINT FOR: (1)
DECLARATORY RELIEF; (2)
EASEMENT BY PRESCRIPTION; (3)
PRESCRIPTIVE EASEMENT; (4)
QUIET TITLE; (5) CONTEMPT FOR
VIOLATION OF THE AUTOMATIC
STAY; (6) INJUNCTIVE RELIEF
8-8-14 [[1](#)]

Final Ruling: No appearance at the May 12, 2016 Status Conference is required.

Plaintiff's Atty: Robert M. Yaspan; Joseph G. McCarty
Defendant's Atty: Michael B. Ijams

Adv. Filed: 8/8/14
Answer: 9/8/14

Nature of Action:
Injunctive relief - imposition of stay
Declaratory judgment

The Complaint having been dismissed by Stipulation of the Parties (Dckt. 85), **the Pretrial Conference is removed from the calendar.**

Notes:
Continued from 1/14/16

[RMY-20] Order granting Motion to Approve Compromise filed 1/21/16 [Dckt 84]

MAY 12, 2016 PRETRIAL CONFERENCE

The court has entered an order approving a settlement which resolves the issues in this Adversary Proceeding. Order, Dckt. 84. On May 9, 2016, the Parties filed a Stipulation to dismiss the Complaint with prejudice. Dckt. 85. The parties expressly state that they acknowledge that the bankruptcy court continues to have jurisdiction to enforce the settlement.

The Stipulation, executed by all of the parties, constitute the dismissal of the Complaint pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Federal Rule of Bankruptcy Procedure 7041. The Parties have lodged an order with the court dismissing the complaint, which shall be entered by the court.