

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: WEDNESDAY
DATE: MAY 25, 2016
CALENDAR: 10:00 A.M. CHAPTER 7 ADVERSARY PROCEEDINGS

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

ORAL ARGUMENT

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [15-14218](#)-A-7 SARA AKBARPOUR MOTION TO DISMISS ADVERSARY
[16-1014](#) PROCEEDING/NOTICE OF REMOVAL
CHASE INC. V. AKBARPOUR 4-27-16 [[11](#)]
NICHOLAS ANIOTZBEHERE/Atty. for mv.

Final Ruling

Motion: Dismiss Adversary Proceeding

Notice: LBR 9014-1(f) (1); written opposition required

Disposition: Granted

Order: Civil minute order

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), the plaintiff may file a notice of dismissal before the plaintiff has filed an answer or a motion for summary judgment. This notice has the effect of dismissing the action. Fed. R. Civ. P. 41(a)(1)(A)(i), *incorporated by* Fed. R. Bankr. P. 7041. The court treats the motion as such a notice and will enter an order dismissing this action.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Plaintiff Chase Inc.'s motion to dismiss this adversary proceeding has been presented to the court. Having considered the motion, and deemed the motion as a notice of dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i),

IT IS ORDERED that the motion is granted. This adversary proceeding shall be dismissed.

2. [15-13735](#)-A-7 ISELA IBARRA-MCCANN CONTINUED STATUS CONFERENCE RE:
[15-1153](#) COMPLAINT
DE SANTIAGO V. IBARRA-MCCANN 12-22-15 [[1](#)]
KENT SHARP/Atty. for pl.

Final Ruling

Judgment entered, the status conference is concluded.

3. [11-17165](#)-A-7 OAKHURST LODGE, INC., A CONTINUED STATUS CONFERENCE RE:
[15-1017](#) CALIFORNIA CORPORATION AMENDED COMPLAINT
OAKHURST LODGE, INC. V. 4-6-16 [[151](#)]
FIRST-CITIZENS BANK & TRUST
DONNA STANDARD/Atty. for pl.
ORDER #174 CONTINUING TO
6/14/16

Final Ruling

Pursuant to Order, ECF #174, the status conference is continued to June 14, 2016, at 10:00 a.m.

4. [11-17165](#)-A-7 OAKHURST LODGE, INC., A MOTION TO DISMISS CAUSE(S) OF
[15-1017](#) CALIFORNIA CORPORATION ACTION FROM FIRST AMENDED
NLG-4 COMPLAINT
OAKHURST LODGE, INC. V. 4-21-16 [[166](#)]
FIRST-CITIZENS BANK & TRUST
NICHOLE GLOWIN/Atty. for mv.
ORDER #174 DENYING

Final Ruling

The motion dismissed pursuant to Order, ECF #174, the matter is dropped from calendar as moot.

5. [15-14218](#)-A-7 SARA AKBARPOUR CONTINUED STATUS CONFERENCE RE:
[16-1014](#) COMPLAINT
CHASE INC. V. AKBARPOUR 2-1-16 [[1](#)]
NICHOLAS ANIOTZBEHERE/Atty. for pl.

Final Ruling

The adversary proceeding dismissed, the status conference is concluded.