

**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: JUNE 13, 2018

CALENDAR: 10:00 A.M. CHAPTER 7 ADVERSARY PROCEEDINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions. If the parties stipulate to continue the hearing on the matter or agree to resolve the matter in a way inconsistent with the final ruling, then the court will consider vacating the final ruling only if the moving party notifies chambers before 4:00 pm at least one business day before the hearing date: Department A-Kathy Torres (559)499-5860; Department B-Jennifer Dauer (559)499-5870. If a party has grounds to contest a final ruling because of the court's error under FRCP 60 (a) (FRBP 9024) ["a clerical mistake (by the court) or a mistake arising from (the court's) oversight or omission"] the party shall notify chambers (contact information above) and any other party affected by the final ruling by 4:00 pm one business day before the hearing.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [18-10136](#)-A-7 **IN RE: DAVID/KARRIE WHEELER**
[18-1015](#)

STATUS CONFERENCE RE: COMPLAINT
4-12-2018 [[1](#)]

EMERSON ET AL V. WHEELER
ROBERT KRASE/ATTY. FOR PL.

Tentative Ruling

Notwithstanding the fact that the Clerk of the Court has entered the default of defendant Wheeler, the court will conduct a status conference. Plaintiff's counsel should consider whether the first two causes of action, i.e., 11 U.S.C. § 523(a)(2)(A),(B), are barred by *Lamar, Archer & Cofrin, LLP v. Appling*, --U.S.-- (June 4, 2018).

2. [14-14453](#)-A-7 **IN RE: SAMUEL LOPEZ**
[14-1141](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
11-21-2014 [[1](#)]

CALLISON V. LOPEZ
DANIEL BARADAT/ATTY. FOR PL.
RESPONSIVE PLEADING

No Ruling