

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

July 16, 2014 at 9:30 A.M.

1. [13-35610](#)-B-7 RODNEY/PATRICIA DEGISCHER CONTINUED STATUS CONFERENCE RE:
[14-2076](#) COMPLAINT
DEGISCHER ET AL V. ASSET 3-11-14 [[1](#)]
ACCEPTANCE, LLC ET AL

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

The status conference is continued to August 13, 2014, at 9:30 a.m. If plaintiffs have not submitted a dismissal of defendant El Dorado County Sheriff John D'Agostini (the "Sheriff") by August 6, 2014, then plaintiffs are ordered to appear at the continued status conference and show cause, if any they have, why this adversary proceeding should not be dismissed as to the Sheriff. Failure to appear or to show adequate cause will result in the dismissal of the adversary proceeding as to the Sheriff pursuant to Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f) and F.R.Civ.P. 37(b) (2) (A) (v).

The status conference was previously continued to July 16, 2014 in order to allow the plaintiffs time to comply with the court's order entered June 19, 2014, (Dkt. 35) authorizing the Sheriff to pay \$1,876.04 to the debtors via check and ordering the plaintiffs to submit an order dismissing the action as to the Sheriff within 10 days of final payment of the check.

The court will issue a minute order.

2. [14-22422](#)-B-7 SHAWN WALDROP STATUS CONFERENCE RE: COMPLAINT
[14-2129](#) 5-16-14 [[1](#)]
WALDROP V. STATE OF CALIFORNIA
FRANCHISE TAX BOARD

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. On July 11, 2014, the court signed a judgment pursuant to the stipulation of the parties. The adversary proceeding is resolved.

3. [14-22422](#)-B-7 SHAWN WALDROP STATUS CONFERENCE RE: COMPLAINT
[14-2130](#) 5-16-14 [[1](#)]
WALDROP V. INTERNAL REVENUE
SERVICE

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 resolved by judgment pursuant to stipulation entered July 8, 2014.

4. [11-35325](#)-B-7 JAMES COXETER CONTINUED STATUS CONFERENCE RE:
[11-2643](#) COMPLAINT
MISKE V. COXETER 9-19-11 [[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. The court signed a judgment resolving the adversary proceeding pursuant to the stipulation of the parties on July 11, 2014.

5. [09-35241](#)-B-13 ANTHONY/LILIA DICUS STATUS CONFERENCE RE: COMPLAINT
[14-2127](#) 5-19-14 [[11](#)]
DICUS ET AL V. ONEWEST BANK,
FSB ET AL

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

The status conference is continued to August 27, 2014, at 9:30 a.m., for resolution of the motion to dismiss presently set for hearing on July 29, 2014 at 9:32 a.m.

6. [14-21946](#)-B-7 DESIREE LEWIS STATUS CONFERENCE RE: COMPLAINT
[14-2126](#) 5-9-14 [[1](#)]
BROWN ET AL V. LEWIS

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

The status conference is concluded. On or before July 25, 2014, the plaintiffs shall obtain a reissued summons. On or before July 25, 2014,

the plaintiffs shall serve the reissued summons and the complaint on the defendant debtor and her bankruptcy attorney, Scott J. Sagaria, Esq. This adversary proceeding will next appear on the court's calendar on the date set for a status conference in the reissued summons. Failure to comply with the orders herein 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 plaintiffs' failure to comply.

There is no evidence on the court's docket that the summons and complaint were properly served. Fed. R. Bankr. P. 7004(g) requires service of the summons and complaint in an adversary proceeding on the debtor and the debtor's bankruptcy attorney. The plaintiffs have not filed any certificate of servicing showing that the debtor or her bankruptcy attorney were served with the summons and complaint.

The court will issue a minute order.

7. [10-49881](#)-B-13 TIMOTHY MORIARTY AND STATUS CONFERENCE RE: COMPLAINT
[14-2131](#) THERESA GRADINE 5-16-14 [[1](#)]
MORIARTY ET AL V. WELLS FARGO
BANK, N.A.
CASE DISMISSED 6/23/14

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 dismissed pursuant to Fed. R. Bankr. P. 7041, incorporating Fed. R. Civ. P. 41(a)(1)(A)(i), by notice of dismissal filed June 23, 2014 (Dkt. 8).

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| 8. | <u>09-37183</u> -B-13 CALANDRA RAIFORD
<u>13-2350</u>
RAIFORD V. JPMORGAN CHASE BANK
N.A. ET AL | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
11-5-13 [<u>1</u>] |
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Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to August 13, 2014, at 9:30 a.m., to allow the parties additional time to finalize a settlement of the adversary proceeding. If the adversary proceeding is not resolved by August 6, 2014, the parties shall file a status report on or before August 6, 2014, which apprises the court of the status of the adversary proceeding and settlement negotiations, if any. Failure to comply with the orders herein 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 plaintiffs' failure to comply or the striking of the defendants' answer, if any, and entry of the defendants' default for defendants' failure to comply.

The court will issue a minute order.

9. [13-25191](#)-B-7 AJAY CHANDRA CONTINUED STATUS CONFERENCE RE:
 [13-2204](#) AMENDED COMPLAINT
 CENTRAL VALLEY CONCRETE, INC. 2-25-14 [[43](#)]
 V. CHANDRA

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

The status conference is continued to August 27, 2014, at 9:30 a.m., for resolution of the motion for entry of default judgment set for hearing on August 12, 2014, at 9:32 a.m.

The court will issue a minute order.