

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

August 13, 2014 at 9:30 A.M.

1. [13-34802](#)-B-13 DARRYL CARTER STATUS CONFERENCE RE: COMPLAINT
[14-2144](#) 5-28-14 [[1](#)]
CARTER V. BARBER
REISSUED SUMMONS SETTING
HEARING TO 8/27/14

Tentative Ruling: The status conference is removed from the calendar.
The next status conference in this adversary receding will be held on
August 27, 2014, at 9:30 a.m., pursuant to the reissued summons issued on
July 23, 2014 (Dkt. 15).
2. [14-20707](#)-B-7 JOSEPH LANGI STATUS CONFERENCE RE: AMENDED
[14-2135](#) COMPLAINT
SPRINGLEAF FINANCIAL SERVICES, 5-30-14 [[6](#)]
INC. V. LANGI

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

The status conference is continued to October 22, 2014, at 9:30 a.m., to allow the plaintiff additional time to seek entry of the defendant's default. If the adversary proceeding is not resolved by September 23, 2014, the plaintiff shall file a status report on or before September 23, 2014, which apprises the court of the status of the adversary proceeding. 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.

3. [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 removed from the calendar. By order signed August 12, 2014, the court dismissed the action as to defendant El Dorado County Sheriff John D'Agostini (the "Sheriff"). Default judgment having already been entered against defendant Asset Acceptance, LLC, the adversary proceeding is now fully resolved.

4. [10-44715](#)-B-13 CHRISTOPHER/LISA LOMBARDO CONTINUED STATUS CONFERENCE RE:
[14-2031](#) COMPLAINT
LOMBARDO ET AL V. BANK OF 1-23-14 [[1](#)]
AMERICA N.A. ET AL

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 August 12, 2014, the court signed an order dismissing the adversary proceeding pursuant to the stipulation of the parties.

5. [14-22315](#)-B-11 BARRY JOHNSON STATUS CONFERENCE RE: COMPLAINT
[14-2154](#) 6-9-14 [[1](#)]
JOHNSON V. JOHNSON
ADV. CASE DISMISSED 7/18/14

Tentative Ruling: The status conference is removed from the calendar. The adversary proceeding was dismissed by order entered July 18, 2014 (Dkt. 12).

6. [09-21417](#)-B-7 EDGAR/RHEA BEACH CONTINUED STATUS CONFERENCE RE:
[14-2042](#) COMPLAINT
ACEITUNO V. VELASQUEZ 1-29-14 [[1](#)]

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

The status conference is concluded. The court will issue a scheduling order based on the schedule set forth in the joint discovery plan filed on August 6, 2014 (Dkt. 44).

7. [13-30420](#)-B-7 STEPAN KIRCHU CONTINUED STATUS CONFERENCE RE:
[13-2348](#) COMPLAINT
LEE V. KIRCHU 11-4-13 [[1](#)]

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

The status conference is continued to September 24, 2014, at 9:30 a.m., to be heard after the hearing on the plaintiff's motion for entry of default judgment, presently set for hearing on September 9, 2014, at 9:32 a.m.

The court will issue a minute order.

8. [09-36633](#)-B-13 ROBERT/PAMALA PAULSON STATUS CONFERENCE RE: COMPLAINT
[14-2149](#) 6-2-14 [[1](#)]
PAULSON ET AL V. BANK OF
AMERICA, N.A.

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

The status conference is continued to September 10, 2014, at 9:30 a.m., to be heard after the hearing on the plaintiff's motion for entry of default judgment, presently set for hearing on August 26, 2014, at 9:32 a.m.

The court will issue a minute order.

9. [11-26042](#)-B-7 TIMOTHY/TANGERIE SHELLS STATUS CONFERENCE RE: AMENDED
[14-2111](#) COMPLAINT
SHELLS V. US DEPARTMENT OF 5-28-14 [[9](#)]
EDUCATION ET AL

Tentative Ruling: The status conference is continued to October 8, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by September 16, 2014, the parties shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the status conference set in the reissued summons were the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC 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 plaintiff's failure to comply or striking defendant's answer (if one has been filed) and entering defendant's default for defendant's failure to comply.

The status conference is continued because there is no evidence of compliance with the OTC on the court's docket.

The court will issue a minute order.

10. [11-20649](#)-B-13 JON/SARAH MCCONNELL STATUS CONFERENCE RE: COMPLAINT
[14-2162](#) 6-13-14 [[1](#)]
MCCONNELL ET AL V. JPMORGAN
CHASE BANK

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 voluntarily dismissed by the plaintiffs pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) on July 31, 2014 (Dkt. 8).

11. [10-48951](#)-B-13 THOMAS/LORETTA EDLER CONTINUED STATUS CONFERENCE RE:
[14-2125](#) COMPLAINT
EDLER ET AL V. FIRST TENNESSEE 5-7-14 [[1](#)]
BANK NATIONAL ASSOCIATION ET

Tentative Ruling: The adversary proceeding is dismissed pursuant to Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f), based on the plaintiffs' failure to comply with the order continuing the status conference entered on July 2, 2014 (Dkt. 12).

The court will issue a minute order.

12. [14-22553](#)-B-13 JEFFREY HAMILTON
[14-2156](#)
HAMILTON V. GENTNER ET AL

STATUS CONFERENCE RE: NOTICE OF
REMOVAL
6-10-14 [[1](#)]

Tentative Ruling: The status conference is continued to October 22, 2014, at 9:30 a.m. On or before August 22, 2014, the parties shall submit a proposed Order Appointing Resolution Advocate to the court through the court's electronic order submission process. On or before August 22, 2014, the plaintiff shall fully comply with the requirements of F.R.Bankr.P. 9027(a)(1). 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).

The court will issue a minute order.

13. [14-20059](#)-B-7 ALFREDO HOLGUIN
[14-2165](#)
BELL V. HOLGUIN

STATUS CONFERENCE RE: COMPLAINT
6-13-14 [[1](#)]

Tentative Ruling: The status conference is continued to October 22, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by September 23, 2014, the parties shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the status conference set in the reissued summons were the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC 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 plaintiff's failure to comply or striking defendant's answer (if one has been filed) and entering defendant's default for defendant's failure to comply.

The status conference is continued because there is no evidence of compliance with the OTC on the court's docket.

The court will issue a minute order.

14. [14-21064](#)-B-13 IVAN BRENT
[14-2160](#)
U.S. TRUSTEE V. VAUGHN

STATUS CONFERENCE RE: COMPLAINT
6-12-14 [[1](#)]

Tentative Ruling: The status conference is concluded. The court will issue a scheduling order based on the schedule set forth in the declaration of the United States trustee's counsel filed on August 11, 2014 (Dkt. 9).

15. [14-22276](#)-B-7 SHAWNA EMERY
[14-2169](#)
BEARDMORE COMPANY, LLC V.
EMERY

STATUS CONFERENCE RE: COMPLAINT
6-16-14 [[1](#)]

Tentative Ruling: The status conference is continued to October 22, 2014, at 9:30 a.m., to allow the plaintiff time to take the defendant's default and to seek entry of default judgment. If the adversary proceeding is not resolved by September 23, 2014, the parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the status conference set in the reissued summons were the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC 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 plaintiff's failure to comply or striking defendant's answer (if one has been filed) and entering defendant's default for defendant's failure to comply.

The court acknowledges that on July 9, 2014, the parties filed a joint discovery plan (Dkt. 7). However, conclusion of the status conference and issuance of scheduling order is not appropriate where the complaint is not yet at issue, as the defendant has not filed an answer to the complaint. In the absence of an answer or other responsive pleading from the defendant, the status conference is continued to allow the plaintiff to take the defendant's default and to seek entry of default judgment.

The court will issue a minute order.

16. [10-52179](#)-B-13 TERRENCE HOPE
[14-2143](#)
HOPE V. BANK OF AMERICA, N.A.

STATUS CONFERENCE RE: COMPLAINT
5-27-14 [[1](#)]

Tentative Ruling: The status conference is continued to October 22, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by September 23, 2014, the parties shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the status conference set in the reissued summons were the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC 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 plaintiff's failure to comply or striking defendant's answer (if one has been filed) and entering defendant's default for defendant's failure to comply.

The status conference is continued to allow the defendant to file a response to the complaint, and to allow the parties to comply with the OTC, as there is presently no evidence of compliance with the OTC on the court's docket.

The court will issue a minute order.

17. [09-37183](#)-B-13 CALANDRA RAIFORD
[13-2350](#)
RAIFORD V. JPMORGAN CHASE BANK
N.A. ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
11-5-13 [[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 adversary proceeding was dismissed by order entered August 6, 2014 (Dkt. 27).