

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Ronald H. Sargis  
Bankruptcy Judge  
Modesto, California

**August 21, 2014 at 2:30 p.m.**

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1. [13-91701-E-7](#) **MARVAIS WADEN AND SHAIMA** **STATUS CONFERENCE RE: COMPLAINT**  
[14-9021](#) **KAKAR** **5-30-14 [1]**  
**DAMON REED, GUARDIAN AD LITEM**  
**FOR MINOR PAYTEN E. V. WADAN**

Plaintiff's Atty: Kenneth M. Foley  
Defendant's Atty: unknown

Adv. Filed: 5/30/14  
Answer: none

Nature of Action:  
Dischargeability - willful and malicious injury

**Notes:**

This Adversary Proceeding was commenced on May 30, 2014. Though the title of the Complaint is "Adversary Proceeding For Damages Exempt From Discharge [FRCP rule 7(a)(1) & 11 U.S.C. § 6523], none of the claims stated or the prayer for relief requests a determination that the obligations alleged in the Complaint are nondischargeable.

The Complaint must affirmatively state the grounds for the court's jurisdiction, whether the claim(s) are core or non-core, and if non-core, whether the plaintiff consents to the entry of final orders and the judgment by the bankruptcy judge. Fed. R. Civ. P. 8(a), Fed. R. Bankr. P. 7008(a). The complaint does not state the basis of federal court jurisdiction and the required core/non-core pleading.

**SUMMARY OF COMPLAINT**

It is alleged that the Plaintiff was attacked by a dog on real property owned and controlled by the Defendants. As a result of the attack, Plaintiff has suffered permanent physical injuries to her face and head. It is further alleged that the Defendants were aware that the dog had vicious propensities and that it had previously attacked another child.

The First Cause of Action incorporates the general allegations and further states, "Defendants, each of them, negligently and carelessly permitted [the dog] to be on the [property] and to have access to the customers [of the business on the Property]."

The Second Cause of Action is for "Strict Liability." Plaintiff alleges that the Defendants were the owners of the dog, the dog was vicious and inclined to attack children, and the Defendants knew the dog was vicious. By allowing the dog to be on the premises, without warning or



3. [10-94411](#)-E-7 CAROLE CAMERON  
[14-9005](#)  
FERLMANN V. GARRETT ET AL

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
1-30-14 [[1](#)]

**Final Ruling: No appearance at the August 21, 2014 Status Conference is required.**  
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Plaintiff's Atty: Carl W. Collins  
Defendant's Atty:  
    Samuel Kelsall [Karen J. Garrett]  
    unknown [Glenn Alan Garrett]

Adv. Filed: 1/30/14  
Answer: 3/26/14

Nature of Action:  
Recovery of money/property - fraudulent transfer  
Recovery of money/property - other

The parties having filed the motion to approve a settlement and the Settlement to be paid over six months, **the Status Conference is continued to 2:30 p.m. on December 18, 2014** (latest status conference date currently set for Department E).

Notes:

Continued from 6/26/14. Parties stated that the motion to approve settlement would be filed on or before 7/7/14 [Dckt 19]. Not filed as of 8/14/14.

4. [10-94411](#)-E-7 CAROLE CAMERON  
[14-9006](#)  
FERLMANN V. GARRETT

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
1-30-14 [[1](#)]

**Final Ruling: No appearance at the August 21, 2014 Status Conference is required.**  
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Plaintiff's Atty: Carl W. Collins  
Defendant's Atty: Samuel Kelsall

Adv. Filed: 1/30/14  
Answer: 3/18/14

Nature of Action:  
Recovery of money/property - fraudulent transfer  
Recovery of money/property - other  
Approval of sale of property of estate and of a co-owner

The parties having filed the motion to approve a settlement and the Settlement to be paid over time, **the Status Conference is continued to 2:30 p.m. on December 18, 2014** (latest status conference date currently set for Department E).

Notes:

Notes:

Continued from 6/26/14. Parties stated that the motion to approve settlement would be filed on or before 7/7/14 [Dckt 37]. Not filed as of 8/14/14.

[SKV-1] Amended Motion to Dismiss Case continued to 8/21/14 at 10:30 a.m.

5. [13-92028-E-7](#) JUANA ANDRADE  
[14-9010](#)  
MODESTO IRRIGATION DISTRICT V.  
ANDRADE

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
2-14-14 [[1](#)]

Plaintiff's Atty: Michele Thompson  
Defendant's Atty: unknown

Adv. Filed: 2/14/14  
Answer: none

Nature of Action:  
Dischargeability - false pretenses, false representation, actual fraud  
Dischargeability - fraud as fiduciary, embezzlement, larceny  
Dischargeability - willful and malicious injury

The court having entered judgment on August 7, 2014, <b>the Status Conference is removed from the calendar.</b>
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Notes:

Continued from 5/1/14

[MLG-1] Motion for Entry of Default Judgment Against Juana Andrade filed 6/2/14 [Dckt 20]; Order granting filed 7/31/14 [Dckt 41]; Judgment filed 8/6/14 [Dckt 44]

6. [12-92036](#)-E-7 REYNOL/ENEDINA GARCIA  
[14-9018](#)  
U.S. TRUSTEE V. GARCIA ET AL

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
4-17-14 [[1](#)]

Plaintiff's Atty: Jason M. Blumberg  
Defendant's Atty: unknown

Adv. Filed: 4/17/14  
Answer: none

Nature of Action:  
Injunctive relief - other  
Objection/revocation of discharge

Notes:

Continued from 6/12/14 to allow the Plaintiff the opportunity to file and have heard a motion for entry of default judgment.

[UST-1] Plaintiff's Application for Entry of Default Judgment filed 6/26/14 [Dckt 17]; set for hearing 8/21/14 at 10:30 a.m.

7. [10-94467](#)-E-7 TINA BROWN  
CWC-4

CONTINUED MOTION FOR CONTEMPT  
7-11-13 [[63](#)]

**Final Ruling:** No appearance at the August 21, 2014 hearing is required.  
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Pursuant to the Order Granting Motion for Contempt and Setting Continued Hearing, Dckt. 146, continuing the hearing to December 18, 2014, **this matter is removed from the calendar.**

8. [10-94467](#)-E-7 TINA BROWN  
CWC-4

ORDER TO SHOW CAUSE  
4-4-14 [[130](#)]

**Final Ruling:** No appearance at the August 21, 2014 hearing is required.  
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Pursuant to the Order Granting Motion for Contempt and Setting Continued Hearing, Dckt. 146, continuing the hearing to December 18, 2014, **this matter is removed from the calendar.**

9. [13-90795](#)-E-7 JOSE IRAHETA AND ALBA  
[14-9016](#) MARTINEZ  
MCGRANAHAN V. IRAHETA ET AL

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
3-28-14 [[1](#)]

Plaintiff's Atty: Steven S. Altman  
Defendant's Atty: unknown

Adv. Filed: 3/28/14  
Answer: none

Nature of Action:  
Objection/revocation of discharge

Notes:

Continued from 6/12/14 to allow Plaintiff to obtain the entry of default,  
file a motion for entry of default judgment, and have a hearing thereon.

[SSA-1] Plaintiff's Motion for Entry of Default Judgment filed 7/10/14  
[Dckt 31], set for hearing 8/21/14 at 10:30 a.m.