

2. [12-92645-E-7](#) JOHN/JAN PIEL
SSA-3

CONTINUED STATUS CONFERENCE RE:
OBJECTION TO DEBTORS' CLAIM OF
EXEMPTIONS
1-18-13 [[39](#)]

Debtors' Atty: Cheryl L. Sommers

Notes:

Continued from 5/29/13

[SSA-4] Trustee's Motion to Compromise Claims, Controversies and Debtors' Amended Claim of Exemptions filed 6/18/13 [Dckt 108]; Order granting filed 7/23/13 [Dckt 116]

3. [12-91565-E-7](#) EVERETT HUNTER
[12-9023](#)
EIDSON V. HUNTER, JR.

CONTINUED PRE-TRIAL CONFERENCE
RE: COMPLAINT
7-30-12 [[1](#)]

Plaintiff's Atty: Thomas P. Hogan

Defendant's Atty: Pro Se

Adv. Filed: 7/30/12

Answer: 9/14/12 - *stricken by court order dated 3/28/13 [Dckt 63]*

Nature of Action:

Dischargeability - fraud as fiduciary, embezzlement, larceny

Final Ruling: Judgment having been entered in this Adversary Proceeding, the Pre-Trial Conference is removed from the calendar. No appearance at the August 22, 2013 Pre-Trial Conference is required.

Notes:

Continued from 6/13/13. The court continued the hearing on the Plaintiff's motion for entry of judgment to 8/1/13 to afford Plaintiff the opportunity to file supplemental pleadings to address the standard for non-dischargeability as stated in the recent Supreme Court ruling in *Bullock v. Bankchampaign, N.A.* 2013 U.S. LEXIS 3521 (2013).

Application for Default Judgment filed 4/17/13 [Dckt 70]; Order granting filed 8/8/13 [Dckt 98]

Judgment filed 8/12/13 [Dckt 101]

4. [09-94177-E-7](#) [10-9036](#) JAMES/SALLI DANIELS
SPYRES WAY GROUP V. DANIELS

CONTINUED PRE-TRIAL HEARING RE:
COMPLAINT
5-13-10 [[1](#)]

Plaintiff's Atty: Bart Barringer
Defendant's Atty: David C. Johnston

Adv. Filed: 5/13/10
Answer: 6/12/10

Nature of Action:
Dischargeability - priority tax claims

Final Ruling: The Pre-Trial Conference is continued to 2:30 p.m. on March 6, 2014. On or before February 24, 2014 the Plaintiff shall file an updated status report if the Adversary Proceeding has not been dismissed. No appearance at the August 22, 2013 Pre-Trial Conference is required.

The Plaintiff filed a status report confirming that all settlement payments have been made to date, with the final payment due on February 14, 2014.

Notes:

Continued from 12/19/12. On or before 8/15/13, Plaintiff is to file and serve an updated status report advising the court of the status of the settlement and payments required thereunder.

Plaintiff's Status Conference Report filed 8/12/13 [Dckt 45]

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Pre-Trial Conference having been conducted by the court, the Plaintiff reporting that the Defendants are performing under the settlement and one final payment is due on February 14, 2014; and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to 2:30 p.m. on March 6, 2014. The Plaintiff shall file and serve on or before February 24, 2014, an updated status report if the Adversary Proceeding has not been dismissed.

5. [12-91080-E-7](#) ANN SKINNER-COLTRIN
[12-9020](#)
COLTRIN V. SKINNER-COLTRIN

CONTINUED PRE-TRIAL CONFERENCE
RE: COMPLAINT
7-18-12 [[1](#)]

Plaintiff's Atty: Thomas P. Hogan
Defendant's Atty: pro se

Adv. Filed: 7/18/12
Answer: 8/17/12

Nature of Action:
Dischargeability - divorce or separation obligation (other than domestic support)

Notes:

Continued from 7/18/13

Motion for Summary Judgment filed 6/17/13 [Dckt 27]; Order denying motion for summary judgment filed 7/24/13 [Dckt 39]

Pretrial Statement of Plaintiff filed 8/16/13 [Dckt 42]

The Plaintiff alleges that jurisdiction exists for this Adversary Proceeding pursuant to 28 U.S.C. §§ 1334 and 157, and that this is a core proceeding pursuant to 28 U.S.C. § 157(b) (2) (I) and (O). Complaint 191 1,2, Dckt. 1. In her answer, The Defendant admits the allegations of jurisdiction, Answer ¶ 1, but denies that this is a core proceeding. Answer ¶ 2, Dckt. 8. The court determines this to be a core proceeding for the dischargeability of a debt. The Defendant stated that she did not have a basis for contending that it was not core, but merely that an attorney had written that when helping her draft an answer.

No Pre-Trial Conference Statement has been filed by the Defendant. No witnesses, exhibits, or other evidence has been designated by Defendant for presentation at trial.

The court shall issue an Trial Setting in this Adversary Proceeding setting the following dates and deadlines:

- A. Evidence shall be presented pursuant to Local Bankruptcy Rule 9017-1.
- B. The Plaintiff shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, 2013.
- C. The Defendant, not having filed a Pre-Trial Conference Statement, not having designated any witnesses, and not having designated any exhibits, has not evidence to present as part of her defense case in chief (but does have the right to present rebuttal witnesses and evidence).

D. The Parties shall lodge with the court, file, and serve Hearing Briefs and Evidentiary Objections on or before -----, 2013.

E. Oppositions to Evidentiary Objections, if any, shall be lodged with the court, filed, and served on or before -----, 2013.

F. The Trial shall be conducted at ----- on -----, 2013.

The Plaintiff in his Pretrial Conference Statement, Dckt. 42, and the Defendant not having filed a Pre-Trial Conference Statement, and as stated on the record at the Pretrial Conference, have agreed to and establish for all purposes in this Adversary Proceeding the following facts and issues of law:

Plaintiff(s)	Defendant(s)
<p>Jurisdiction and Venue:</p> <p>1. Core Proceeding</p>	<p>Jurisdiction and Venue:</p> <p>1. Core Proceeding</p>
<p>Undisputed Facts:</p> <p>1. Plaintiff and Defendant were married on April 15, 1988, and that marriage was dissolved March 19, 2008 (California Superior Court, San Joaquin County, Case No. FL353313 ("Dissolution Action")).</p> <p>2. A judgment was entered in the Dissolution Action.</p> <p>3. In the Dissolution Action an order was entered for Defendant to pay \$164,823.50 for her one-half of the community debts.</p> <p>4. Defendant commenced her voluntary Chapter 7 case the day before the state court order was entered.</p>	<p>Undisputed Facts:</p> <p>1. None Provided</p>
<p>Disputed Facts:</p> <p>1. None Asserted</p>	<p>Disputed Facts:</p> <p>1. None Provided</p>
<p>Disputed Evidentiary Issues:</p>	<p>Disputed Evidentiary Issues:</p>

<p>1. None Asserted</p>	<p>1. None Provided</p>
<p>Relief Sought:</p> <p>1. Determination that the obligation owed as determined in the Dissolution Action is non-dischargeable pursuant to 11 U.S.C. § 523(a) (15)</p>	<p>Relief Sought:</p> <p>1. None Provided</p>
<p>Points of Law:</p> <p>1. 11 U.S.C. § 523(a) (15)</p>	<p>Points of Law:</p> <p>1. None Provided</p> <p>2.</p> <p>3.</p>
<p>Abandoned Issues:</p> <p>1. None Asserted</p>	<p>Abandoned Issues:</p> <p>1. None Provided</p>
<p>Witnesses:</p> <p>1. Plaintiff</p> <p>2. Defendant</p> <p>3. Custodian of Records for San Joaquin County Superior Court</p> <p>4. Mark A. Thiel</p> <p>5. Albert M. Ellis</p>	<p>Witnesses:</p> <p>1. None Provided</p>
<p>Exhibits:</p> <p>1. Judgment from Dissolution Action.</p> <p>2. Findings and Order in Dissolution Action</p>	<p>Exhibits:</p> <p>1. None Provided</p>

Discovery Documents: 1. Request for Admissions 2. Transcript of 2004 (a) examination.	Discovery Documents: 1. None Provided
Further Discovery or Motions: 1. None Asserted	Further Discovery or Motions: 1. None Provided
Stipulations: 1. None Asserted	Stipulations: 1. None Provided
Amendments: 1. None Asserted	Amendments: 1. None Provided
Dismissals: 1. None Asserted	Dismissals: 1. None Provided
Agreed Statement of Facts: 1. None	Agreed Statement of Facts: 1. None
Attorneys' Fees Basis: 1. None requested in the Complaint	Attorneys' Fees Basis: 1. None Provided
Additional Items 1. None Asserted	Additional Items 1. None Provided
Trial Time Estimation: One-Half Day	Trial Time Estimation: None Provided

6. [13-90481-E-7](#) HENRY STACHER
[13-9022](#)
STACHER V. STACHER

STATUS CONFERENCE RE: COMPLAINT
6-21-13 [[1](#)]

Plaintiff's Atty: G. Michael Williams
Defendant's Atty: Eric K. Alford

Adv. Filed: 6/21/13
Answer: none

Nature of Action:
Dischargeability - domestic support
Dischargeability - divorce or separation obligation (other than domestic support)

Notes:

Request for Entry of Default by Plaintiff filed 7/23/13 [Dckt 8]; Entry of Default and Order filed 7/24/13 [Dckt 10]

Motion to Set Aside Default Judgment filed 8/7/13 [Dckt 13], set for hearing 9/26/13 at 10:30 a.m.

Plaintiff's Status Conference Statement filed 8/7/13 [Dckt 16]

Notice of Hearing on Plaintiff's Request for Default Judgment filed 8/7/13 [Dckt 20], set for hearing 9/5/13 at 10:30 a.m.

Summary of Motion: Motion fails to state with particularity the grounds upon which the relief is requested. Fed. R. Civ. P. 7(b), Fed. R. Bankr. P. 7007. The Motion states that relief is sought pursuant to Federal Rule of Civil Procedure 60(b) for the generic grounds "mistake and excusable neglect caused the delay in filing an answer to plaintiff's complaint, defendant has good and meritorious defense to the claims for relief alleged." The Defendant then instructs the court to read the Points and Authorities, declaration of Eric K Alford, and such other matters as Defendant deems to present to the court at the hearing, and from those existing and future presented items, to draft for Defendant the "grounds stated with particularity" upon which Defendant could conceivably base relief. The "motion" also combines a points and authorities into one "Mothorities," which is not permitted under the Local Bankruptcy Rules and Revised Guidelines for Preparation of Pleadings. A declaration has been filed by Mr. Alford. That document has no caption, no case number, and no adversary proceeding number. The bottom of the page has the number "6," which indicates that this was part of some other pleading and has been sent to the court. In the declaration, Mr. Alford merely provides his conclusion that the filing of a responsive pleading was "inadvertently missed," and does not provide the court with any evidence for the court to make the necessary findings of fact and then draw the appropriate conclusions of law.