

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Modesto, California

October 17, 2019 at 2:00 p.m.

1. [19-90003-E-7](#) **NATHAN DAMIGO**
[19-9006](#)
SINES ET AL V. DAMIGO

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
1-30-19 [1]

Final Ruling: No appearance at the October 17, 2019 Status Conference is required.

Plaintiff's Atty: Robert L. Eisenbach

Defendant's Atty: unknown

Adv. Filed: 1/30/19

Answer: none

Nature of Action:

Dischargeability - willful and malicious injury

The Status Conference is continued to 2:00 p.m. on June 18, 2020.

Notes:

Order Staying Adversary Proceeding; Extending Time to File Response to Complaint and Continuing Status Conference filed 2/18/19 [Dckt 10]. Plaintiffs to file a Status Report on or before 10/5/19.

Status Report filed 10/3/19 [Dckt 12]

Continuance of October 17, 2019 Status Conference

This Adversary Proceeding for a determination that asserted claims of Plaintiffs are nondischargeable pursuant to 11 U.S.C. § 523 has been stayed pending the completion of litigation in the District Court for the Western District of Virginia. Order, Dckt. 10. Plaintiffs filed their Status Report on October 3, 2019. Dckt. 12. They report that the July 2019 District Court trial date has been vacated and discovery is proceeding in that action.

October 17, 2019 at 2:00 p.m.

- Page 1 of 32-

Plaintiffs request that the court continue this Status Conference, with the stay remaining in place.

Defendant has not been required to file a responsive pleading to this Complaint as part of the stay of these proceedings.

The stay of this Adversary Proceeding has not delayed the prosecution of the Defendant-Debtor's Chapter 7 case, with the discharge having been entered on April 16, 2019. 19-90003. The Chapter 7 Trustee filed his No Asset Report, there being no distribution to creditors being made in this case. *Id.*; February 14, 2019 Trustee Docket Entry Report. In modifying the automatic stay to allow the District Court action to proceed, the court noted that in doing so it would stay this Adversary Proceeding. *Id.*; Civil Minutes, Dckt. 22.

The court continues the Status Conference, with the Stay in this Adversary Proceeding remaining in full force and effect.

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 Status Conference having been scheduled to be conducted on October 17, 2019, Plaintiffs having filed a Status Report that the trial date in the Western District of Virginia District Court Action has been vacated and not yet reset, this Adversary Proceeding having been stayed to allow that District Court Action to be concluded prior to the prosecution of this Adversary Proceeding, and upon review of the files in this Adversary Proceeding and good cause appearing,

IT IS ORDERED that the Status Conference is continued to 2:00 p.m. on June 18, 2019. Plaintiffs shall file an updated status report on or before June 4, 2019.

The continuance of the Status Conference is without prejudice to any party seeking to having the status conference heard at an earlier date or to seek a modification of the stay in this Adversary Proceeding.

2. [19-90321](#)-E-7
[SSA-1](#)

RANDY/TERRI BELFLOWER

CONTINUED STATUS CONFERENCE
RE: MOTION FOR CASE TO REMAIN
OPEN
7-3-19 [[23](#)]

Final Ruling: No appearance at the October 17, 2019 Status Conference is required.

Debtors' Atty: Steven S. Altman

Notes:

Continued from 9/19/19 due to Court's calendar.

[SSA-1] Motion to Avoid Judgment Lien [Tri Counties Bank] filed 10/4/19 [Dckt 37], set for hearing 11/7/19 at 10:00 a.m.

The Status Conference is concluded and removed from the Calendar.
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Continuance of Status Conference

The Debtor has pending two motions to avoid lien, which is set for hearing on November 7, 2019. Motion, Dckts. 37, 44. Those motions pending, there is no need to continue the Status Conference. The court's order, Dckt. 24, provides for this case to remain open while motions or other matters are pending. The court originally scheduled the Status Conference to insure that this case would remain open pending Debtor's diligent efforts to get on file the desired motion to avoid lien.

3. [17-90346-E-7](#) ENRIQUEZ/LISA SANCHEZ
[17-9011](#)
SANCHEZ V. SANCHEZ ET AL

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
8-21-17 [\[1\]](#)

**MAHANVIR SAHOTA, COUNSEL FOR PLAINTIFF,
AND
LEN REIDREYNOSO, COUNSEL FOR DEFENDANT-DEBTOR**

TELEPHONIC APPEARANCES PERMITTED

Plaintiff's Atty: Mahanvir S. Sahota
Defendant's Atty: Len ReidReynoso

Adv. Filed: 8/21/17
Answer: 9/18/17

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

The Status Conference is continued to 2:00 p.m. on xxxxxx, 2019.

Notes:

Continued from 5/23/19 by request of the Parties. It being anticipated to be sufficient time for the Debtor to have funded the bankruptcy estate sufficiently so this Adversary Proceeding may be dismissed.

OCTOBER 17, 2019 STATUS CONFERENCE

The Parties have again failed to file an updated Status Conference Statement and this Adversary Proceeding has not been dismissed. Though reported that the settlement documents were filed prior to the February 14, 2019 Status Conference, no action has been taken in this Adversary Proceeding in the seven-plus months that have expired since that time.

The Chapter 7 Trustee's Final Report was filed in the bankruptcy case on September 27, 2019. 17-90346; Dckt. 201. That Report states that Plaintiff was paid \$176,000.00 on her claim of (\$176,000). *Id.*, p. 15, 19.

At the Status Conference, **xxxxxxxxxxxx**

MAY 23, 2019 STATUS CONFERENCE

Again, the parties have not filed an updated Status Conference Statement.

At the Status Conference the Parties reported that the parties are getting closer every day. \$14,000 and change has been turned over to the Trustee. Additional amount are being paid to the Trustee in the upcoming weeks, which should sufficiently fund the case to provide for Plaintiff's claim, allowing this Adversary Proceeding to be dismissed

FEBRUARY 14, 2019 STATUS CONFERENCE

No updated Status Conference Statement has been filed. While it being reported that a settlement is being prosecuted, no settlement documents have been filed in connection with this Adversary Proceeding.

At the Status Conference it was reported that the settlement has been signed. The Chapter 7 Trustee has abandoned the property of the Estate that is encumbered by Plaintiff's lien, and that property is to be sold by Defendant-Debtor and the other co-owner family members. That sale and other steps are being/have been implemented to reduce the outstanding obligation owed to Plaintiff and allow the parties to determine the real scope of the obligation that will remain after their cooperative efforts, which they then anticipate being able to completely resolve by settlement.

The Parties requested a two month continuance to allow them to continue in their efforts and project full resolution without further proceedings in this Adversary Proceeding.

NOVEMBER 29, 2018 STATUS CONFERENCE

At the Status Conference the Parties reported that the settlement is being prosecuted.

JULY 12, 2018 STATUS CONFERENCE

At the Status Conference, the Parties reported that the settlement is being concluded and should be resolved in the next sixty days.

MARCH 8, 2018 STATUS CONFERENCE

No further pleadings have been filed in this Adversary Proceeding. At the Status Conference, it was reported that a settlement is being worked on with the Chapter 7 Trustee, which would resolve this Adversary Proceeding.

Debtors' Atty: Mark J. Hannon

Notes:

Continued from 2/14/19

Operating Reports filed: 6/27/19 [Dec]; 6/27/19 [Mar]

[GRF-5] Status Report #5 filed 5/22/19 [Dckt 1047]

[GRF-6] Status Report #6 filed 6/24/19 [Dckt 1061]

[GRF-7] Status Report #7 filed 9/13/19 [Dckt 1086]

[BLF-1] Plan Administrator Gary R. Farrar's Motion to Employ Special Counsel filed 2/15/19 [Dckt 1018]; Order granting filed 3/18/19 [Dckt 1044]

[BLF-2] Plan Administrator's Motion to Approve Post Petition Financing of Real Property [900 G Street, Modesto, CA] filed 2/15/19 [Dckt 1023]; Order granting filed 3/18/19 [Dckt 1037]

[BKF-3] Plan Administrator's Motion to Approve Post Petition Financing of Real Property [1508 Prospect Lane, Modesto, CA] filed 2/15/19 [Dckt 1030]; Order granting filed 3/18/19 [Dckt 1039]

[BLF-4] First and Final Application for Compensation of Loris L. Bakken of Bakken Law Firm, Counsel for Plan Administrator Gary R. Farrar filed 5/23/19 [Dckt 1049]; Order granting filed 7/8/19 [Dckt 1067]

[GRF-6] Second Interim Application for Compensation of Gary R. Farrar, Plan Administrator filed 5/23/19 [Dckt 1055]; Order granting filed 7/8/19 [Dckt 1068]

[MF-2] Motion of G Street Investments for Order Enforcing Payment Obligations of Plan and Implementation of Orders of This Court filed 7/29/19 [Dckt 1069]; Order denying without prejudice filed 9/27/19 [Dckt 1094]

The Status Conference is continued to 2:00 p.m. on xxxxx, 2020.
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OCTOBER 17, 2019 POST-CONFIRMATION STATUS CONFERENCE

The Successor Plan Administrator filed a Status Report on September 13, 2019. He reported as to the funding of the Plan to that date.

On September 16, 2019, the court conducted a hearing on the Motion for Order Enforcing Payment of Obligations filed by G Street Investments. The court's sixteen page Civil Minutes address in detail the issues arising therein and apparent deficiencies in performing the Plan and G Street Investments having its corporate/LLC status suspended by the State of California. Dckt. 1093. A review of the

California Secretary of State website on October 15, 2019, by the court revealed that this entity's status is still reported as suspended. ^{FN. 1} For the suspended limited liability company Mark McManis is listed as the agent for service of process, with a Modesto street address of 914 13th Street, Modesto California. The Statement of No Change in information was filed by G Street Investments, LLC on April 3, 2017, with it being signed by Ian McDonald, as "Attorney." The sole managing member of G Street Investments, LLC is stated to be Therese Tuttle. Statement of Information, filed July 22, 2013 with the Secretary of State.

FN. 1.

<https://businesssearch.sos.ca.gov/CBS/SearchResults?filing=&SearchType=LPLLC&SearchCriteria=g+street+investments&SearchSubType=Keyword>

Interestingly, the Secretary of State also reports that another limited liability company with the name "G Street Investments, LLC" was registered on March 29, 2019. This entity has an address of 900 G Street, #100, Modesto, California. The registration document for this second G Street Investment, LLC states that it has one manager and the organizer was the Secretary of Legalzoom.com, Inc., with that same entity listed as the agent for service of process. The Statement of Information for this second limited liability company lists the one manager being "Mark A. Garcia."

Also interesting is that one of the two Debtors in this case is "Mark Anthony Garcia." An internet search of the 900 G Street, No. 100 address turns up the following: (1) address for Bail Bond Girl, (2) address for Garcia Family Bail Bonds - Bail Bond Girl, and (3) Garcia Family Bail Bonds - which appears to be the Debtor's business.

The California Secretary of State reports that a corporation named Garcia Family Bail Bonds, Inc. Had it corporate status suspended. ^{FN. 2} This entity is stated as having an address of 900 G Street, Suite 100, Modesto, California. Angela Garcia is listed as the Chief Executive Officer, Secretary, and Chief Financial Officer. Angela Marie Garcia is one of the Debtors in this bankruptcy case.

FN. 2. <https://businesssearch.sos.ca.gov/CBS/Detail>

The Amended Disclosure Statement in this case states that the Debtors' business operates under the name of "Garcia Family Bail Bonds." Dckt. 739. It is further stated that the Debtor's corporation operated as that business since 1999, but it was suspended "by the Debtors" shortly before the bankruptcy case was filed and they have operated as a sole proprietorship since shortly before this case was filed. This bankruptcy case was filed on November 30, 2012. The Secretary of State reports that the corporation was registered in January 2001. The suspension date for the corporation is reported to have been September 4, 2012, which is shortly before the filing of this case.

At the Status Conference, the parties addressed the suspended status of the G Street Investment, LLC and the purported second limited liability company with that name for which the Debtor appears to be the managing member.

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FEBRUARY 14, 2019 STATUS CONFERENCE

Gary Farrar, the Plan Administrator reports that as of the February 6, 2019 filing of Status Report #4, the plan payments were current except for January and February 2019. Dckt. 1015. The Plan Administrator anticipated these payments being current as of the February 2019 Status Conference.

Further, that Debtor has made the payments to creditors holding unsecured claims through the December 2018 payments.

The Plan Administrator addresses Debtor's inability to close two loans to refinance the G Street commercial property secured claims and the funding for property that Debtor acquired by foreclosure through the operation of Debtor's business. The Title Companies involved in the financing requested that court approval be obtained.

The Debtor filed on December 19, 2018, an *ex parte* motion for approval of such financing. The court denied the *ex parte* motion on December 21, 2018. Order, Dckt. 1014.

The Plan Administrator is now filing motions to obtain such orders, with an anticipated hearing date of March 14, 2019.

The Plan Administrator's Fourth Status Report indicating that the Plan is being performed by the Debtors, disbursements are being made to creditors, and the Debtor and Plan Administrator are prosecuting the refinance loans, the court continues the Status Conference by final ruling.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(c).

Local Rule 9014-1(f)(2) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Plaintiff, Defendant, Defendant's Attorney, Chapter 7 Trustee, and Office of the United States Trustee on June 18, 2019. By the court's calculation, 30 days' notice was provided. 28 days' notice is required.

The Motion for Leave to File Second Amended Complaint has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Plaintiff and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing -----.

The Motion for Leave to File First Amended Complaint is granted.
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The Plaintiff, Emilio Reyes ("Plaintiff"), filed this Motion seeking an order allowing the filing of a first amended complaint ("FAC"), in this Adversary Proceeding against the defendant, Lorraine Escobar ("Defendant-Debtor"). Plaintiff argues amending the complaint is necessary to include new allegations of fraudulent behavior of Defendant-Debtor and her attorney, as well as misconduct and bad faith by Defendant-Debtor's attorney.

Federal Rule of Civil Procedure 15, incorporated into adversary proceedings through Federal Rule of Bankruptcy Procedure 7015, states the following with respect to amending a complaint:

(a) Amendments Before Trial.

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) Other Amendments. In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

(3) Time to Respond. Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.

FED. R. CIV. P. 15.

Here, Plaintiff seeks leave to file a First Complaint to include new allegations. Defendant-Debtor has filed her answer to the Complaint. Dckt. 18. The answer is a “general denial” form answer that pro se defendants may use, and includes seventeen (17) affirmative defenses (demonstrating a level of legal sophistication above that of the average consumer debtor).

The proposed First Amended Complaint appears as Docket Entry No. 25. It is one hundred and forty-six (146) pages in length. Of this, the first twenty-eight pages are the Complaint, with the balance consisting of exhibits. The original complaint was ninety-one pages in length. Dckt. 1.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~

~~No opposition to the Motion was presented by Plaintiff. The Motion is granted.~~

~~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 Motion For Leave to File Second Amended Complaint filed by Plaintiff, Emilio Reyes (“Plaintiff”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,~~

~~**IT IS ORDERED** that the Motion is granted. Plaintiff shall file and serve the First Amended Complaint on or before ~~xxxxxx, 2019~~.~~

6. [19-90461-E-7](#) LORRAINE ESCOBAR
[19-9014](#)
REYES V. ESCOBAR

STATUS CONFERENCE RE: AMENDED
COMPLAINT
9-30-19 [\[25\]](#)

Plaintiff's Atty: Pro Se
Defendant's Atty: Pro Se

Adv. Filed: 8/12/19
Answer: 9/4/19
Amd. Answer: 9/6/19

Amd. Cmplt Filed: 9/30/19

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

The Status Conference is continued to 2:00 p.m. on xxxxxxxxxx, 2019,

Notes:

Plaintiff's Notice of Verified Complaint for Determination of Dischargeability and Objecting to Debtor's Discharge filed 8/12/19 [Dckt 5], set for hearing 9/19/19 at 10:30 a.m.

Order to Show Cause re Dismissal of Contested Mater or Imposition of Sanctions [failure to pay fees] filed 8/26/19 [Dckt 10], set for hearing 10/3/19 at 10:30 a.m.

Motion for Leave to Proceed *In Forma Pauperis* filed 8/26/19 [Dckt 11]; Order denying filed 9/3/19 [Dckt 14]

Plaintiffs' *Ex Parte* Application for Leave to File a First Amended Complaint filed 9/16/19 [Dckt 19]; Order setting application for hearing filed 9/18/19 [Dckt 20], set for hearing 10/17/19 at 2:00 p.m.

First Amended Verified Complaint for Determination of Dischargeability and Objecting to Debtor's Discharge filed 9/30/19 [Dckt 25]

7. [17-90577-E-7](#) **WILSON SARHAD**
[17-9019](#)
GARCIA V. SARHAD

**CONTINUED PRE-TRIAL
CONFERENCE RE: COMPLAINT TO
DETERMINE DISCHARGEABILITY OF
PARTICULAR DEBT AND/OR ALL
DEBTS**
11-6-17 [[1](#)]

Plaintiff's Atty: Michael R. Dennis
Defendant's Atty: David C. Johnston

Adv. Filed: 11/6/17
Answer: 12/3/17

Nature of Action:
Dischargeability - willful and malicious injury
Objection/revocation of discharge

Notes:
Continued from 7/18/19. The court continued the Status Conference relying on the representations of both counsel that a settlement will be documented and the Adversary Proceeding dismissed before the continued hearing.

The Pre-Trial Conference is XXXXXXXXXXXXXX
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OCTOBER 17, 2019 PRE-TRIAL

This Adversary Proceeding has not been dismissed as the attorneys for the respective parties assured the court at the July 18, 2019 Pre-Trial Conference.

At the Continued Pre-Trial Conference, Counsel reported XXXXXXXXXX

JULY 18, 2019 PRE-TRIAL CONFERENCE

This Adversary Proceeding was commenced on November 6, 2017. No appearances were made at the June 6, 2019 continued Pre-Trial Conference. The court issued an order for continuing the Pre-Trial Conference and requiring the filing of an updated Pre-Trial Conference Statement be filed. Order, Dckt. 29.

On July 11, 2019, Defendant-Debtor filed an Updated Status Report. Dckt. 30. In it the Defendant-Debtor reports:

a. Logistical details remain to resolution of this now six hundred and eighteen (618) day old Adversary Proceeding. While such would not seem to be a long time in state court and its overwhelming calendars, it is an ancient being in bankruptcy court.

- b. Defendant-Debtor will pay any surplus portion of a settlement payment made to the Chapter 7 Trustee that is paid back to Defendant-Debtor. That amount is estimated to be \$8,000.00.
- c. Plaintiff will retain her judgment lien on the one-ninth interest in the Turlock house (parent's home).
- d. Defendant-Debtor will transfer to Plaintiff tow trucks (including certificates of title) that are schedule as assets in Defendant-Debtor's bankruptcy case, or the "fair market value" (which amount is not stated).
- e. Plaintiff will not "impeded" efforts of Defendant-Debtor to avoid the judgment lien of Plaintiff on Defendant-Debtor's residence (which is not identified in the Status Report).
- f. Defendant-Debtor will file a motion for Plaintiff to be given authority to dismiss this Adversary Proceeding objecting to Defendant-Debtor's discharge.

In reviewing the above terms, there is little that indicates any "logistical details" that would cause this Adversary Proceeding to grow six hundred and eighteen (618) days ancient.

At the Status Conference each of the attorneys addressed the lack of prosecution of this Adversary Proceeding.

The court having reviewed the terms and the straightforward documentation of the settlement, the court continues the Status Conference, relying on the representations of both counsel that this settlement will be documented and the Adversary Proceeding dismissed before the continued hearing date.

8. [15-90680-E-7](#) **JO GIBSON**
[18-9001](#)
GIBSON V. NATIONAL RECOVERIES
ET AL

PRE-TRIAL CONFERENCE RE:
AMENDED COMPLAINT
6-21-18 [\[29\]](#)

Adversary Proceeding Closed 9/24/19

Final Ruling: No appearance at the October 17, 2019 Pre-Trial Conference is required.

Plaintiff's Atty: David Foyil

Defendant's Atty:

unknown [Direct Loans; National Recoveries]

Robert S. Lampl [Navient Solutions, Inc. (Navient Corporation)]

Jeffrey J. Lodge [United States Department of Education]

Adv. Filed: 4/5/18

Answer: 5/10/18 [United States Department of Education]

Amd. Cmplt. Filed: 6/21/18

Answer: 7/26/18 [United States Department of Education]

11/19/18 [Educational Credit Management Corporation]

Nature of Action:

Dischargeability - student loan

<p>Judgment having been entered in this Adversary Proceeding, the Pre-Trial Conference is concluded and removed from the Calendar.</p>

Notes:

[USA-1] United States' Motion for Summary Judgment filed 7/8/19 [Dckt 72]; Order granting filed 9/3/19 [Dckt 82]

Judgment filed 9/4/19 [Dckt 84]

Final Ruling: No appearance at the October 17, 2019 Status Conference is required.

Plaintiff's Atty: Shane Reich
Defendant's Atty: unknown

Adv. Filed: 7/26/19
Answer: none

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

Notes:
Request for Entry of Default by Plaintiff [defendant Tracy Emery Smith] filed 10/11/19 [Dckt 9]
Request for Entry of Default by Plaintiff [defendant Sharp Investor, Inc.] filed 10/11/19 [Dckt 10]

Memorandum Re: Default Papers filed 10/15/19 [Dckt 12]

The Status Conference is continued to 2:00 p.m. on December 19, 2019.
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OCTOBER 17, 2019 STATUS CONFERENCE

On October 11, 2019, Plaintiff filed requests for entry of defaults against the two named defendants. Dckts. 9, 10. The defaults have not been entered, the documents required for entry of the defaults not being complete. Memorandum, Dckt. 12.

No answers or other responsive pleadings having been filed and the deficiency in the entry of defaults appearing to be clerical, the court continues the Status Conference.

10. [19-90382-E-7](#) TRACY SMITH
[19-9013](#)
KALRA V. SMITH

STATUS CONFERENCE RE:
COMPLAINT
7-29-19 [\[1\]](#)

Final Ruling: No appearance at the October 17, 2019 Status Conference is required.

Plaintiff's Atty: Mark W. Hostetter
Defendant's Atty: unknown

Adv. Filed: 7/29/19
Answer: none

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

The Status Conference is continued to 2:00 p.m. on December 19, 2019, to afford Plaintiff the opportunity to prosecute the pending Motion for Entry of Default Judgment, which is set for hearing on November 7, 2019.

Notes:
Request for Entry of Default by Plaintiff [defendant Tracy Emery Smith] filed 9/6/19 [Dckt 7]; Entry of Default and Order Re: Default Judgment Procedures filed 9/11/19 [Dckt 9]

[MWH-2] Plaintiff Paul Kalra's Motion for Default Judgment filed 9/24/19 [Dckt 12], set for hearing 11/7/19 at 10:30 a.m.

11. [17-90492-E-7](#) **JED GLADSTEIN**
[17-9020](#)
**GLADSTEIN V. DEPARTMENT OF
EDUCATION**

**STATUS CONFERENCE RE: AMENDED
COMPLAINT**
7-18-19 [\[62\]](#)

Plaintiff's Atty: Randall K. Walton
Defendant's Atty:
Robert S. Lample [Navient Solutions, LLC]
Unknown [Sallie Mae; U.S. Dept. Of Education]

Adv. Filed: 11/12/17
Answer:
12/6/17 [Navient Solutions, LLC]

Amd. Cmplt. Filed: 7/18/19
Answer: none

Nature of Action:
Dischargeability - student loan

The Status Conference is XXXXXXXXXXXXXX

Notes:
[MH-1] Motion to Dismiss Adversary Proceeding or in the Alternative to Substitute Department of Education as Proper Party in Interest and to Dismiss Named Defendant Educational Credit Management Corporation filed 6/20/19 [Dckt 52]; Order granting filed 7/23/19 [Dckt 66]

Second Amended Complaint filed 7/18/19 [Dckt 62]; Reissued Summons and Notice of Status Conference in an Adversary Proceeding filed 7/18/19 [Dckt 63]

[RKW-2] Order granting motion for leave to file second amended complaint filed 7/23/19 [Dckt 67]

OCTOBER 17, 2019 STATUS CONFERENCE

Though the filing of a Second Amended Complaint was authorized and ordered to be filed by August 1, 2019 (Order, Dckt. 67), one has not been filed. With the Department of Education having been substituted in as the real party in interest, it may be that the Parties have revolved the issues, resulting in this Adversary Proceeding not needing to consume the time and resources of the Parties.

At the Status Conference it was reported XXXXXXXXXXXXXX

12. [18-90494-E-7](#) **MELINDA BROOME**
[18-9015](#)
BILLINGTON WELDING & MFG.,
INC. V. BROOME

PRE-TRIAL CONFERENCE RE:
COMPLAINT OBJECTING TO
DEBTOR'S DISCHARGE AND
DISCHARGEABILITY OF DEBTS
10-22-18 [1]

Plaintiff's Atty: Anthony D. Johnston
Defendant's Atty: Pro Se

Adv. Filed: 10/22/18
Answer: 1/18/19

Nature of Action:
Objection/revocation of discharge
Dischargeability - false pretenses, false representation, actual fraud
Dischargeability - priority tax claims
Dischargeability - fraud as fiduciary, embezzlement, larceny
Dischargeability - willful and malicious injury

Notes:
Scheduling Order -
Initial disclosures by 5/10/19
Disclose experts by 5/24/19
Exchange expert reports by 5/24/19
Close of discovery 7/26/19
Dispositive motions heard by 8/2/19

[ADJ-3] Plaintiff, Billington Welding & MFG, Inc.'s Motion for Pretrial Summary Judgment filed 6/6/19 [Dckt 71]; Order granting filed 7/23/19 [Dckt 82]

Pretrial Statement of Plaintiff filed 10/10/19 [Dckt 86]

The Pre-Trial Conference is XXXXXXXXXXXXXXXXXX
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The court has granted a motion for summary adjudication of the following issues in this Adversary Proceeding:

IT IS ORDERED that the Motion is granted and as provided in Federal Rule of Civil Procedure 56(g), as incorporated into Federal Rule of Bankruptcy Procedure 7056, it is determined for this Adversary Proceeding that Defendant-Debtor Melinda Anne Broome was overpaid for 2,298.5 hours of vacation time by Plaintiff Billington Welding & Mfg., Inc. in the course of her employment by Plaintiff.

Order, Dckt. 82.

The court issued its Pre-Trial Scheduling Order on May 2, 2019, setting the various discovery and dispositive motion dates in this Adversary Proceeding. Dckt. 67. It also set forth the requirements for the Pre-Trial Conference, including the identification of all witnesses, exhibits, and discovery documents that each party would present for their respective cases in chief. *Id.*

On October 10, 2019, Plaintiff filed its required Pre-Trial Conference Statement. Dckt. 86. None has been filed by the Defendant-Debtor.

The Pre-Trial Conference Order expressly states:

SANCTIONS FOR FAILURE TO COMPLY

ORDERED, that if any party fails to comply with any provision of this order, the court may issue sanctions as appropriate and commemorated under FRCP, Local Rules of Practice, or other applicable statute, or orders, or rules.

Id., p. 6:17-20. These sanctions include striking the Defendant-Debtor's Answer or not allowing the presentation of evidence in Defendant-Debtor's case in chief, but still leaving her with the ability to cross examination and present rebuttal evidence (for new matters beyond what are identified in the Plaintiff's Pre-Trial Statement). See Local Bankruptcy Rule 9017-1(d). As discussed by the Bankruptcy Appellate Panel in *Kostecki v. Sutton (In re Sutton)*, 2015 Bankr. LEXIS 4084 (B.A.P. 9th Cir. 2015), this sanction power is exercised in the manner as provided in Federal Rule of Civil Procedure 37(c)(1) and Federal Rule of Bankruptcy Procedure 7037, and that the exercise of such power be proportionate to the violation(s) and the court consider less than "nuclear sanctions" (this court's phraseology).

Defendant-Debtor's failure to comply with this court's order could well result in her being unable to present any defense. Before delivering such sanction, the court will afford her one final opportunity to diligently prosecute her defense. ^{FN. 1}

FN. 1. This is not Defendant-Debtors first lack of diligence in the prosecution of her defense. Only after her default was entered and a motion for default judgement set for hearing (Dckts. 9, 12) did Defendant-Debtor attempt to file an answer (Dckt. 20, filed less than one week before the hearing on the motion). Defendant-Debtor sought to have her default set aside by ex parte motion. The court ordered it be set for hearing. Order, Dckt. 30.

The court vacated the default and allowed the Defendant-Debtor the opportunity to diligently prosecute her defense. Order, Dckt. 57. Though the court exercised its discretion and did not enter Plaintiff's second motion for entry of default judgment, the court ordered Defendant-Debtor to reimburse Plaintiff \$750.00 for costs and expenses cause by Defendant-Debtor's failure to diligently prosecute her defense. Civil Minutes, Dckt. 54 at 9. Those fees were required to be paid by May 5, 2019. Order, Dckt. 55.

Defendant-Debtor's failure to comply with this order has caused Plaintiff and Plaintiff's counsel having to waste their time in attending the October 17, 2019 Pre-Trial Conference. Computing reasonable

attorneys' fees of \$350 an hour and allowing two and one-half hours for attending the Pre-Trial Conference, that equals \$875.00.

As a condition precedent to allowing Defendant-Debtor to file an untimely Pre-Trial Conference Statement, the court orders her to pay to Defendant-Debtor, in the form of a cashier's check or other certified funds, the sum of \$875.00, which shall be delivered to Plaintiff's counsel on or before October 25, 2019. This is a corrective sanction for the failure to comply with the court's order and is to compensate Plaintiff for the otherwise unnecessary cost and delay.

If, and only if, such amount is timely paid, Defendant-Debtor is permitted to file and serve her Pre-Trial Conference Statement after October 25, 2019 and on or before October 31, 2019.

At the Pre-Trial Conference, **XXXXXXXXXX**

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff Billington Welding & MFG, Inc. alleges in the Complaint that this Adversary Proceeding is to determine the nondischargeability of certain debts and have Defendant-Debtor denied her discharge pursuant to 11 U.S.C. § 523 and § 727. Federal Court jurisdiction exists pursuant to 28 U.S.C. § 1334 and 157(b)(2), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(E), (I), and (J). The determination of nondischargeability of debts and denial of discharge are core matter proceedings for which the bankruptcy judge issues all final orders and judgment.

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. **Plaintiff** shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before **-----, 2019**.
- C. **Defendant** shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before **-----, 2019**.
- D. The Parties shall lodge with the court, file, and serve Hearing Briefs and Evidentiary Objections on or before **-----, 2019**.
- E. Oppositions to Evidentiary Objections, if any, shall be lodged with the court, filed, and served on or before **-----, 2019**.
- F. The Trial shall be conducted at **---x.m. on -----, 2019**.

The Parties in their respective Pretrial Conference Statements, Dckts. 86 (Plaintiff), **none filed** (Defendant-Debtor), 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> <ol style="list-style-type: none"> 1. Core matter proceeding arising under the Bankruptcy Code. 2. Consent to any non-core matters. 	<p>Jurisdiction and Venue:</p> <ol style="list-style-type: none"> 1. 2. 3.
<p>Undisputed Facts:</p> <ol style="list-style-type: none"> 1. “Defendant, Melinda Anne Broome (the "Defendant"), was a trusted employee of Plaintiff, having been hired as a bookkeeper in November 1999 and then holding the position of chief financial officer until Plaintiff terminated her employment in June 2016. 2. “As the chief financial officer of the Plaintiff, Defendant was responsible for issuing all payroll checks, including her own pay checks.” 3. “Defendant's authorized annual regular salary (the column is titled "Salary per Notepad") for the years 2001 through 2016 (pro-rated for 2016's Y2 year) is correctly listed on EXHIBIT "1" attached hereto. Exhibit I takes into account Defendant's various pay raises.” 4. “Defendant's regular pay received (the column is titled "Regular Pay Taken") for the years 2001 through 2016 (pro-rated for 2016's ½ year) is correctly listed on EXHIBIT "1" attached hereto.” 5. “Defendant's excessive compensation above her authorized annual regular pay (the column is titled "Difference") for the years 2001 through 2016 (pro-rated for 2016's ½ year) is correctly listed on EXHIBIT "1" attached hereto. The total difference or excessive regular pay for the years 2001 through 2016 equals \$220,442.37.” 6. “Defendant was overpaid 2,298.5 hours of vacation time by Plaintiff while employed by Plaintiff, pursuant to an order by the Court entered 	<p>Undisputed Facts:</p> <ol style="list-style-type: none"> 1. 2. 3.

<p>on July 23, 2019.”</p> <p>7. “Plaintiff does not believe Defendant disputes that as chief financial officer she was responsible for the timely filing of federal and state payroll tax returns and the annual federal unemployment tax return and payment of any tax due from Plaintiffs funds.”</p> <p>8. “Defendant used Plaintiffs credit cards for various purchases of goods and services. The dispute is the propriety of these charges.”</p>	
<p>Disputed Facts:</p> <p><u>Disputed Facts Related to Defendant's Excessive (i) Regular Wages and (ii) Vacation Pay.</u></p> <p>1. The amount of excess regular wages and the amount of excess vacation pay paid to Defendant is not in dispute. The crux of the factual dispute is:</p> <ul style="list-style-type: none"> a. Did Defendant act with deception or trickery to sustain a finding of fraud? b. Did Defendant act with fraudulent intent or deceit to sustain a finding of embezzlement or larceny? c. Did Defendant have a subjective motive to inflict injury or did she believe that injury was substantially certain to result from her conduct to sustain a finding of willfulness? d. Did Defendant intentionally pay herself the excessive salary and vacation compensation without just cause or excuse to sustain a finding of malice? <p><u>Disputed Facts Related to Tax Penalties and Interest</u></p> <p>2. The following are disputed facts related to tax penalties and interest:</p>	<p>Disputed Facts:</p> <ul style="list-style-type: none"> 1. 2. 3.

<p>a. Did Plaintiff or one of its principals provide sufficient funds for timely payment of taxes?</p> <p>b. Did Defendant make false statements to Plaintiff or its certified public accountant concerning the timely filing of various tax returns?</p> <p>3. The crux of the dispute is whether Defendant acted willfully and maliciously and, as a result, was Plaintiff assessed penalties and interest by taxing authorities?</p> <p><u>Disputed Facts Related to Credit Card Charges</u></p> <p>4. The disputed facts concern whether the credit card charges were authorized.</p> <p>5. The crux of the dispute is whether the credit charges were fraudulent (second claim for relief), constituted larceny or embezzlement (fourth claim for relief), or constituted willful and malicious injury (fifth claim for relief)?</p> <p><u>Disputed Facts Related to False Oath Claim</u></p> <p>6. Plaintiff believes that Defendant will dispute that she had any intent to make a false statement when she listed Plaintiff's claim against her as disputed in the underlying bankruptcy case, including her receipt of excessive vacation benefits while employed by Plaintiff.</p>	
<p>Disputed Evidentiary Issues:</p> <p>1. None</p>	<p>Disputed Evidentiary Issues:</p> <p>1.</p>
<p>Relief Sought:</p> <p>1. Plaintiff objects to Defendant's discharge pursuant to 11 U.S.C. § 727(a)(4)(A) for making a false oath or oaths in connection with her underlying bankruptcy case.</p>	<p>Relief Sought:</p> <p>1.</p> <p>2.</p> <p>3.</p>

<p>2. 11 U.S.C. § 523(a)(2)(A) [Second Claim for Relief]. Plaintiffs claimed damages for fraud are:</p> <p>Excess regular wages: \$220,442.37 Excess vacation pay: \$ 72,394.51 Unauthorized credit card charges: <u>\$ 13,588.66</u></p> <p>Total: \$306,425.54</p> <p>3. 11 U.S.C. §523(a)(4) [Fourth Claim for Relief] Plaintiffs claimed damages for embezzlement or larceny are:</p> <p>Excess regular wages: \$220,442.37 Excess vacation pay: \$ 72,394.51 Unauthorized credit card charges: <u>\$ 13,588.66</u></p> <p>Total: \$306,425.54</p> <p>4. 11 U.S.C. §523(a)(6) [Fifth Claim for Relief]</p> <p>Excess regular wages: \$220,442.3 7 Excess vacation pay: \$ 72,394.51 Unauthorized credit card charges: <u>\$13,588.66</u></p> <p>Federal penalties and interest: \$100,224.46 State penalties and interest: <u>\$ 12,113.93</u></p> <p>Total: \$418,763.93</p>	
<p>Points of Law:</p> <p>1. 11 U.S.C. §727(a)(4)(A); <i>Legware of Switz., Inc. v. Wills (In re Wills)</i>, 243 B.R. 58, 62(B.A.P. 9th Cir. 1999).</p> <p>2. 11 U.S.C. §523(a)(2)(A);</p> <p><i>In re AWTR Liquidation Inc.</i>, 548 B.R.</p>	<p>Points of Law:</p> <p>1.</p> <p>2.</p> <p>3.</p>

	<p>300, 313 (Bankr. C.D. Cal. 2016);</p> <p><i>Mueller v. Macban</i>, 62 Cal.App.3d 258, 274 (1976);</p> <p><i>Husky Intern. Electronics, Inc. v. Ritz</i>, 136 S.Ct. 1581, 1586 (2016);</p> <p><i>Neal v. Clark</i>, 95 U.S. 704, 706 (1877);</p> <p><i>In re Evans</i>, 181 B.R. 508, 514 (Bankr. S.D. Cal. 1995);</p> <p><i>Matter of Milbank</i> 1 B.R. 150, 154 (Bankr. S.D.N.Y. 1979);</p> <p><i>In re Shane</i> 548 B.R. 291, 297-298 (Bankr. N.D. Cal. 2016);</p> <p><i>Engalla v. Permanente Medical Group, Inc.</i>, 15 Cal.4th 951 , 974 (1997);</p> <p><i>Devers v. Bank of Sheridan, Mont. (In re Devers)</i>, 759 F.2d 751 , 753-54 (9th Cir.1985);</p> <p><i>In re Kurdoghlian</i>, 30 B.R. 500, 502 (B.A.P. 9th Cir. 1983).</p>
3.	<p>11 U.S.C. §523(a)(4);</p> <p><i>Valentine v. Valentine</i>, 104 B.R. 67, 70 (Bankr. S.D. Ind. 1988);</p> <p><i>Moore v. United States</i>, 160 U.S. 268, 269 (1895);</p> <p><i>Bailey v. James (In re James)</i>, 42 B.R. 334 (Bankr. W.D. Ky.1984);</p> <p><i>In re Talcott</i>. 29 B.R. 874, 878 (Bankr. D. Kan 1983);</p> <p><i>In re Graziano</i>, 35 B.R. 589, 595 (Bankr. E.D. N.Y. 1983);</p> <p><i>Ormsby v. First American Title Company</i></p>

<p><i>of Nevada (In re Ormsby)</i>, 591 F.3d 1199, 1205 (9th Cir. 2010)</p> <p><i>Elliott v. Kieseewetter (In re Kieseewetter)</i>, 391 B.R. 740, 748 (Bankr. W.D. Pa.2008) (quoting Black's Law Dictionary (8th ed. 2004)).</p> <p>4. 11 U.S.C. §523(a)(6)</p> <p><i>Ormsby v. First American Title Company of Nevada (In re Ormsby)</i>, 591 F.3d 1199, 1206 (9th Cir. 2010)</p> <p><i>Cablevision Sys. Corp. v. Cohen (In re Cohen)</i>, 121 B.R. 267, 271 (Bankr.E.D.N.Y.1990);</p> <p><i>In re Su</i>, 290 F.3d 1140 (9th Cir. 2002), FN 6;</p> <p><i>In re Jercich</i>, 238 F.3d 1202, 1209 (9th Cir. 2001);</p> <p><i>Transamerica Commercial Fin. Corp. v. Littleton (In re Littleton)</i>, 942 F.2d 551 , 554 (9th Cir. 1991).</p>	
<p>Abandoned Issues:</p> <p>1. Second claim for relief for fraud under 11 U.S.C. §523(a)(2)(B) [claim for fraud under subsection (a)(2)(A) is not abandoned under the second claim for relief].</p> <p>2. Third claim for relief - tax duty.</p> <p>3. Fourth claim for relief for defalcation while acting in a fiduciary capacity [claims for embezzlement and larceny are not abandoned in the fifth claim for relief are not abandoned).</p>	<p>Abandoned Issues:</p> <p>1.</p> <p>2.</p> <p>3.</p>
<p>Witnesses:</p>	<p>Witnesses:</p>

<p>1. Timothy R. Billington</p> <p>2. Michelle Gallagher, C.P.A. (Expert Witness)</p> <p>3. Julie Cothran</p> <p>4. Christy Alonzo</p>	<p>1.</p> <p>2.</p> <p>3.</p>
<p>Exhibits:</p> <p>A. Debtor's Petition, Schedules, and Statement of Financial Affairs (filed in underlying bankruptcy case).</p> <p>B. Report of Michelle Gallagher, CPA (including exhibits) (this report was timely served on Defendant in this action).</p> <p>C. Michelle Gallagher's C.V.</p> <p>D. Plaintiffs First Set of Requests for Admission to Defendant.</p> <p>E. Letter from Anthony Johnston to Melinda Broome dated July 2, 2019.</p> <p>F. Plaintiffs First Demand for Production of Documents to Defendant.</p> <p>G. Plaintiffs First Set of Special Interrogatories to Defendant.</p> <p>H. Phoenix Enrollment Request.</p> <p>I. BWM PAYROLL 2001 Notepad Entry for Employee: BROOME.</p> <p>J. BWM PAYROLL 2004 Notepad Entry for Employee: BROOME.</p> <p>K. BWM PAYROLL 2005 Notepad Entry for Employee: BROOME.</p> <p>L. BWM PAYROLL 2006 Notepad Entry for Employee: BROOME.</p>	<p>Exhibits:</p> <p>1.</p> <p>2.</p> <p>3.</p>

<p>M. BWM PAYROLL 2007 Notepad Entry for Employee: BROOME.</p> <p>N. BWM PAYROLL 2008 Notepad Entry for Employee: BROOME.</p> <p>O. BWM PAYROLL 2001 Payroll Register by Employee Name Employee 10 BROOME, 01/01/2001 TO 12/31/2001.</p> <p>P. BWM Payroll2002 Payroll Register by Employee Name Employee <i>Id.</i> BROOME, 01/01/2002 TO 12/31/2002.</p> <p>Q. BWM PAYROLL 2003 Payroll Register by Employee Name Employee ID BROOME, 01/01/2003 TO 12/31/2003.</p> <p>R. BWM PAYROLL 2004 Payroll Register by Employee Name Employee ID BROOME, 01/01/2004 TO 12/31/2004.</p> <p>S. BWM PAYROLL 2005 Payroll Register by Employee Name Employee ID BROOME, 01/01/2005 TO 12/31/2005.</p> <p>T. BWM PAYROLL 2006 Payroll Register by Employee Name Employee ID BROOME, 01/01/2006 TO 12 31/2006.</p> <p>U. BWM PAYROLL 2007 Payroll Register by Employee Name Employee 10 ID BROOME, 01/01/2007 TO 12/31/2007.</p> <p>V. BWM PAYROLL 2008 Payroll Register by Employee Name Employee ID BROOME, 01/01/2008 TO 12/31/2008.</p> <p>W. BWM PAYROLL 2009 Payroll Register by Employee Name Employee ID BROOME, 01/01/2009 TO 12/31/2009.</p> <p>X. BWM PAYROLL 2010 Payroll Register by Employee Name Employee ID BROOME, 01/01/2010 TO 12/31/2010.</p> <p>Y. BWM PAYROLL 2011 Payroll Register</p>	
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<p>by Employee Name Employee ID BROOME, 01/01/2011 TO 12/31/2011.</p> <p>Z. BWM PAYROLL 2012 Payroll Register by Employee Name Employee ID BROOME, 01/01/2012 TO 12/31/2012.</p> <p>AA. BWM PAYROLL 2013 Payroll Register by Employee Name Employee ID BROOME, 01/01/2013 TO 12/31/2013.</p> <p>BB. BWM PAYROLL 2014 Payroll Register by Employee Name Employee ID BROOME, 01/01/2014 TO 12/31/2014.</p> <p>CC. BWM PAYROLL 2015 Payroll Register by Employee Name Employee ID BROOME, 01/01/2015 TO 12/31/2015.</p> <p>DD. BWM PAYROLL 2016 Payroll Register by Employee Name Employee ID BROOME, 01/01/2016 TO 6/30/2016.</p> <p>EE. Billington Welding & Mfg., Inc. - Melinda Broome Regular Salary Analysis schedule prepared by Michelle Gallagher for years 2001 through 2016 (attached to Pretrial Conference Statement as Exhibit 1).</p> <p>FF. Order entered by Judge Sargis on July 23, 2019 (order on motion for partial summary adjudication).</p> <p>GG. BILLINGTON WELDING MFG & HOPKINS, INV. VACATION/TIME OFF REQUEST for Lindy Broome.</p> <p>HH. Plaintiffs Employee Handbook (in effect from November 22, 1999 through March 31, 2004).</p> <p>II. Plaintiffs Employee Handbook (in effect from April 1, 2004 through Defendant's termination of employment with Plaintiff in June 2016).</p> <p>JJ. "Vacation/time Off Request form from Defendant dated August 13, 2003.</p>	
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<p>KK. Vacation Ledger for Lindy Broome (last entry is 6/20/03).</p> <p>LL. Vacation Ledger for Lindy Broome (first entry is 6/20/03).</p> <p>MM. Billington Welding & Mfg., Inc. - Melinda Broome Vacation Analysis - Hours Accrued and Hours Paid (schedule prepared by Michelle Gallagher).</p> <p>NN. Billington Welding & Mfg., Inc. - Melinda Broome - Accrued Hours and Vacation Log Sheet (schedule prepared by Michelle Gallagher).</p> <p>OO. Billington Welding & Mfg., Inc. - Melinda Broome Vacation Analysis - Monetary (schedule prepared by Michelle Gallagher).</p> <p>PP. IRS Form 941 , 3rd Quarter 2014.</p> <p>QQ. IRS Form 941 , 4th Quarter 2014.</p> <p>RR. IRS Form 940, 2014.</p> <p>SS. IRS Form 941, 1st Quarter 2015.</p> <p>TT. IRS Form 941 , 2nd Quarter 2015.</p> <p>UU. IRS Form 941 , 3rd Quarter 2015.</p> <p>VV. IRS Form 941, 4th Quarter 2015.</p> <p>WW. IRS Form 940, 2015.</p> <p>XX. IRS Form 941 , 1st Quarter 2016.</p> <p>YY. IRS Form 941, 2nd Quarter 2016.</p> <p>ZZ. EDD Statement of Account, underpayment penalty for 4th quarter 2014.</p> <p>AAA. EDD Statement of Account, interest for amount due for 4th quarter 2014.</p>	
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<p>BBB. EDD Statement of Account, underpayment penalty for 1st quarter 2015.</p> <p>CCC. EDD Statement of Account, interest for amount due for 1st quarter 2015.</p> <p>DDD. EDD Statement of Account, underpayment penalty for 1st quarter 2016.</p> <p>EEE. EDD Statement of Account, interest for amount due for 1st quarter 2016.</p> <p>FFF. Billington Welding & Manufacturing, Inc. -Taxing Authority Penalties and Interest (schedule prepared by Michelle Gallagher).</p> <p>GGG. Credit card statements for Plaintiff's credit cards with account numbers ending in 2532 and 8618 issued to Defendant for the time period of December 2009 through June 2016.</p> <p>HHH. Billington Welding & Manufacturing., Inc. - Melinda Broome Credit Card Charges (schedule prepared by Michelle Gallagher).</p>	
<p>Discovery Documents:</p> <ol style="list-style-type: none"> 1. Plaintiffs First Set of Requests for Admission to Defendant (all requests, which are 1 through 26). 2. Plaintiff's First Set of Special Interrogatories to Defendant and Defendant's Responses [sic] to Plaintiff's First Set of Special Interrogatories (all interrogatories and responses, which are 1 through 20). 3. Plaintiff's First Demand for Production of Documents to Defendant and Defendant's Responses [sic] to Plaintiff's First Request for Production of Documents (demands 3 through 9 and responses). 	<p>Discovery Documents:</p> <ol style="list-style-type: none"> 1. 2. 3.
<p>Further Discovery or Motions:</p>	<p>Further Discovery or Motions:</p>

1. None	1.
Stipulations: 1. Exhibits 1 through 58 Proposed	Stipulations: 1.
Amendments: 1. None	Amendments: 1.
Dismissals: 1. None	Dismissals: 1.
Agreed Statement of Facts: 1. Possible	Agreed Statement of Facts: 1.
Attorneys' Fees Basis: 1. Not requested.	Attorneys' Fees Basis: 1.
Additional Items 1. None	Additional Items 1.
Trial Time Estimation: one to two days	Trial Time Estimation: