

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Sacramento, California

November 4, 2015 at 2:30 p.m.

1. [14-27045-E-13](#) HARINDER SINGH
[14-2237](#)
SACRAMENTO SIKH SOCIETY
BRADSHAW TEMPLE V. SINGH

CONTINUED PRE-TRIAL CONFERENCE
RE: COMPLAINT TO DETERMINE
DISCHARGEABILITY OF DEBT
8-13-14 [[1](#)]

Final Ruling: No appearance at the November 4, 2015 Status Conference is required.

Plaintiff's Atty: Peter J. Pullen
Defendant's Atty: Peter G. Macaluso

Adv. Filed: 8/13/14
Answer: 9/12/14

Nature of Action:
Dischargeability - false pretenses, false representation, actual fraud

The Pre-Trial Conference is continued to 2:30 p.m. on January 20, 2016.

Notes:

Continued from 9/9/15

Supplemental Exhibits to Defendant's 2nd Pre-Trial Status Report filed 9/17/15 [Dckt 41]

NOVEMBER 4, 2015 PRETRIAL CONFERENCE

On November 2, 2015, Plaintiff Sacramento Sikh Society Bradshaw Temple filed a Status Report. Dckt. 46. Plaintiff requests that the court continue the Pre-Trial Conference until after January 1, 2016, to afford Plaintiff and Defendant-Debtor to consummate a settlement of this Adversary Proceeding. Plaintiff states that it does not oppose the Defendant-Debtor's motion to approve the compromise (which the court denied without prejudice on October 7, 2015; 14-27045, Dckt. 120) and the Defendant-Debtor's motion to dismiss his bankruptcy case (no motion to dismiss the bankruptcy case has been filed by Debtor, but a motion to dismiss for failure to prosecute the Chapter 13 case has been filed by the Chapter 13 Trustee; 14-27045, Dckt. 97). Plaintiff has

November 4, 2015 at 2:30 p.m.

filed a non-opposition to the Trustee's motion to dismiss. 14-27045, Dckt. 126.

On October 28, 2015, Defendant-Debtor filed a document titled Settlement Agreement copy of a settlement agreement between Defendant-Debtor and Plaintiff. Dckt. 43. Though titled "Settlement Agreement," the document states that Defendant-Debtor seeks approval of a compromise pursuant to Federal Rule of Bankruptcy Procedure 9019. The "Settlement Agreement" states that Defendant-Debtor will make two payments of \$30,000.00 each, to pay Plaintiffs the full \$60,000.00 demanded in the Complaint filed in this Adversary Proceeding. No other grounds are stated with particularity in the Settlement Agreement, if it is intended to be a motion. Fed. R. Civ. P. 7(b), Fed. R. Bankr. P. 7007 and 9014.

The "Settlement Agreement" document makes reference to an Exhibit A as stating the terms of the settlement. Exhibit A, Dckt. 44. This is the same Settlement Agreement the court addressed in the prior motion filed in the bankruptcy case. The court's findings of fact and conclusions of law are stated in the Civil Minutes; 14-27045, Dckt. 116; for the final hearing on the Motion to Approve the Compromise filed in the Defendant-Debtor's bankruptcy case. As stated in the court's findings and conclusions, the court has significant concerns in light of the Defendant-Debtor failing to present credible testimony and properly authenticated and credible exhibits in support of the motion.

The court has under consideration the Chapter 13 Trustee's Motion to Dismiss, and whether dismissal or conversion is proper. The court continues the hearing to allow the parties to address the result of that motion, as well as continue in their settlement efforts, and prosecution of a good faith, Chapter 13 Plan if the case is not dismissed or converted. 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 for this Adversary Proceeding, having been set by the court, a Status Report having been filed by the Plaintiff stating that a settlement has been reached, Defendant-Debtor filing a copy of a Settlement Agreement (which compromise has not been authorized by the court pursuant to Fed. R. Bank. P. 9019), the Chapter 13 Trustee having pending motion to dismiss the Defendant-Debtor's bankruptcy case, the court having under consideration whether dismissal or conversion to Chapter 7 is proper, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Pre-Trial Conference is continued to 2:30 p.m. on January 20, 2016.

2. [14-27045](#)-E-13 HARINDER SINGH
DMA-1

CONTINUED STATUS CONFERENCE RE:
MOTION TO AVOID LIEN OF
SACRAMENTO SIKH SOCIETY
BRADSHAW TEMPLE
8-2-14 [[15](#)]

Final Ruling: No appearance at the November 4, 2015 Status Conference is required.

Debtor's Atty: David M. Alden

<p>The Status Conference is continued to 2:30 p.m. on January 20, 2016.</p>
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Notes:

Continued from 9/9/15

[PGM-1] Order denying Motion to Approve Compromise filed 10/7/15 [Dckt 120]

[DPC-2] Order continuing hearing on Motion to Dismiss to 11/4/15 at 10:00 a.m. filed 10/19/15 [Dckt 123]

The court has under consideration the Chapter 13 Trustee's Motion to Dismiss, and whether dismissal or conversion is proper. The court continues the hearing to allow the parties to address the result of that motion, as well as continue in their settlement efforts, and prosecution of a good faith, Chapter 13 Plan if the case is not dismissed or converted.

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 for the Motion to Avoid Lien filed by Harinder Singh, the Debtor, having been conducted by the court, no further pleadings filed in this Contested Matter, a Status Report having been filed in the related Adversary Proceeding by the creditor's whose lien is at issue, the Chapter 13 Trustee having pending motion to dismiss this bankruptcy case, the court having under consideration whether dismissal or conversion to Chapter 7 is proper, 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 January 20, 2016.

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3. [09-43956-E-13](#) RAFAEL/ELSA MARTINEZ
[15-2131](#)
MARTINEZ, JR. ET AL V. LITTON
LOAN SERVICING

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
6-18-15 [[1](#)]

Final Ruling: No appearance at the November 4, 2015 Status Conference is required.

Plaintiff's Atty: Douglas B. Jacobs
Defendant's Atty: Phillip Barilovits

Adv. Filed: 6/18/15
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

The Status Conference is continued to 2:30 p.m. on January 20, 2016.

Notes:
Continued from 9/9/15
Plaintiff's Status Conference Statement filed 10/22/15 [Dckt 20]

NOVEMBER 4, 2015 STATUS CONFERENCE

Plaintiff-Debtor filed a Status Report on October 22, 2015. Dckt. 20. Plaintiff-Debtor reports that this Adversary Proceeding and the settlement documents are in preparation for filing. On behalf of the Parties, Plaintiff Debtor requests that the Status Conference be continued.

It is evident from the file that the Parties have worked to reduce issues and resolve matters. The stated settlement is consistent with the conduct of the Parties and respective counsel. Further, settlement is not unexpected for the issues presented in the Complaint. Counsel for Plaintiff-Debtor has prosecuted similar litigation involving other clients, and the reported settlement is consistent with his resolution of those other cases.

The Status Conference is continued to 2:30 p.m. on January 20, 2016.

4. [10-23577](#)-E-11 GLORIA FREEMAN

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
2-16-10 [[1](#)]

Final Ruling: No appearance at the November 4, 2015 Status Conference is required.

Debtor's Atty: Reno F.R. Fernandez

The court having entered the order for entry of the final decree and closing of the case, **the Status Conference is removed from the Calendar.**

Notes:

Continued from 7/9/15

Operating Report filed: 10/20/15

[WFH-50] Motion for Approval of Final Distribution filed 10/5/15 [Dckt 1667]; granted 10/29/15

[WFH-51] Motion for Entry of Final Decree and Order Closing Case filed 10/5/15 [Dckt 1672]; granted 10/29/15

5. [15-21393](#)-E-11 RICKIE WALKER

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
2-24-15 [[1](#)]

Final Ruling: No appearance at the November 4, 2015 Status Conference is required.

Debtor's Atty: Pro Se

The court having ordered the Bankruptcy Case dismissed, **the Status Conference is removed from the Calendar.**

Notes:

Continued from 9/9/15

Operating Reports filed: 9/14/15; 10/1/15

[RHS-1] Order to Show Cause filed 9/16/15; Order to Show Cause sustained and case dismissed 10/29/15