

UNITED STATES BANKRUPTCY COURT  
Eastern District of California

Honorable Ronald H. Sargis  
Bankruptcy Judge  
Sacramento, California

November 13, 2013 at 2:30 p.m.

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1. [09-45610-E-13](#) RICK LAMB  
[13-2130](#)  
LAMB V. CITIMORTGAGE, INC.

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
4-17-13 [[1](#)]

Plaintiff's Atty: Douglas B. Jacobs  
Defendant's Atty: unknown

Adv. Filed: 4/17/13  
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)

**Final Ruling:** The Adversary Proceeding having been dismissed by the  
Plaintiff on November 6, 2013, pursuant to Federal Rule of Civil Procedure  
41(a)(1)(A)(i) and Federal Rule of Bankruptcy Procedure 7041, Dckt. 37, **the  
Status Conference is removed from the calendar.** No appearance at the  
November 13, 2013 Status Conference is required.

Notes:

Continued from 9/4/13 to afford Plaintiff the opportunity to obtain entry of  
a default judgment and conclude any post judgment bill of costs and motion  
for award of attorney's fees, if any.

[DBJ-2] Notice of Withdrawal of Motion for Default Judgment filed 9/16/13  
[Dckt 30]

Joint Stipulation to Set Aside Entry of Default and Default Judgment  
[entered on 9/20/13] Against Defendant Citimortgage, Inc. filed 10/16/13  
[Dckt 35]; Order granting and setting deadline of 11/10/13 at 5:00 p.m. to  
dismiss Adversary action, if not, the court shall re-enter the order  
granting the default judgment filed 10/18/13 [Dckt 36]

2. [12-41713](#)-E-11 MARVIN/ARNELLE BROWN

CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
12-20-12 [[1](#)]

Debtors' Atty: Stephen M. Reynolds

Notes:

Continued from 7/31/13

Operating Reports filed: 9/13/13 [Jul, Aug]; 10/15/13 [Sept]

Amended Disclosure Statement and Amended Plan filed 8/9/13 [Dckt 68]; Order denying filed 9/20/13 [Dckt 82]

[RLC-1] Debtors' Motion for Order Valuing Collateral filed 10/23/13 [Dckt 87], set for hearing 11/19/13 at 10:30 a.m.

3. [12-39515](#)-E-11 WATSON COMPANIES, INC.

CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
11-5-12 [[1](#)]

Debtor's Atty: W. Steven Shumway

Notes:

Continued from 6/26/13

Operating Reports filed: 7/12/13

[RHS-2] Order to Show Cause [re "Stipulated Orders Granting Relief from Automatic Stay"] filed 6/21/13 [Dckt 88]; Order discharging order to show cause filed 9/5/13 [Dckt 148]

[JHK-1] Motion to Approve Stipulation Between Ford Motor Credit Company, LLC and Watson Companies, Inc. for Relief from the Automatic Stay and Annulment of the Automatic Stay filed 10/15/13 [Dckt 158], set for hearing 11/19/13 at 10:30 a.m.

**Final Ruling:** The Chapter 11 Plan was confirmed by order filed on September 28, 2013. Dckt. 154. The Plan Administrator reports that the final fee applications need to be filed and final approval of professional fees obtained. **The Status Conference is continued to 3:00 p.m. on February 6, 2014.** No appearance at the October 13, 2013 Status Conference is required.

4. [11-31221-E-13](#) ANTHONY/TERESA LANDRY  
[12-2675](#)  
LANDRY ET AL V. BANK OF  
AMERICA, N.A. ET AL

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
11-23-12 [[1](#)]

Plaintiff's Atty: Richard A. Hall  
Defendants' Atty: Daniel B. Ruby

Adv. Filed: 11/23/12  
Answer:  
Bank of America 4/15/13  
U.S. Bank, N.A. 4/15/13

Nature of Action:  
Recovery of money/property - other  
Declaratory judgment

**Final Ruling: The Status Conference is Removed from the calendar.** No appearance at the October 13, 2013 Status Conference is required. The Clerk of the Court shall close this Adversary Proceeding.

On October 14, 2013, the parties file a Stipulation for Dismissal of the Adversary Proceeding with prejudice. Dckt. 41. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Federal Rule of Bankruptcy Procedure 7041, the parties may stipulate to dismiss an adversary proceeding. No order of the court is required.

The Adversary Proceeding having been dismissed, no further action of the court is required.

Notes:

Continued from 9/4/13 to afford the Parties the opportunity to conclude this Adversary Proceeding.

Stipulation for Dismissal with Prejudice filed 10/14/13 [Dckt 41], proposed order not submitted

5. [12-35521-E-13](#) CHRISTOPHER DEAN  
[13-2289](#)  
DEAN V. COLLEGE GREENS EAST  
HOMEOWNER ET AL

STATUS CONFERENCE RE: COMPLAINT  
9-12-13 [[1](#)]

Plaintiff's Atty: Peter G. Macaluso  
Defendant's Atty:  
Joshua B. Clark [College Greens East Homeowner; Eugene Burger Management Corp.]  
Brian A. Paino [Cenlar, F.S.B.; San Francisco Fire Credit Union]

Adv. Filed: 9/12/13  
Answer: none

Nature of Action:  
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)  
Declaratory judgment

Notes:

[PD-1] Motion for Discretionary Abstention Or, In The Alternative, to Dismiss Complaint for Failure to State a Claim Upon Which Relief Can Be Granted [Defendants: Cenlar FSB and San Francisco Fire Credit Union] filed 10/15/13 [Dckt 13], set for hearing 12/4/13 at 1:30 p.m.

[SC-1] Notice of Motion to Dismiss [Defendants: College Greens East Homeowner's Assoc. and Eugene Burger Management Corp] filed 10/21/13 [Dckt 20], set for hearing 12/4/13 at 1:30 p.m.

Plaintiff's Status Statement filed 11/4/13 [Dckt 25]

6. [11-37725](#)-E-13 THAN PHUNG  
[11-2684](#)  
ZHANG V. PHUNG ET AL

CONTINUED PRE-TRIAL CONFERENCE  
RE: COMPLAINT TO DETERMINE  
DISCHARGEABILITY OF DEBT  
10-24-11 [[1](#)]

Plaintiff's Atty: Alexander Chen  
Defendant's Atty: Aldon L. Bolanos

Adv. Filed: 10/24/11  
Answer: 11/23/11

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

Notes:

Continued from 7/31/13. The Parties requested that the court schedule a judicial mediation as part of their good faith efforts to resolve this matter.

Settlement Conference Order filed 8/7/13 [Dckt 113]

Plaintiff Xu Ling Zhang's Mediation Brief filed 9/9/13 [Dckt 116]

Order Concluding Settlement Conference filed 9/24/13 [Dckt 117]

7. [10-21236](#)-E-13 MATTHEW/NOELL THOMPSON  
[13-2184](#)  
THOMPSON ET AL V.  
CITIMORTGAGE, INC.

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
6-5-13 [[1](#)]

*Closed 11/6/13*

**Final Ruling:** Judgment having been entered and the Bill of Costs Filed, **the Status Conference is removed from the calendar.** No appearance at the November 13, 2013 Status Conference is required.

8. [13-27044-E-13](#) KEVIN/BREE SEARS  
[13-2284](#)  
ADAMS V. SEARS

STATUS CONFERENCE RE: COMPLAINT  
9-4-13 [[1](#)]

Plaintiff's Atty: Arthur J. Pollock  
Defendant's Atty: Douglas B. Jacobs

Adv. Filed: 9/4/13  
Answer: 9/24/13

Nature of Action:  
Dischargeability - fraud as fiduciary, embezzlement, larceny

Notes:

Joint Status Statement and Discovery Plan filed 10/18/13 [Dckt 9]

9. [13-20051-E-11](#) TYRONE BARBER

CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
12-20-12 [[1](#)]

Debtor's Atty: Cory A. Birnberg

Notes:

Continued from 10/2/13 to be heard in conjunction with the order to show cause.

Operating Report filed: 10/12/13

[UST-2] Motion for Conversion or Dismissal of Chapter 11 Case filed 10/18/13 [Dckt 126], set for hearing 11/19/13 at 10:30 a.m.

[CAB-5] Application for Allowance of Compensation [accountant] filed 10/25/13 [Dckt 131], set for hearing 12/4/13 at 10:30 a.m.

[CAB-6] Motion for Disbursement of Fees to Family Law Counsel filed 10/29/13 [Dckt 136], set for hearing 12/12/13 at 10:30 a.m.

[CAB-7] Notice of Hearing and Objection to Allowance of Claim No: 3-1 and 4-1 of Internal Revenue Service filed 11/1/13 [Dckt 139], set for hearing 12/12/13 at 10:30 a.m.

Plan of Reorganization filed 11/3/13 [Dckt 140]

Disclosure Statement filed 11/3/13 [Dckt 141], set for hearing 12/12/13 at 3:00 p.m.

10. [13-20051](#)-E-11 TYRONE BARBER  
RHS-1 Cory A. Birnberg

ORDER TO SHOW CAUSE  
10-3-13 [[122](#)]

**Notice Provided:** The Order to Show Cause was served by the Clerk of the Court through the Bankruptcy Noticing Center on October 4, 2013. 40 days notice of the hearing was provided.

**The court's tentative decision is to sustain the Order to Show Cause and dismiss the bankruptcy case.**

The court conducted a Chapter 11 Status Conference in this case on October 2, 2013. Neither the Debtor in Possession nor counsel for the Debtor in Possession appeared at the Status Conference. The court's review of the monthly operating reports indicates an inconsistency in the income reported, expenses, and bank account balances. See Civil Minutes for October 2, 2013 Status Conference. This bankruptcy case was filed on December 20, 2012. No proposed plan or disclosure statement has been filed in this case. The work performed by professionals in this case has been generally limited to getting professionals employed. See Civil Minutes for hearing on motion for compensation, Dckt. 117.

The court ordered that the Debtor in Possession, by counsel or with counsel, to appear and show cause why this Chapter 11 case should not be dismissed or converted to a case under Chapter 7.

#### **RESPONSE**

On October 21, 2013, Counsel for Debtor, Cory A. Birnberg, filed a declaration. Counsel testifies that he informed his secretary to calendar the October 2 appearance date, which she did, absent the case name. Counsel states his office searched the files to determine which case was set for hearing, could not find one and assumed it was a mis-calendar.

Counsel states the last operating report was filed early and timely and he has gone over some issues with the U.S. Trustee's office to improve upon the reports. Counsel states he also met with the client to follow up on the reports. Counsel states he has filed a plan and disclosure statement. Counsel apologizes for his mistake.

#### **DISCUSSION**

A review of the court docket shows that since the issuance of this Order to Show Cause and Counsel's response, Counsel has filed Motions for Compensation for his bookkeeper and special counsel for a child support matter and set them for hearing. Dckts. 131, 136. A Chapter 11 plan and disclosure statement have also been filed by the Debtor-in-Possession, and the Disclosure Statement has been set for hearing. Dckts. 140, 141, 144. Debtor-in-Possession has also filed an objection to claim but it appears to be severely procedurally deficient. Dckt. 139. FN.1.

FN.1. The moving party filed the notice, motion (if any), and proof of service in this matter as one document. This is not the practice in the Bankruptcy Court. "Motions, notices, objections, responses, replies, declarations, affidavits, other documentary evidence, memoranda of points and authorities, other supporting documents, proofs of service, and related pleadings shall be filed as separate documents." *Revised Guidelines for the Preparation of Documents*, ¶(3)(a). Counsel is reminded of the court's expectation that documents filed with this court comply with the *Revised Guidelines for the Preparation of Documents* in Appendix II of the Local Rules, as required by Local Bankruptcy Rule 9014-1(d)(1).

Furthermore, no evidence has been filed in support of the Objection to Proof of Claim. It is settled law in the Ninth Circuit that the party objecting to a proof of claim has the burden of presenting substantial factual basis to overcome the prima facie validity of a proof of claim and the evidence must be of probative force equal to that of the creditor's proof of claim. *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991); see also *United Student Funds, Inc. v. Wylie (In re Wylie)*, 349 B.R. 204, 210 (B.A.P. 9th Cir. 2006). No evidence appears to support the Objection to Proof of Claim.

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Debtor-in-Possession has also filed a Motion to Change Designation from Small Business Designation to one under Chapter 11 without such designation. Dckt. 147. This appears to be in response to the U.S. Trustee's Motion to Dismiss or Convert, filed October 18, 2013 and set for hearing November 19, 2013. The Motion asserts that the claims in this case exceed \$2,493,655.51, which is more than the \$2,343,300.00 necessary for a debtor to meet the definition of a small business case. Definitions of Small Business Case and Small Business Debtor, 11 U.S.C. § 101(51C) and (51D). No evidence is provided in support of the Motion or to provide an explanation as to why the Debtor now believes that the Debts in this case are \$2,943,655.51. The Points and Authorities in support of the Motion states that the Debtor did not know that the debts were so large when the case was filed. Dckt. 149.

The Points and Authorities appear to state the grounds upon which the requested relief is appropriate. (The grounds upon which the relief requested in a motion are based must be stated with particularity in the motion, not scattered among various pleadings filed with the court. Fed. R. Civ. P. 7(b), Fed. R. Bank. P. 7007, 9013.) Because consideration of that motion may cause the case to live or die, the court considers what is stated with particularity in the Points and Authorities.

The Debtor in Possession directs the court's attention to the nine proofs of claim filed in this case which total \$2,111,184.20. The largest claim is for \$1,796,309.35 which has been filed by the Internal Revenue Service. Of this, \$70,208.18 is asserted as a priority claim, \$70,208.18 as secured, and the balance as an unsecured claim. The attachment to the Internal Revenue Service Proof of Claim indicates that the Debtor has unassessed-no returns filed for the 2012, 2011, 2010, 2009, 2008, and 2007 tax years. The Debtor in Possession argues that an additional \$382,481.31 in claims on the Schedules.

**Status of Case**

The Order to Show Cause was issued not only because of the non-appearance at the Status Conference, but because of the Debtor in Possession's failure to prosecute the case. As noted by the court, the activity in this case consisted of merely the employment of professionals and the filing of fee applications.

Following the Order to Show Cause, the U.S. Trustee filed a Motion to Dismiss the Chapter 11 Case. Dckt. 126. In addition to the Debtor in Possession not having met the timely plan requirements for a small business case, the U.S. Trustee also raised the grounds that the Monthly Operating Reports were not timely filed and appeared to be inaccurate. The inaccuracies identified by the U.S. Trustee in connection with the motion to dismiss are that the cash balance amounts and fund on hand amounts on several of the Monthly Operating Report are not consistent.

The courts was also concerned that this case, having been filed on December 20, 2012, little had been accomplished other than employing professionals and the filing of fee applications. The Order to Show Cause appears not only to have spawned a motion to dismiss by the U.S. Trustee, but several fee applications, disclosure statement, and Chapter 11 plan from the Debtor in Possession.

The first fee application seeks the payment of \$3,360 in fees to Renato Pepengco, as the accountant-bookkeeper for the Debtor in Possession. Application, Dckt. 131. This is for the 2010 Federal and California tax returns, the Philippine Property tax return, and 2012 W-2s and 1099s. The second fee application is for John Guthrie, the Debtor's family law counsel who is seeking to enforce a support order. The Debtor in Possession seeks an interim fee award and authorization to pay counsel \$10,000.00.

The proposed Chapter 11 Plan, Dckt. 140, provides for payment of claim in the following manner and amounts:

Class of Claims Creditor	Amount Provided in Plan	Treatment of Claim
Class 1, Internal Revenue Service Secured Claim	Unstated	Subject to Objection of Debtor
Class 2, Franchise Tax Board Secured Claim	Unstated	Unimpaired, to be paid over 5 years, from later of effective date or when claim is allowed by final, non-appealable order
Class 3 Ford Motor Credit Secured Claim	Unstated	Paid in full within 60 days of later of effective date or when order allowing claim is a final, non-appealable order

Class 4 All Priority Claims (Excluding administrative expense claims and priority tax claims)	Unstated	Paid in full over five years from the later of the effective date or when order allowing claim is a final, non-appealable order
Class 5 General Unsecured Claims	Unstated	Paid 20% of value (scheduled amount) over five years.
Class 6 Equity		Property and Business Remains the Debtor's

The Plan fails to provide any specifics by which the Debtor would be bound to perform. No specific amounts to be paid as claims are provided for, no interest rate, no amortization, and no monthly payment amounts. The Plan is a recitation of the legal requirements of the Bankruptcy Code with no financial substance.

For the general unsecured claims, the Plan fails to provide for the payment of claims as filed and allowed, but merely that the Debtor will pay 20% of the claims as the Debtor scheduled them. The proofs of claim are deemed a nullity by the Debtor in Possession.

A glaring omission in the Plan is for the tax priority claims. The Class four priority claims expressly exclude tax claims. The proposed Plan includes a note, stating that under 11 U.S.C. § 1129(a)(9)(D) a secured priority tax claim must be paid in the same manner as a unsecured priority tax claim. However, that does not make an unsecured priority tax claim a secured claim. See 11 U.S.C. § 506(a) for definition of secured claim, limiting it to the value of the collateral securing the claim.

The Plan provides that the Debtor will fund the plan with only \$1,500 a month. Over the 60 months of the plan that totals \$90,000.00. The plan further states that "The remaining amounts owing will be funded from the operations of the Debtor." No specific amounts are required to be funded and no timing is provided for the "remaining amounts" which would have to be funded.

To put the non-specific funding in context, just from the proofs of claim filed, the Debtor will have to generate from "operations" an additional \$2,144,584 for the secured and priority tax claims.

The Disclosure Statement states that the plan is being proposed in a small business bankruptcy case. The financial information provided with the Disclosure Statement is only the most recent monthly operating report.

In describing the claims, the Disclosure Statement projects that there will be \$43,000 in administrative expenses (showing only \$15,000 in professional fees). Though not so provided in the Plan, the Disclosure Statement describes the payment of a \$9,659 priority claim to the California Employment Development Department and a \$2,662 priority claim to the California Franchise Tax Board. No treatment of the Internal Revenue Service priority claim is provided, with the Disclosure Statement providing only that the amount is "TBD" (to be determined). The priority claim

treatment listed in the Disclosure Statement is not the treatment which is provided for in the Plan.

For the secured claim of the Internal Revenue Service, the Disclosure Statement "discloses" that the treatment is generically going to be payment over five years, for whatever amount it needs to be. No provision is made for either the Internal Revenue Service secured claim or the Franchise Tax Board secured claim for any specific amount or interest to be paid.

For Class 5 general unsecured, the Disclosure Statement discloses that the Debtor will only pay trade debt and then pay only the debt as he has listed it on Schedule F. The Plan does not say that Class 5 is limited only to "trade debt" and that all other unsecured claims are ignored.

The financial information provided as part of the Disclosure Statement is only a monthly operating report. The Debtor in Possession offers no good faith financial projections or a pro forma by which an informed decision on whether a creditor though voting for or against the plan. Looking at the September 2013 Monthly Operating Report attached to the Disclosure Statement, several financial issues bubble to the surface.

A.	Cash Receipts Since December 2012.....	\$1,934,131	
B.	Disbursements Since December 2012.....	(\$1,804,742)	
C.	Increase(Decrease) in Cash Since December 2012.....	\$	129,389
D.	Cash Balance, September 30, 2013.....	\$	129,389
E.	Bank Account Balances		
	1. Bank of the West, 4784.....	\$	7,676.45
	2. Bank of the West, 4839.....	\$	156.46
	3. Bank of the West, 3711.....	\$	0.37

The detail provided to the Monthly Operating Report for September 2013 does not show where the \$129,389 cash balance is located.

The Monthly Operating Report also discloses unpaid post-petition liabilities of \$100,655 (current to 30-days), \$34,378 (over 30-days, non-tax obligations), and \$45,800 for accrued professional fees. These total \$180,834.00 in unpaid post-petition liabilities, which exceed the paper "cash balance" shown on the Monthly Operating Report. The Monthly Operating Report also lists a "Work in Process" asset with a value of \$477,536.

**The Debtor in Possession Has Not and Is Not Able to Prosecute This Chapter 11 Case**

The court finds that the Debtor's Responses and action taken only after receiving the Motion to Dismiss and the Order to Show Cause demonstrate that the case has not and is not being properly prosecuted. This case has languished for almost a year without any headway. Facing the Motion to Dismiss and the Order to Show Cause, the Debtor in Possession rushes out a "plan" and "disclosure statement" that commit the Debtor to nothing. The Plan merely repeats the basic statutory requirements and

commits the Debtor to paying nothing more than \$1,500 a month - a woefully inadequate amount. In substance, if the court were to confirm the plan, it would be nothing more than a Chapter 11 plan which says the Debtor doesn't have to pay anything for five years unless the Debtor decides to pay something.

The Order to Show Cause is sustained and the court dismisses this Chapter 11 case. If the Debtor can re-structure his finances, straighten out his accounting, and put together a plan which can fund sufficient amounts to properly provide for payment of creditor claims, he can commence a new bankruptcy case. This will necessitate the Debtor in putting together a plan which commits him to pay specific amounts each month, well in excess of the \$1,500.00 the current proposed plan states, rather than merely stating that at some later date the Debtor may pay some more money, in unstated amounts.

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 hearing on the Order to Show Cause having been conducted by the court, the Response of the Debtor in Possession, the proposed plan and disclosure statement referenced by the Debtor in Possession having been considered, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Order to Show Cause is sustained and the bankruptcy case dismissed.

11. [12-26563-E-13](#) [13-2007](#) YASWANT/KAMINI SINGH CONTINUED STATUS CONFERENCE RE:  
SINGH ET AL V. SATTERFIELD ET COMPLAINT  
AL 1-8-13 [[1](#)]

**Continued to 11/19/13 3:00 p.m. calendar to be heard in conjunction with motion to dismiss the Plaintiffs' bankruptcy case.** No appearance at the November 13, 2013 Status Conference is required.

12. [09-33870-E-13](#) [12-2703](#) GERALD/JEANIE GONZALES  
GONZALES V. US BANK NA ET AL

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
12-4-12 [[1](#)]

Plaintiff's Atty: John G. Downing  
Defendant's Atty:  
Tara L. Elgie [GreenPoint Mortgage Funding, Inc.]  
unknown [GMAC Mortgage, LLC]  
unknown [US Bank NA]

Adv. Filed: 12/4/12  
Answer: none

Nature of Action:  
Validity, priority or extent of lien or other interest in property  
Declaratory judgment

**November 13, 2013 Status Conference**

Notes:

Continued from 10/2/13. Counsel for Plaintiff to file the costs bill and motion for award of attorney's fees, if any, so that the award of each will be determined prior to 11/7/13.

13. [13-27771-E-11](#) [13-2265](#) ANGELA CATARATA  
CATARATA V. BANK OF AMERICA,  
N.A. ET AL

STATUS CONFERENCE RE: COMPLAINT  
8-26-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty: unknown

Adv. Filed: 8/26/13  
Answer: none

Nature of Action:  
Injunctive relief - other  
Recovery of money/property - fraudulent transfer  
Dischargeability - false pretenses, false representation, actual fraud  
Validity, priority or extent of lien or other interest in property  
Recovery of money/property - other

**Final Ruling: The Status Conference is continued to is continued to 1:30 p.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

The Status Conference is continued to allow the Chapter 11 Trustee to substitute in this Adversary Proceeding as the real party in interest plaintiff or otherwise address the claim of the estate asserted in this matter.

Notes:

14. [13-27771-E-11](#) ANGELA CATARATA  
[13-2266](#)  
CATARATA V. WELLS FARGO HOME  
MORTGAGE ET AL

STATUS CONFERENCE RE: COMPLAINT  
8-26-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty:  
David M. Newman [Wells Fargo Bank, N.A.]  
Marisol A. Nagata [NDEX West, LLC]  
unknown [World Savings Bank, FSB]

Adv. Filed: 8/26/13  
Answer: none

Nature of Action:  
Injunctive relief - other  
Recovery of money/property - fraudulent transfer  
Dischargeability - false pretenses, false representation, actual fraud  
Validity, priority or extent of lien or other interest in property  
Recovery of money/property - other

**Final Ruling: The Status Conference is continued to is continued to 1:30 p.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

The Status Conference is continued to allow the Chapter 11 Trustee to substitute in this Adversary Proceeding as the real party in interest plaintiff or otherwise address the claim of the estate asserted in this matter.

Notes:

[SW-2] Stipulation to Extend the Responsive Pleading Deadline for Defendant Wells Fargo to Plaintiff's Complaint filed 9/30/13 [Dckt 7]; Order granting extension to 10/28/13 filed 10/1/13 [Dckt 9]

[AFR-1] Wells Fargo's Motion to Dismiss Adversary Complaint filed 10/10/13 [Dckt 10], originally set for hearing 11/7/13 at 1:30 p.m. and continued by the moving party to 12/12/13 at 1:30 p.m.

[EAT-1] NDEX West, LLC's Motion to Dismiss Adversary Complaint filed 10/23/13 [Dckt 16]; cont. to 12/12/13 at 1:30 p.m.

15. [13-27771](#)-E-11 ANGELA CATARATA  
[13-2267](#)  
CATARATA V. WELLS FARGO HOME  
MORTGAGE ET AL

STATUS CONFERENCE RE: COMPLAINT  
8-26-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty:  
David M. Newman [Wells Fargo Bank, N.A.]  
unknown [World Savings Bank, FSB; Calwestern Reconveyance]

Adv. Filed: 8/26/13  
Answer: none

Nature of Action:  
Injunctive relief - other  
Recovery of money/property - fraudulent transfer  
Dischargeability - false pretenses, false representation, actual fraud  
Validity, priority or extent of lien or other interest in property  
Recovery of money/property - other

**Final Ruling: The Status Conference is continued to is continued to 1:30 p.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

The Status Conference is continued to allow the Chapter 11 Trustee to substitute in this Adversary Proceeding as the real party in interest plaintiff or otherwise address the claim of the estate asserted in this matter.

Notes:

[SW-4] Stipulation to Extend the Responsive Pleading Deadline for Defendant Wells Fargo to Plaintiff's Complaint filed 9/30/13 [Dckt 7]; Order granting extension to 10/28/13 filed 10/1/13 [Dckt 9]

[AFR-1] Wells Fargo's Motion to Dismiss Adversary Complaint filed 10/10/13 [Dckt 10], originally set for hearing 11/7/13 at 1:30 p.m. and continued by the moving party to 12/12/13 at 1:30 p.m.

16. [13-27771-E-11](#) ANGELA CATARATA  
[13-2268](#)  
CATARATA V. WELLS FARGO BANK,  
N.A. ET AL

STATUS CONFERENCE RE: COMPLAINT  
8-26-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty:  
Adam N. Barasch [Wells Fargo Bank, N.A.; MERS; Bank of New York]  
unknown [Marin Conveyancing Corp]

Adv. Filed: 8/26/13  
Answer: none

Nature of Action:  
Injunctive relief - other  
Recovery of money/property - fraudulent transfer  
Dischargeability - false pretenses, false representation, actual fraud  
Validity, priority or extent of lien or other interest in property  
Recovery of money/property - other

**Final Ruling: The Status Conference is continued to is continued to 1:30 p.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

The Status Conference is continued to allow the Chapter 11 Trustee to substitute in this Adversary Proceeding as the real party in interest plaintiff or otherwise address the claim of the estate asserted in this matter.

Notes:

[SW-1] Stipulation to Extend the Responsive Pleading Deadline for Defendants Wells Fargo, MERS, and Bank of New York to Plaintiff's Complaint filed 9/30/13 [Dckt 8]; Order granting extension to 10/28/13 filed 10/1/13 [Dckt 10]

17. [13-27771](#)-E-11 ANGELA CATARATA  
[13-2271](#)  
CATARATA V. BANK OF AMERICA,  
N.A. ET AL

STATUS CONFERENCE RE: COMPLAINT  
8-27-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty: unknown

Adv. Filed: 8/27/13  
Answer: none

Nature of Action:  
Injunctive relief - other  
Recovery of money/property - fraudulent transfer  
Dischargeability - false pretenses, false representation, actual fraud  
Validity, priority or extent of lien or other interest in property  
Recovery of money/property - other

**Final Ruling: The Status Conference is continued to is continued to 1:30 p.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

The Status Conference is continued to allow the Chapter 11 Trustee to substitute in this Adversary Proceeding as the real party in interest plaintiff or otherwise address the claim of the estate asserted in this matter.

Notes:

18. [13-27771](#)-E-11 ANGELA CATARATA  
[13-2272](#)  
CATARATA V. BANK OF AMERICA,  
N.A. ET AL

STATUS CONFERENCE RE: COMPLAINT  
8-27-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty: unknown

Adv. Filed: 8/27/13  
Answer: none

Nature of Action:  
Injunctive relief - other  
Recovery of money/property - fraudulent transfer  
Dischargeability - false pretenses, false representation, actual fraud  
Validity, priority or extent of lien or other interest in property  
Recovery of money/property - other

**Final Ruling: The Status Conference is continued to is continued to 1:30 p.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

The Status Conference is continued to allow the Chapter 11 Trustee to substitute in this Adversary Proceeding as the real party in interest plaintiff or otherwise address the claim of the estate asserted in this matter.

Notes:

19. [13-27771-E-11](#) ANGELA CATARATA  
[13-2273](#)  
CATARATA V. BANK OF AMERICA,  
N.A. ET AL

STATUS CONFERENCE RE: COMPLAINT  
8-27-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty:  
Dane W. Exnowski [Mortgage Electronic Registration Systems; Seterus, Inc.;  
Federal National Mortgage Association]  
unknown [Bank of America, N.A.]

Adv. Filed: 8/27/13

Answer: none

Nature of Action:

Injunctive relief - other

Recovery of money/property - fraudulent transfer

Dischargeability - false pretenses, false representation, actual fraud

Validity, priority or extent of lien or other interest in property

Recovery of money/property - other

**Final Ruling: The Status Conference is continued to is continued to 1:30 p.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

The Status Conference is continued to allow the Chapter 11 Trustee to substitute in this Adversary Proceeding as the real party in interest plaintiff or otherwise address the claim of the estate asserted in this matter.

Notes:

[DWE-1] Notice of Motion and Motion to Dismiss Complaint with Prejudice for Failure to State a Claim Upon Which Relief Can be Granted filed 9/27/13 [Dckt 11]; motion denied

20. [13-27771](#)-E-11 ANGELA CATARATA  
[13-2274](#)  
CATARATA V. WELLS FARGO HOME  
MORTGAGE ET AL

STATUS CONFERENCE RE: COMPLAINT  
8-27-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty: unknown

Adv. Filed: 8/27/13  
Answer: none

Nature of Action:  
Injunctive relief - other  
Recovery of money/property - fraudulent transfer  
Dischargeability - false pretenses, false representation, actual fraud  
Validity, priority or extent of lien or other interest in property  
Recovery of money/property - other

**Final Ruling: The Status Conference is continued to is continued to 1:30 p.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

The Status Conference is continued to allow the Chapter 11 Trustee to substitute in this Adversary Proceeding as the real party in interest plaintiff or otherwise address the claim of the estate asserted in this matter.

Notes:

21. [10-23577](#)-E-11 GLORIA FREEMAN

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

Debtor's Atty: Pro Se

Notes:

Continued to 12/12/13 at 10:30 a.m.

**Final Ruling: The Status Conference is continued to is continued to 10:30 a.m. on December 12, 2013.** No appearance at the November 13, 2013 Status Conference is required.

22. [13-20477-E-13](#) RAFAEL/VIANA LARA  
[13-2218](#)  
LARA, JR. ET AL V. AMERICAN  
HOME MORTGAGE CORP ET AL

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
7-1-13 [[1](#)]

Plaintiff's Atty: Mark Lapham  
Defendant's Atty:  
Nichole L. Glowin [Deutsche Bank National Trust Company; Homeward  
Residential, Inc.; MERS; American Home Mortgage Corp.]  
unknown [Alliance Title; Wells Fargo, N.A.]

Adv. Filed: 7/1/13  
Answer: none

Nature of Action:  
Recovery of money/property - preference  
Recovery of money/property - other  
Validity, priority or extent of lien or other interest in property

**Final Ruling:** The court having determined that abstention pursuant to 28  
U.S.C. § 1334(c)(1) proper, and the Plaintiff concurring, **the Status  
Conference is removed from the calendar.** No appearance at the November 13,  
2013 Status Conference is required.

Notes:

Continued from 9/4/13 to be heard in conjunction with order to show cause.

Stipulation to Continue Time for Defendants Deutsche Bank National Trust Co.  
as Trustee, Homeward Residential n/k/a/ Ocwen Loan Servicing, LLC and MERS  
to File a Responsive Pleading filed 9/13/13 [Dckt 32]; Order granting filed  
9/17/13 [Dckt 34]

23. [13-20477-E-13](#) [13-2218](#) RAFAEL/VIANA LARA  
RHS-1  
LARA, JR. ET AL V. AMERICAN  
HOME MORTGAGE CORP ET AL

ORDER TO SHOW CAUSE  
9-9-13 [[29](#)]

**Notice Provided:** The Order to Show Cause was served by the Clerk of the Court through the Bankruptcy Noticing Center on September 9, 2013. 65 days notice of the hearing was provided.

**Final Ruling:** The court, upon review of the pleadings and response of the Plaintiffs, has determined that oral argument will not be of assistance in ruling on the Order to Show Cause.

**The court's decision is to sustain the Order to Show Cause and the court abstains pursuant to 28 U.S.C. § 1334(c) from hearing any further matters in this adversary proceeding.** No appearance at the November 13, 2013 hearing is required.

The court ordered Rafael Lara, Jr. and Viana M. Vara, Plaintiffs, to appear and show cause as to why the court should not abstain from hearing the issues in this Adversary Proceeding pursuant to 28 U.S.C. § 1334(c)(1).

This Adversary Proceeding has been commenced by Plaintiffs on July 1, 2013. The court dismissed the Plaintiffs' Chapter 13 case on July 16, 2013. The courts review of the Plaintiff's Second Amended Complaint is summarized as follows. The 27 page Complaint seeks relief in the form of Quiet Title; Wrongful Foreclosure; Failure to Follow Conditions Precedent of the Deed of Trust; Declaratory Relief; Violation of Business and Professions Code §§ 17200 et seq.; Injunction; Cancellation of Instruments; Truth in Lending; Real Estate Settlement Procedures Act; Violation of California Civil Code § 2932.5; and Unjust Enrichment. Dckt. 1. No claim arising under the Bankruptcy Code or arising in the bankruptcy case (which has been dismissed) appear to be stated.

A serious issue exists as to whether the bankruptcy court or district court should exercise the broad grant of jurisdiction and authority given by Congress under 28 U.S.C. §§ 1334 and 157. This jurisdiction was granted to the extent that the issues arise under the Bankruptcy Code, in the bankruptcy case (such as administration of an asset), or relate to the (administration or outcome of a) bankruptcy case. 28 U.S.C. § 1334(a) and (b). However, recognizing this broad reach of federal court jurisdiction, Congress also provided that federal judges may, and in some situations are required to, abstain from hearing matters though federal court jurisdiction under § 1334 may exist. See 28 U.S.C. § 1334(c).

As provided in 28 U.S.C. § 1334(c)(1),

(1) Except with respect to a case under chapter 15 of title 11, nothing in this section prevents a district court in the interest of justice, or in the interest of comity with State courts or respect for State law, from abstaining

from hearing a particular proceeding arising under title 11 or arising in or related to a case under title 11.

A bankruptcy judge's exercise of the federal judicial power is considered in light of core and non-core (related to) jurisdiction. See *Stern v. Marshall*, 564 U.S. \_\_\_\_\_, 131 S. Ct. 2594, 180 L. Ed. 2d 475 (2011). This court has previously addressed the issue of when a bankruptcy court judge should utilize federal bankruptcy jurisdiction to adjudicate issues between parties which determination will have no bearing on the bankruptcy case and do not concern Bankruptcy Code issues. See *Pineda v. Bank of America, N.A. (In re Pineda)*, 2011 Bankr. LEXIS 5609 (Bankr. E.D. Cal 2011), *affrm. Pineda v. Bank of America, N.A. (In re Pineda)*, 2013 Bankr. LEXIS 1888 (B.A.P. 9th Cir. 2013). Such jurisdiction should be carefully used by the federal courts to the extent necessary and appropriate to effectuate the goals, policies, and rights relating to bankruptcy cases, and not as a device to usurp state courts of general jurisdiction or the district as the trial court for federal matter and diversity jurisdiction.

The court cannot identify any issues or rights arising under the Bankruptcy Code or arising in the bankruptcy case, or any related to matters which effect the administration of the bankruptcy case or the bankruptcy law rights of the Debtor, for which the bankruptcy court should exercise jurisdiction pursuant to 28 U.S.C. §§ 1334 and 157 in the place of the state court of general jurisdiction for these state law and non-bankruptcy law issues.

#### **RESPONSE**

Plaintiffs filed a response stating that this matter be dismissed without prejudice and they will bring the action in the proper venue.

As such, the court sustains the Order to Show Cause and abstains from hearing any further matter.

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 Order to Show Cause 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 Order to Show Cause is sustained and the adversary proceeding is dismissed.

Debtor's Atty: Sunita Kapoor

Notes:

Continued from 9/4/13 to afford the Debtor in Possession and counsel sufficient time to draft and file a proposed Chapter 11 Plan and disclosure statement, and set a hearing for the approval of the disclosure statement.

Operating Reports filed: 10/31/13 [Jun, Jul, Aug, Sep]

### **November 13, 2013 Status Conference**

This bankruptcy case was filed on May 8, 2012. Nineteen months have passed since the case was commenced and no Chapter 11 Plan has been confirmed and no disclosure statement approved. No proposed plan and no proposed disclosure statement were filed until November 12, 2013, the eve of this continued Status Conference.

On August 30, 2013, (one non-holiday work day prior to the September 4, 2013 Status Conference) the Debtor in Possession filed an Updated Status Report. Dckt. 166. The court continued the September 4, 2013 Status Conference without hearing based on appearances by counsel for the Debtor on various matters in this case. Civil Minutes, Dckt. 171. In the Updated Status Report the Debtor in Possession represented,

- A. The Debtor in Possession has obtained a loan modification for the claim secured by the first deed of trust against her residence, which has been approved by the court. Further, that the Debtor in Possession has valued the secured claim held by the creditor having a lien pursuant to a second deed of trust against her residence to have a value of \$0.00.
- B. The Debtor in Possession will file a proposed plan on or before September 8, 2013.
- C. The Debtor in Possession has been paying creditors with liens on the rental properties with the rents therefrom.
- D. The Debtor in Possession has entered into a stipulation for the value of the claim secured by the rental property.

The court has reviewed the Monthly Operating Reports filed by the Debtors in Possession, summarized below:

<b>Month Date Filed</b>	<b>Date Due</b>	<b>Days Late (from original date filed)</b>
5/2012 Filed 7/17/12 Amended 7/19/12 Amended 10/25/12	6/14/12	33
6/2012 Filed 7/31/12 Amended 10/25/12	7/14/12	17
7/2012 Filed 9/4/12 Amended 10/25/12	8/14/12	21
8/2013 Filed 10/25/12	9/14/12	41
9/2012 Filed 10/25/12 Amended 12/20/12	10/14/12	11
10/2012 Filed 12/20/12	11/14/12	36
11/2012 Filed 12/20/12	12/14/12	6
12/2012 Filed 2/28/13 Amended 4/18/13	1/14/13	45
1/2013 2/28/13	2/14/13	14
2/2013 Filed 4/18/13	3/14/13	35
3/2013 Filed 5/23/13	4/14/13	39
4/2013 Filed 6/13/13	5/14/13	30
5/2013 Filed 7/8/13 Amended 9/3/13	6/14/13	24
6/2013 Filed 8/6/13 Amended 10/31/13	7/14/13	23

7/2013 Filed 10/31/13	8/14/13	78
8/2013 Filed 10/31/13	9/14/13	47
9/2013 Filed 10/31/13	10/14/13	17
10/2013 Not Due as of Status Conference	11/14/13	N/A

A review of the court docket shows Debtor-in-Possession filed a Chapter 11 Plan and Disclosure Statement today, November 12, 2013. Dckts. 180, 181. No Motion or Proof of Service has been filed in support thereof.

The court also notes that an Order to Show Cause was issued on December 6, 2012, based on the Debtor-in-Possession's failure to fulfill fiduciary duties to the estate, including failure to prosecute the Chapter 11 case, failure to timely file monthly operating reports, and failure to propose a plan or disclosure statement. Dckt. 85. The U.S. Trustee filed a limited opposition, stating that an adversary proceeding imposing an injunction from filing another bankruptcy was pending. The court continued the hearing to allow Debtor to actively prosecute this case. At the continued hearing, the Debtor-in-Possession filing a late response and not explaining the failure to file monthly operating reports and providing loan modification documents, the court continued the hearing. The court discharged the Order to Show cause at the continued hearing after Debtor-in-Possession filed a Motion to Approve Loan Modification by the stated deadline.

Debtor-in-Possession also filed a Motion to Shorten Time to hear a Motion to Vacate, which the court denied without prejudice. Memorandum Opinion and Decision, Dckt. 160.

The court also granted the Debtor-in-Possession's Motions to Value Collateral on July 25, 2013 and August 29, 2013. Dckts. 147, 169.

25. [12-34482-E-13](#) **PETER BOWLING AND MARILYN** CONTINUED PRE-EVIDENTIARY  
**LRR-8** **MOWRY** HEARING CONFERENCE RE:  
OBJECTION TO CLAIM OF ROBERTO  
MADRIGAL VALEZ, CLAIM NUMBER 20  
2-15-13 [[93](#)]

Debtors' Atty: Len Reid Reynoso

Notes:

Continued from 9/4/13 to allow the parties to bring settlement negotiations to a conclusion.

26. [09-46888-E-13](#) **MEDY BEAUCHANE** CONTINUED STATUS CONFERENCE RE:  
[13-2226](#) **COMPLAINT**  
**BEAUCHANE V. U.S. BANK,** 7-12-13 [[1](#)]  
**NATIONAL ASSOCIATION**

Plaintiff's Atty: Douglas B. Jacobs

Defendant's Atty: unknown

Adv. Filed: 7/12/13

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)

**Final Ruling:** The default judgment against U.S. Bank, N.A. being granted on October 3, 2013 (Civil Minutes, Dckt. 21) and judgment against U.S. Bank, N.A. entered on October 18, 2013 (Judgment, Dckt. 24), and the Plaintiff concurring, **the Status Conference is removed from the calendar.** No appearance at the November 13, 2013 Status Conference is required.

Notes:

Continued from 10/2/13

[DBJ-1] Order granting motion for entry of default judgment and granting motion for compensation filed 10/5/13 [Dckt 23]

[DBJ-1] Default Judgment filed 10/18/13 [Dckt 24]

Plaintiff's Status Conference Statement filed 10/30/13 [Dckt 27]

Bill of Costs filed 11/6/13 [Dckt 29]

November 13, 2013 at 2:30 p.m.

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27. [08-35291](#)-E-13 VICTOR/PATRICIA GUZMAN CONTINUED PRE-TRIAL CONFERENCE  
[10-2141](#) RE: FIRST AMENDED COMPLAINT  
GUZMAN ET AL V. ONEWEST BANK, 5-29-12 [[87](#)]  
FSB ET AL

Plaintiff's Atty: Mark A. Wolff  
Defendant's Atty:  
Joshua A. del Castillo [OneWest Bank, FSB; IndyMac Mortgage Servicing]  
unknown [IndyMac Federal Bank]

Adv. Filed: 3/15/10  
Amd Cmplt filed: 5/29/12

Answer: 4/14/10 [OneWest Bank, FSB; IndyMac Mortgage Servicing]  
Answer to Amd Cmplt: 6/29/12 [OneWest Bank, FSB; IndyMac Mortgage Servicing]

Nature of Action:  
Injunctive relief - other  
Recovery of money/property - other  
Validity, priority or extent of lien or other interest in property

Notes:

Continued from 9/4/13 to allow the Parties to document the settlement which has been negotiated.

28. [12-30992](#)-E-11 MACHELLE HOLLOWAY CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
6-8-12 [[1](#)]

Debtor's Atty: Scott D. Schwartz

**Final Ruling: The Status Conference is continued to 3:00 p.m. on January 23, 2014.** No appearance at the November 13, 2013 Status Conference is required.

The court conducted hearings on November 8, 2013, for several cash collateral motions which the Debtor in Possession filed. The Debtor in Possession explained the status of the case at that time. New cash collateral motions are being filed and the Debtor in Possession will be back before the court on those matters within the next month. The court concludes that there is no need for a further discussion of the status of the case. Counsel and the Debtor in Possession can better focus on those motion and the upcoming disclosure statement hearing which is set for December 4, 2013.

Notes:

Continued from 9/4/13. Debtor in Possession to file an updated status report on or before 10/31/13. If the Debtor in Possession has not obtained the consents to use cash collateral or orders authorizing the use of cash collateral, the Court may convert the case to one under Chapter 7, appoint a Trustee, or dismiss the case.

Operating Reports filed: 9/16/13 [Aug]; 9/26/13 [amd Aug]; 10/17/13 [Sep]; 11/1/13 [Oct]

Debtor's Second Status Report filed 10/31/13 [Dckt 239]

[RAS-13] Plan filed 11/1/13 [Dckt 243]; Disclosure Statement filed 11/1/13 [Dckt 245], set for hearing 12/4/13 at 3:00 p.m.

[RAS-7] Debtor's Motion for Authority to Use Cash Collateral and to Make Adequate Protection Payments to Holders of Secured Claims (3707 N California Street, Stockton, CA 95204) filed 10/23/13 [Dckt 200]; motion denied

[RAS-8] Debtor's Motion for Authority to Use Cash Collateral and to Make Adequate Protection Payments to Holders of Secured Claims (4535-4541-4547 Flint Avenue, Salida, CA 95368) filed 10/23/13 [Dckt 204]; motion denied

[RAS-9] Debtor's Motion for Authority to Use Cash Collateral and to Make Adequate Protection Payments to Holders of Secured Claims (2890 E. Huntington Blvd #159, Fresno, CA 93721) filed 10/23/13 [Dckt 208]; motion denied

[RAS-10] Debtor's Motion for Authority to Use Cash Collateral and to Make Adequate Protection Payments to Holders of Secured Claims (3212 Ingalls St., San Francisco, CA 94124) filed 10/23/13 [Dckt 212]; motion denied

[RAS-11] Debtor's Motion for Authority to Use Cash Collateral and to Make Adequate Protection Payments to Holders of Secured Claims (3428 Ladd Tract Ct., Stockton, CA 95205) filed 10/23/13 [Dckt 217]; motion denied

[RAS-12] Debtor's Motion for Authority to Use Cash Collateral and to Make Adequate Protection Payments to Holders of Secured Claims (2120 Quaker Ridge Court, Stockton, CA 95206) filed 10/23/13 [Dckt 221]; continued from 11/7/13 to 12/12/13 at 10:30 a.m.