

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Bankruptcy Judge
Modesto, California

November 21, 2013 at 3:30 p.m.

1. [13-90901-E-12](#) ANDREW NAPIER

CONTINUED STATUS CONFERENCE RE:
CHAPTER 12 VOLUNTARY PETITION
5-9-13 [[1](#)]

Debtor's Atty: Scott A. CoBen

Notes:

Continued from 10/3/13

[SAC-10] Application to Approve Compensation of Debtor's Counsel on a Fixed Fee Basis filed 10/7/13 [Dckt 188], set for hearing 11/21/13 at 10:30 a.m.

[SAC-9] Order Confirming Plan filed 10/18/13 [Dckt 193]

Tentative Ruling: The Status Conference is continued to 3:30 p.m. on November 6, 2013. The ruling is tentative in case Counsel has any issues to bring before the court under the confirmed plan. No appearance at the November 21, 2013 hearing is required.

2. [11-92004-E-11](#) GREGORY/CYNTHIA SHINKWIN CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
6-3-11 [[1](#)]

Debtors' Atty: David C. Johnston

Notes:

Continued from 10/10/13. On or before 10/31/13 the Plan Administrator is to file an *ex parte* motion to administratively close this Chapter 11 case. Motion not filed as of 11/20/13.

NOVEMBER 21, 2013 STATUS CONFERENCE

The order confirming the Chapter 11 Plan was entered on July 19, 2013. Dckt. 186. An order approving compensation for Debtor in Possession counsel was filed on October 2, 2013. Dckt. 211. The payments due under the confirmed plan are to be paid from the operation of the Debtor's dental practice, and no further orders of the court are required. Objections to claims were to be filed 30 days after the effective date of the Plan (August 6, 2013). No objection to any claims in this case have been filed. On or before October 31, 2013, the Plan Administrator shall file an *ex parte* motion to administratively close this Chapter 11 case. No *ex parte* motion to administratively close this Chapter 11 case has been filed to date.

3. [11-94410-E-11](#) SAWTANTRA/ARUNA CHOPRA CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
12-30-11 [[1](#)]

Debtors' Atty: Robert S. Marticello

Notes:

Final Ruling: The hearing on this matter is continued to **10:30 a.m.** on **December 12, 2013** per Stipulation of the parties, Dckt. 662. No appearance required at the November 21, 2013 hearing.

4. [13-91641](#)-E-12 MARY COELHO

STATUS CONFERENCE RE: VOLUNTARY
PETITION
9-11-13 [[1](#)]

Debtor's Atty: Thomas O. Gillis

Notes:

Debtors' Preliminary Status Report filed 10/26/13 [Dckt 29]

NOVEMBER 21, 2013 STATUS CONFERENCE

Debtor's Status Report

Debtor-in-Possession filed a Preliminary Status Report on October 26, 2013. Counsel for Debtor-in-Possession states that he found a new attorney, Nancy Klepac, for her because of a possible conflict of interest and that a substitution of attorney is being circulated.

Debtor-in-Possession is attempting to sell parcels of real estate to save their cows and satisfy the claims. The transaction is currently pending and should close by January 10, 2013, if not before that date. Dckt. 29.

5. [12-92570](#)-E-12 COELHO DAIRY

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
9-28-12 [[1](#)]

Debtor's Atty: Thomas O. Gillis

Notes:

Continued from 8/22/13 [Dckt 245]. Counsel for Debtor in Possession to file on or before 9/15/13 a Statement disclosing all insiders and any co-debtors on any obligations of the Debtor of Debtor in Possession that counsel has represented in the one-year period prior to the commencement of this bankruptcy case and at any time since the commencement of the bankruptcy case. Statement not filed as of 11/20/13.

[TOG-16] Order denying plan filed 9/5/13 [Dckt 253]

[TOG-11] Disclosure Statement filed 9/17/13 [Dckt 280] (one page)

[KFV-1] Notice of and Order for Evidentiary Hearing filed 9/11/13 [Dckt 262] [re Motion of Creditor Bank of the West to Prohibit the Continued Use of Cash Collateral and for Relief from the Automatic Stay]; Order granting relief from automatic stay filed 10/16/13 [Dckt 336]

[KFV-2] Order Denying Creditor Bank of the West's Motion to Dismiss Chapter 12 Case filed 10/23/13 [Dckt 341]

[TOG-8] Stipulation for Continued Use of Cash Collateral filed 10/30/13 [Dckt 345]; Order granting filed 11/2/13 [Dckt 347]

NOVEMBER 21, 2013 STATUS CONFERENCE

6. [12-93049-E-11](#) MARK/ANGELA GARCIA

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
11-30-12 [[1](#)]

Debtors' Atty: Mark J. Hannon

Notes:

Continued from 8/1/13

Operating Report filed: 8/15/13, 9/13/13, 10/11/13, 11/14/13

[UST-1] Motion of the United States Trustee for Order Converting or Dismissing Case filed 8/8/13 [Dckt 198]; conditional order granting filed 9/26/13 [Dckt 256] [on or before 10/31/13 a Chapter 11 Trustee is to be appointed; if not, the case is to be converted to one under Chapter 7]

[MJH-11] Order denying motion to approve disclosure statement filed 9/26/13 [Dckt 261]

[UST-2] Order Granting Ex Parte Motion of the United States Trustee for Extension of Time to Appoint Chapter 11 Trustee filed 11/2/13 [Dckt 265]

[UST-3] Acting United States Trustee's Application for Order Approving Appointment of Chapter 11 Trustee filed 11/13/13 [Dckt 266]; Order granting filed 11/14/13 [Dckt 274]

NOVEMBER 21, 2013 STATUS CONFERENCE

The court issued the Order Approving Acting United States Trustee's Appointment of Chapter 11 Trustee on November 14, 2013. Dckt. 274.

7. [13-91297-E-11](#) ARIANA AVESTA, INC.

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
7-11-13 [[1](#)]

Debtor's Atty: W. Steven Shumway

Notes:

Continued from 8/22/13

Operating Reports filed: 9/12/13, 11/19/13

Trustee Report at 341 Meeting dated 9/19/13

[UST-1] United States Trustee's Motion to Convert or Dismiss Chapter 11 Case filed 10/25/13 [Dckt 23], set for hearing 12/19/13 at 10:30 a.m.

[WSS-2] Debtor in Possession's Application to Employ Accounting Service filed 11/7/13 [Dckt 30]; order pending & Notice Set for 12/19/13 at 10:30 a.m.

Tentative Ruling: The hearing on this matter is continued to **10:30 a.m.** on **December 19, 2013** to be heard with the U.S. Trustee's Motion to Dismiss or Convert (DCN UST-1). 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. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law:

NOVEMBER 21, 2013 STATUS CONFERENCE

Status Report

The Debtor-in-Possession operates a convenience store and gas station in on Highway 12 in Wallace, California. The real property on which the business is located is owned by the shareholders, Mirvais Wadan and Shaima Kakar, husband and wife. The shareholders filed a Chapter 11 case on September 20, 2013, case No. 13-91701, to stop the foreclosure on the real property. The creditor holding the deed of trust to the real property was granted relief from the automatic stay in the related case, but postponed the effective date of the relief to November 30, 2013.

Debtors have not filed their August, September and October operating reports, but are working with their bookkeeper to get them filed. A motion to hire the bookkeeper has been filed, but no order has been entered as of the date of this report. The court notes that three Monthly Operating Reports were filed November 19, 2013, for July, August and September. No MOR has been filed for October to date.

The United States Trustee filed a motion to dismiss or convert the case for failure to explain a \$120,000 loan to shareholder that appears on the Debtor's financial statement and because of the delinquent operating

reports. The hearing on the US Trustee's motion is set for December 19, 2013. Debtor's bookkeeper is gathering the information to explain the \$120,000 loan. It appears that the borrowing covers several years of operation, but was carried on the books in prior years as cash.

Debtor asserts that if it can remain in the property after November 30, 2013, it can resolve the issues raised by the US Trustee's motion. Further, if the US Trustee's motion can be resolved in the Debtor's favor, it can propose a plan within 60 days of that resolution.

8. [13-91897](#)-E-11 KS CHANDI & SONS, INC. STATUS CONFERENCE RE: VOLUNTARY
PETITION
10-22-13 [[1](#)]

Debtor's Atty: C. Anthony Hughes

Notes:

[DB-1] Motion to Dismiss Unauthorized Bankruptcy Filing filed 10/25/13 [Dckt 12]; Ordered that the bankruptcy petition filed 10/22/13 purporting to commence a bankruptcy case is void and a nullity, dated 11/1/13 [Dckt 59]

[DB-1] Ex Parte Application of Debtor's Request for Clarification of Order to Make a Specific Referral to the District Court filed 11/5/13 [Dckt 62]

Final Ruling: The Court deeming the bankruptcy petition void and null per the Order Re Motion to Dismiss Unauthorized Bankruptcy Filing, dated November 1, 2013, Dckt. 59, the **Status Conference is removed from the calendar.** No appearance required at the November 21, 2013 hearing.