

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Bankruptcy Judge
Sacramento, California

January 17, 2024 at 2:00 p.m.

1. [21-21429](#)-E-7

JAMIE HOWELL

STATUS CONFERENCE

RE: COMPLAINT

7-26-22 [1]

[22-2099](#)

CAE-1

FARRIS V. HOWELL

Plaintiff's Atty: J. Russell Cunningham

Defendant's Atty: Stacie L. Power

Adv. Filed: 7/26/22

Answer: 8/4/22

Nature of Action:

Recovery of money/property

Notes:

Set by order filed 12/15/23 [Dckt 14]

Joint Status Report & Discovery Plan filed 1/3/24 [Dckt 16]

The Status Conference is XXXXXXX
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SUMMARY OF COMPLAINT

The Complaint (originally filed as a Motion and deemed to be a complaint by the Court; 21-21429, Order, Dckt. 152) Nikki Farris, the Chapter 7 Trustee, ("Plaintiff-Trustee"), Dckt. 1, asserts claims for determining that title to the Forbestown Property and the Charley Lynds Property are property of the Bankruptcy Estate and not of the Debtor's revocable trust (alleging that Debtor attempted to make it irrevocable, but such attempt was ineffective). Additionally, the Plaintiff-Trustee asserts claim against the Debtor for post-petition rental of the Properties.

Wednesday, January 17, 2024 at 2:00 p.m.

Page 1 of 19

SUMMARY OF ANSWER

Jamie Howell (“Defendant-Debtor”) has filed an Answer, Dckt. 4, (the Answer being the Defendant-Debtor’s Opposition to the Motion, which the court has deemed to be an Answer). The Answer opposed the Motion on the grounds that Defendant-Debtor was converting her case to one under Chapter 13.

JOINT STATUS CONFERENCE REPORT AND DISCOVERY PLAN

The Parties filed their Joint Status Conference Report and Discovery Plan on January 3, 2024. Dckt. 16. In it they set proposed deadlines for the discovery process in this Adversary Proceeding.

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff-Trustee alleges in the Complaint that the Bankruptcy Estate has title to the Properties and seeks a judgment determining such and for turnover of the Properties. Jurisdiction for this Adversary Proceeding 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)(A), (E), (H). The Complaint seeks a determination that the Properties are property of the Bankruptcy Estate as provided in 11 U.S.C. § 541. Actions seeking to determine the rights and interests in property are adjudicated through adversary proceedings. Fed. R. Bankr. P. 7001(2). **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are “related to” matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court.**

ISSUANCE OF PRE-TRIAL SCHEDULING ORDER

The court shall issue a Pre-Trial Scheduling Order setting the following dates and deadlines:

- a. Plaintiff-Trustee alleges in the Complaint that the Bankruptcy Estate has title to the Properties and seeks a judgment determining such and for turnover of the Properties. Jurisdiction for this Adversary Proceeding 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)(A), (E), (H). The Complaint seeks a determination that the Properties are property of the Bankruptcy Estate as provided in 11 U.S.C. § 541. Actions seeking to determine the rights and interests in property are adjudicated through adversary proceedings. Fed. R. Bankr. P. 7001(2). **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are “related to” matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court.**
- b. Initial Disclosures shall be made on or before **January 10, 2024**.
- c. Expert Witnesses shall be disclosed in accordance with Federal Rule of Civil Procedure 26(a) and Federal Rule of Bankruptcy Procedure 7026.

d. Non-Expert Witness Discovery closes, including the hearing of all discovery motions, on **April 30, 2024**.

e. Expert Witness Discovery opens on **April 1, 2024** and closes, including the hearing of all discovery motions, on **May 10, 2024**.

f. Dispositive Motions shall be heard before **May 21, 2024**.

(The court is tweaking this date in light of the 28 day notice period required for dispositive motions and the May 2024 Adversary Proceeding law and motion calendar dates available for this Department.)

g. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at **2:00 p.m. on July 10, 2024**.

2. [23-21438-E-12](#) **WESLEY/RUTH WOOLERY** **CONTINUED STATUS CONFERENCE RE:**
[CAE-1](#) **VOLUNTARY PETITION**
 5-2-23 [1]

2 thru 3

Debtors' Atty: Stephen M. Reynolds

Notes:

Continued from 11/2/23

Operating Reports filed: 11/17/23; 12/20/23

[RLC-7] Application to Approve Employment of Special Counsel McCarthy & Rubright filed 11/9/23 [Dckt 105]

[BPC-2] Stipulated *Ex Parte* Motion to Further Extend Deadline for Rabo Agrifinance, LLC to File Complaint filed 12/13/23 [Dckt 111]; Order approving filed 12/15/23 [Dckt 116]

January 17, 2024 Status Conference Report filed 1/4/24 [Dckt 119]

The Status Conference is continued to 2:00 p.m. on xxxxxxx , 2024.
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JANUARY 17, 2024 STATUS CONFERENCE

The Debtor in Possession filed an updated Status Report on January 4, 2024. Dckt. 119. The Debtor in Possession reports that they have continued in operations under the terms of the prior Interim Cash Collateral Orders (Dckts. 58, 84). The *Nunc Pro Tunc* Orders (the court having stated the rulings at the prior hearings but through clerical error proposed orders not having been lodged with the court) for the

authorization to use cash collateral from the September 14, 2023, and the December 14, 2023 hearings are being finalized by the Parties.

The Debtor in Possession reports that no motions to value or claim objections are anticipated prior to Plan Confirmation. Special Counsel has now been employed to address the Mills Ranch claims and asserted counterclaims of the estate against Mills Ranch.

The Chapter 12 Plan has not yet been filed (as of the court's January 12, 2024, review of the Docket).

At the Status Conference, **XXXXXXX**

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)(3) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Chapter 12 Trustee and fewer than all creditors on May 12, 2023. By the court's calculation, 4 days' notice was provided. The court required 4 days' notice. Dckt. 30.

The Motion for Authority to Use Cash Collateral was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(3). Debtor, creditors, the Chapter 11 Trustee, the U.S. Trustee, 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.

The Motion for Authority to Use Cash Collateral is XXXX.
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January 17, 2024 Hearing

A review of the Docket reflects that no supplemental pleadings have been filed or served on other parties in interest.

On January 4, 2024, Wesley and Ruth Woolery ("Debtor in Possession") filed a Status Report, updating the court on its state of affairs since the December 14, 2023 Hearing. Docket 119. In its Status Report, Debtor in Possession states:

1. Debtor in Possession has continued operations under the terms of the Interim Cash Collateral Orders dated June 9, 2023, and December 14, 2023. Orders for the September 14, 2023 and December 14, 2023 hearings have

been prepared and are being reviewed by counsel for Rabo Agrifinance, LLC.

2. Special counsel has been retained.
3. It appears that the estate is administratively solvent.
4. Motions to value collateral and any claims objections are not anticipated.
5. Special counsel has been retained to deal with the large Mills Ranch claim. The estate has claims against Mills Ranch that would result in the elimination of the Mills Ranch claim and an affirmative award in favor of the Debtor in Possession.
6. No motions under 11 U.S.C. § 365(d)(3) or (4) have been received or are anticipated.
7. No new credit has been requested.
8. There are no pending motions to dismiss or convert.
9. Debtors intend to file a Chapter 12 Plan in the week of January 8, 2024.

At the hearing, **XXXXXXX**

REVIEW OF MOTION

Debtor in Possession moves for an interim order authorizing the use of cash collateral and requests the court schedule a final hearing to consider entry of a final order authorizing use of cash collateral, granting replacement liens, and approving the proposed Debtor in Possession budget.

Debtor in Possession requests the use of cash collateral to (1) pay post-petition operating expenses incurred in the ordinary course of business; (2) pay costs and expenses of administration of the case; and (3) pay all other amounts as specified in the Debtor in Possession budget. Debtor's Declaration in support of the Motion states the use of cash collateral is necessary to continue farming operations. Dckt. 23. Upon review of the proposed budget, Exhibit 1, Debtor's budget is funded by the sale of the following:

Spring 2023 Calves.....\$355,000 generated February 2024

AB Fats.....\$20,000 generated December 2023

Cull Cows.....\$20,000 generated May 2023
.....\$18,750 generated February 2024

MC Fats.....\$7,215 generated monthly, beginning in June 2023

FSA Livestock Forage.....\$90,000 generated July 2023
.....\$75,000 generated September 2023

Equipment Sales.....\$20,000 generated June 2023.

CREDITOR'S OPPOSITION

Creditor Rabo Agrifinance LLC ("Creditor RAF") filed a preliminary opposition on March 15, 2023. Dckt. 27.

Debtor's Motion states Creditor holds first-priority lien on substantially all assets, due to a perfected UCC-1 filing, as well as real property located at 42563 Wilcox Road, Hat Creek, California, in the amount of approximately \$1,700,000. Debtor's Motion, Dckt. 21. Debtor's Schedules, however, state under penalty of perjury that Creditor RAF has a secured claim in the amount of \$0.00, supported by collateral in an amount of \$0.00 and unsecured in the amount of \$0.00. Schedule D, Dckt. 1 at 11. Creditor RAF has not yet filed a proof of claim, however, their opposition states Debtor owes approximately \$2,269,868.81 on an Operating Line of Credit and \$496,569.11 on a Real Estate Line of Credit. Opposition, Dckt. 27 at 3:21-22.

Schedule Creditor RAF objects on the following grounds:

1. No Emergency Articulated:
 - a. The Emergency Motion fails to explain why Debtor in Possession must use Creditor RAF's cash collateral on an emergency basis.
 - b. The Motion fails to provide any details regarding the status of Creditor RAF's collateral, or what, precisely, Debtor in Possession would like to sell. The Motion only states Debtor in Possession plans to sale \$20,000 in "Cull Cows."
2. Shortcomings of Budget:
 - a. The budget does not indicate what is truly necessary for Debtor's continued operations.
 - b. The proposed accounting expense is inappropriate because Debtor has not sought approval to employ an accountant.
 - c. It is not clear whether May budgeted items relate to pre-petition obligations.
 - d. Creditor RAF does not know what cash collateral Debtor currently has on hand.

Creditor RAF requests the Emergency Motion be denied or set on full notice so Debtors may file their schedules and provide information necessary for Creditor RAF and the court to evaluate the proposed use of collateral.

APPLICABLE LAW

Pursuant to 11 U.S.C. § 1101, a debtor in possession serves as the trustee in the Chapter 11 case when so qualified under 11 U.S.C. § 322. As a debtor in possession, the debtor in possession can use, sell, or lease property of the estate pursuant to 11 U.S.C. § 363. In relevant part, 11 U.S.C. § 363 states:

(b)(1) The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate, except that if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell or lease personally identifiable information to any person unless—

(A) such sale or such lease is consistent with such policy; or

(B) after appointment of a consumer privacy ombudsman in accordance with section 332, and after notice and a hearing, the court approves such sale or such lease—

(I) giving due consideration to the facts, circumstances, and conditions of such sale or such lease; and

(ii) finding that no showing was made that such sale or such lease would violate applicable nonbankruptcy law.

Federal Rule of Bankruptcy Procedure 4001(b) provides the procedures in which a trustee or a debtor in possession may move the court for authorization to use cash collateral. In relevant part, Federal Rule of Bankruptcy Procedure 4001(b) states:

(b)(2) Hearing

The court may commence a final hearing on a motion for authorization to use cash collateral no earlier than 14 days after service of the motion. If the motion so requests, the court may conduct a preliminary hearing before such 14-day period expires, but the court may authorize the use of only that amount of cash collateral as is necessary to avoid immediate and irreparable harm to the estate pending a final hearing.

DISCUSSION

In prior Civil Minutes for this Motion the court has addressed various issues that arose and how they were resolved. The court does not repeat those here in light of the number of further hearings and interim orders that have been issued. The court incorporates them by reference and any party in interest can readily find them on the Docket.

MAY 16, 2023 HEARING AND INTERIM AUTHORIZED USE

OF CASH COLLATERAL

Counsel for the Debtor in Possession reported that on May 16, 2023, a cattle report to Creditor. There are 658 head of cattle. The Debtor in Possession is providing documentation to Creditor's counsel.

The court authorizes the use of cash collateral for May and June 2023 as outlined above for the proposed budget (Dckt. 31).

Counsel for Creditor and counsel for Debtor in Possession shall joint prepare and lodge with the court a proposed order authorizing such use.

June 8, 2023 Hearing

The court's review of the Docket as of June 5, 2023, showed that no further pleadings were filed.

At the hearing, counsel for the Debtor in Possession reported that a stipulation has been reached with Rabo Agrifinance for the interim use of cash collateral. The parties have prepared a Stipulation to be filed with the court and a proposed order to be lodged with the court. The Stipulation provides for the use of cash collateral through August 11, 2023.

AUGUST 10, 2023 CONTINUED HEARING

The court has authorize the prior use of cash collateral as agreed by the Parties. The most recent order was entered on June 9, 2023. Dckt. 58. No supplemental pleadings for the further use of cash collateral have been filed.

The court grants the Motion on an interim basis, authorizing the use of cash collateral as state din the budget. Counsel for the Debtor in Possession shall lodge with the court a proposed order authorizing the use of cash collateral through September 30, 2023.

The court continues the hearing on this Motion to 10:30 a.m. on September 28, 2023, for consideration of the further authorization to use cash collateral.

SEPTEMBER 28, 2023 HEARING

On August 30, 2023, the Debtor in Possession filed a dismissal of the Motion to Confirm the Chapter 12 Plan filed in this Case. Dckt. 19. Further, that an amended Plan would be filed the week of September 5, 2023. The Docket does not reflect such an amended Plan having been filed.

At the hearing, counsel for the Debtor in Possession reported that 20 head of cattle have been sold and the 20% of the proceeds will be transmitted to the creditor shortly.

The Parties agreed to extend the use of cash collateral, with a continued hearing date on December 14, 2023 at 10:30 a.m. The Parties may by Joint Status Report further extend the time for the use of Cash Collateral and the hearing date.

DECEMBER 14, 2023 HEARING

The court entered prior Orders authorizing the use of cash collateral. The latest order was entered on August 14, 2023. Dckt 84. The Civil Minutes for the last hearing on this Motion, conducted on September 28, 2023, state that the Parties agreed to extend the use of cash collateral and a proposed order was to be prepared by the Parties and lodged with the court. A review of the Docket indicates that no order has been issued from the September 28, 2023 hearing.

The court discussed the fiduciary duties of the Debtor in Possession in this case, the failure of the fiduciary Debtor in Possession to comply with the prior cash collateral order, and the need for the Debtor in Possession to diligently prosecute confirmation of a Chapter 12 Plan in this case that was filed May 2, 2023.

Counsel for Creditor Mills Ranch expressed frustration over the Debtor in Possession's failure to remove the pending state court litigation or object to the Proof of Claim filed by Mills Ranch, noting that it was not until November 2023 that the Debtor in Possession requested the appointment of special counsel to prosecute such litigation, notwithstanding this Case having been filed in May 2023.

Though Rabo AgriFinance, LLC did not agree to further use of the cash collateral, in light of the terms of prior agreements, the holidays, and the focus on the obligations of the fiduciary Debtor in Possession, the court extends the use of cash collateral, on the same terms and amounts as in the prior order for which the consent of Rabo AgriFinance, LLC had been given, for the period through January 20, 2024.

The hearing on this Motion is continued to 2:00 p.m. on January 17, 2024, to be conducted in conjunction with the Status Conference in this Case.

Counsel for the Debtor in Possession was to prepare a proposed order consistent with the court's ruling and terms of the prior orders authorizing the use of cash collateral, have it approved as to form by counsel for Rabo AgriFinance, LLC (notwithstanding Rabo AgriFinance, LLC not consenting to the use of cash collateral), and lodge the proposed order with the court.

4. [17-27077](#)-E-13 MICHAEL SCALLIN

STATUS CONFERENCE RE:
COMPLAINT
2-16-23 [\[1\]](#)

[23-2022](#)
CAE-1

**SCALLIN V. U.S. DEPARTMENT OF
EDUCATION**

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: unknown

Adv. Filed: 2/16/23
Summons Reissued: 3/7/23
Answer: none

Nature of Action:
Dischargeability - student loan

Notes:
1/17/24 Status Conference set by reissued summons dated 12/1/23 [Dckt 48]

Order setting status conference on 2/21/24 for management purposes filed 12/1/23 [Dckt 51]

[PLC-2] Order Dismissing Motion for Entry of Default Judgment filed 12/1/23 [Dckt 52]

[RHS-1] Order Vacating Entry of Default and Extending the Time for Service of the Reissued Summons and Authorization to Serve the Summons and Complaint filed 12/3/23 [Dckt 53]

Certificate of Service for Reissued Summons and Complaint filed 12/6/23 [Dckt 55]

The Status Conference is continued to 2:00 p.m. on xxxxxxx , 2024.
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JANUARY 17, 2024 STATUS CONFERENCE

This Adversary Proceeding was commenced on February 16, 2023. The Court extended the deadline for service of the Reissued Summons and Complaint to and including December 29, 2023. Order; Dckt. 53 at 3.

The Clerk of the Court Reissued the Summons on December 1, 2023. Dckt. 48. The Certificate of Service of the Reissued Summons and Complaint was filed by Plaintiff-Debtor on December 6, 2023. Dckt 55. It states service has been made on the U.S. Attorney General, the U.S. Attorney's Office, and the U.S. Department of Justice in Washington, DC. Additionally, service was made on the U.S. Attorney in Sacramento, California, as well as the U.S. Department of Education and the U.S. Attorney in San Francisco, California.

No answer or other responsive pleading has been filed.

At the Status Conference, counsel for the Plaintiff-Debtor reported, **XXXXXXX**

NOVEMBER 30, 2023 STATUS CONFERENCE

At the November 30, 2023 hearing on the Plaintiff-Debtor's Motion for Entry of Default Judgment, it was determined that an issue existed as to whether service had been made on Defendant United States as required by Federal Rule of Bankruptcy Procedure 7004(b)(4), (5).

At the request of Plaintiff-Debtor, the Motion was dismissed without prejudice. Pursuant to an Oral Motion by Plaintiff-Debtor at the November 30, 2023 hearing, the court has vacated the entry of default for Defendant and extended the time for service of the Reissued Summons and Complaint to and including December 29, 2023.

The court continued the Status Conference to 2:00 p.m. on February 21, 2024, for Adversary Proceeding management purposes. The Reissued Summons will set the date for the Status Conference following service thereof.

5. [23-22896-E-7](#) PHILLIP SWEETLAND

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

[23-2089](#)
CAE-1

**SWEETLAND V. UNITED STATES
DEPARTMENT OF EDUCATION ET AL**

Plaintiff's Atty: Pro Se
Defendant's Atty:
unknown [U.S. Dept. of Education; Ed Financial]
Peter L. Isola [Sallie Mae Bank]

Adv. Filed: 11/1/23
Answer: 1/2/24 [Sallie Mae Bank]

Nature of Action:
Dischargeability - student loan

Notes:
Ex-Parte Motion for Extension of Time filed 11/30/23 [Dckt 6]

Stipulation Regarding Extension of Time filed 11/30/23 [Dckt 7]

Answer to Complaint filed 1/2/24 [Sallie Mae Bank] [Dckt 8]

The Status Conference is XXXXXXX
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JANUARY 17, 2024 STATUS CONFERENCE

SUMMARY OF COMPLAINT

The Complaint filed by Phillip Sweetland ("Plaintiff-Debtor"), Dckt. 1, *in pro se*, asserts claims for determination that student loan debt causes and undue hardship on the Plaintiff-Debtor, and that such student loan debt may be discharged. Plaintiff-Debtor provides detailed income and expense information in the Complaint. The Complaint is an Attestation Form that states it is to be provided to the U.S. Attorney who is handling the case and not filed with the court.

SUMMARY OF ANSWER

Sallie Mae Bank (“Defendant”) has filed an Answer, Dckt. 8, admitting and denying specific allegations. Defendant also states three affirmative defenses.

JOINT DISCOVERY PLAN

Defendant and Plaintiff-Debtor filed a Discovery Plan on January 10, 2024. Dckt. 9. In it Defendant and Plaintiff-Debtor have clearly and in detail addressed the discovery process and deadlines to be set.

FINAL BANKRUPTCY COURT JUDGMENT

This Adversary Proceeding commenced by Plaintiff-Debtor seeks to have the court determine pursuant to 11 U.S.C. § 523(a)(8) and (b) that the student loan debt is dischargeable because it imposes an undue burden on Plaintiff-Debtor. Jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b), and this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I). **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are “related to” matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court.**

ISSUANCE OF PRE-TRIAL SCHEDULING ORDER

The court shall issue a Pre-Trial Scheduling Order setting the following dates and deadlines:

- a. This Adversary Proceeding commenced by Plaintiff-Debtor seeks to have the court determine pursuant to 11 U.S.C. § 523(a)(8) and (b) that the student loan debt is dischargeable because it imposes an undue burden on Plaintiff-Debtor. Jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b), and this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I). **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are “related to” matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court.**
- b. Initial Disclosures shall be made on or before **January 17, 2024**.
- c. **The Parties agree** to the following specific limitations (subject to further order of the court for cause shown):
 - i. Maximum of 3 interrogatories by each party to any other party. [Responses due 30 days after service.]
 - ii. Maximum of 3 requests for admission by each party to any other party. [Responses due 30 days after service.]

- iii. Maximum of 5 depositions by plaintiff(s) and 5 by defendant(s). Each deposition limited to maximum of 7 hours per day unless extended by agreement of parties.
- d. The deadlines for adding additional parties and amending pleadings (without further authorization from the court) are for both Plaintiff-Debtor and Defendant is **April 8, 2024**.
- e. For both Plaintiff-Debtor and Defendant, final lists of witnesses and exhibits pursuant to Federal Rule of Civil Procedure [“FRCP”] 26(a)(3) and Federal Rule of Bankruptcy Procedure [“FRBP”] 7026 on or before **May 13, 2024**.
 - i. Objections pursuant to FRCP 26(a)(3) and FRBP 7026 thereto to be made withing fourteen (14) days of the forgoing lists of witnesses and exhibits having been made.
- f. Reports from retained experts under FRCP 26(a)(2) and FRBP 7026 are due:
 - i. From both Plaintiff-Debtor and Defendant on or before **May 20, 2024**.
 - ii. Supplementations from both Plaintiff-Debtor and Defendant under Rule 26(e)/Rule 7025 on are before **June 8, 2024**.
- g. Discovery closes, including the hearing of all discovery motions, on **July 12, 2024**.
- h. Dispositive Motions shall be heard before **August 19, 2024**.
- i. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at **11:30 a.m. on ~~October 1 or October 24~~, 2024**.

FINAL RULINGS

6. [18-25851-E-13](#) **ROBERT HUNTER** **CONTINUED STATUS CONFERENCE RE:**
[22-2087](#) **COMPLAINT**
CAE-1 9-1-22 [[1](#)]

HUNTER V. FILLMORE GROUP TRUST
ADVERSARY PROCEEDING CLOSED:
01/02/24

6 thru 7

Final Ruling: No appearance at the January 17, 2024 Status Conference is required.

Plaintiff's Atty: Peter G. Macaluso
Defendant's Atty: unknown

Adv. Filed: 9/1/22
Answer: none

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

Notes:

Judgment for Extinguishment of The Fillmore Group Trust Deed of Trust filed 12/13/23 [Dckt 59]

Adversary Proceeding Closed 1/2/24

<p>Judgment having been entered (Dckt. 56) and this Adversary Proceeding having been closed, the Status Conference is concluded and removed from the Calendar.</p>

7. [18-25851](#)-E-13 ROBERT HUNTER
[22-2088](#)
CAE-1

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
9-1-22 [[1](#)]

HUNTER V. PEACHTREE GROUP
TRUST
ADVERSARY PROCEEDING CLOSED:
01/02/24

Final Ruling: No appearance at the January 17, 2024 Status Conference is required.

Plaintiff's Atty: Peter G. Macaluso
Defendant's Atty: unknown

Adv. Filed: 9/1/22
Answer: none

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

Notes:

Judgment for Extinguishment of The Peachtree Group Trust Deed of Trust filed 12/13/23 [Dckt 57]

Adversary Proceeding Closed 1/2/24

<p>Judgment having been entered (Dckt. 57) and this Adversary Proceeding having been closed, the Status Conference is concluded and removed from the Calendar.</p>

8. [23-20380](#)-E-12 TIMOTHY WILSON
[CAE](#)-1

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
2-7-23 [\[1\]](#)

DEBTOR DISMISSED: 01/03/24

Final Ruling: No appearance at the January 17, 2024 Status Conference is required.

Debtor's Atty: Mark A. Wolff

Notes:

Order granting Motion to Dismiss, terminating order entered 12/1/23 [Dckt. 188], and imposing a prefiling review for Debtor filing any further bankruptcy cases for a period of two years filed 1/3/24 [Dckt 201]

<p>The Bankruptcy Case having been dismissed, the Status Conference is concluded and removed from the Calendar.</p>
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9. [14-29391-E-7](#) ENRIQUE QUILES
[23-2068](#)
CAE-1

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
9-7-23 [\[1\]](#)

HOPPER V. ARROYO

Final Ruling: No appearance at the January 17, 2024 Status Conference is required.

Plaintiff's Atty: J. Russell Cunningham
Defendant's Atty: unknown

Adv. Filed: 9/7/23
Answer: none

Nature of Action:
Declaratory judgment

Notes:
Continued from 11/29/23. The default of Defendant having been entered, the Status Conference was continued to allow the Plaintiff-Trustee to prosecute a motion for entry of default judgment.

Notice of Dismissal filed 12/5/23 [Dckt 14]

The Adversary Proceeding having been dismissed by the Plaintiff-Trustee (Notice of Dismissal; Dckt. 14), **the Status Conference is concluded and removed from the Calendar.**