

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge
Sacramento, California

January 22, 2025 at 2:00 p.m.

1. 24-0203-E-0 24-2194	WINDSOR TERRACE HEALTHCARE, LLC	STATUS CONFERENCE RE: NOTICE OF REMOVAL 10-4-24 [1]
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**AAERON DELEON, BY AND THROUGH
HIS SUCCESSOR-IN-INTEREST,
LAWONDA DELEON
V. WINDSOR ELK GROVE CARE AND
REHABILITATION CENTER**

Plaintiff's Atty: unknown
Defendant's Atty: John L. Supple

Adv. Filed: 10/4/24
Answer: none

Nature of Action:
Determination of removed claim or cause

Notes:

The Status Conference is XXXXXXX
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On October 4, 2024, Defendant-Debtors Windsor Elk Grove and Rehabilitation, LLC and Windsor Skyline Care Center, LLC filed a Notice of Removal California Superior Court, for the County of Sacramento, Case 34-2022-00325930 to this Bankruptcy Court. The State Court Complaint seeks damages for the alleged wrongful death Aaeron Deleon, with claims being asserted under the California Dependant Adult Abuse and Neglect, for Negligence and Violation of the Patients' Bill of Rights Laws.

While the deceased Aaeron Deleon is named as a plaintiff, his successors in interests are also named as Plaintiffs.

Federal Law Relating to Bankruptcy Judge's Jurisdiction

The court is addressing the appropriateness of these State Court Actions being removed to the Bankruptcy Court to be litigated in connection with motions to remand in other adversary proceedings. In connection with those matters under submission, the court has delved deeper into the issue of Federal jurisdiction and which Federal Judge must exercise such jurisdiction.

In reviewing the proper exercise of federal court jurisdiction in connection with related to matters and the “bankruptcy intrusion” (in a positive way) on the State Court judicial process, the provisions of 28 U.S.C. § 157 are relevant.

§ 157. Procedures

(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

(b)

(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

(2) Core proceedings include, but are not limited to—

(A) matters concerning the administration of the estate;

(B) allowance or disallowance of claims against the estate or exemptions from property of the estate, and estimation of claims or interests for the purposes of confirming a plan under chapter 11, 12, or 13 of title 11 **but not the liquidation or estimation of contingent or unliquidated personal injury tort or wrongful death claims against the estate for purposes of distribution in a case under title 11;**

(C) counterclaims by the estate against persons filing claims against the estate;

(D) orders in respect to obtaining credit;

(E) orders to turn over property of the estate;

(F) proceedings to determine, avoid, or recover preferences;

(G) motions to terminate, annul, or modify the automatic stay;

(H) proceedings to determine, avoid, or recover fraudulent conveyances;

(I) determinations as to the dischargeability of particular debts;

(J) objections to discharges;

(K) determinations of the validity, extent, or priority of liens;

(L) confirmations of plans;

(M) orders approving the use or lease of property, including the use of cash collateral;

(N) orders approving the sale of property other than property resulting from claims brought by the estate against persons who have not filed claims against the estate;

(O) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship, **except personal injury tort or wrongful death claims**; and

(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.

...

(5) **The district court shall order that personal injury tort and wrongful death claims shall be tried in the district court** in which the bankruptcy case is pending, or in the district court in the district in which the claim arose, as determined by the district court in which the bankruptcy case is pending.

(c)

(1) **A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11.** In such proceeding, **the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by the district judge** after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the district court, with the consent of all the parties to the proceeding, may refer a proceeding related to a case under title 11 to a bankruptcy judge to hear and determine and to enter appropriate orders and judgments, subject to review under section 158 of this title.

....

28 U.S.C. § 157(a)-(c) [emphasis added].

The plain language of 28 U.S.C. § 157(c) expressly states that for non-core matters, while the Bankruptcy Judge may hear the non core proceeding, only proposed findings and conclusions may be issued by the Bankruptcy Judge, which must then be sent to the District Court Judge for actual determination and ruling.

Collier on Bankruptcy discusses this wrongful death and personal injury tort exception from the referral to the bankruptcy court, stating:

(5) The **district court shall order that personal injury tort and wrongful death claims shall be tried in the district court** in which the bankruptcy case is pending, or in the district court in the district in which the claim arose, as determined by the district court in which the bankruptcy case is pending.

It is not at all clear what constitutes a “personal injury tort” claim. **Some courts (those that adopt what is called the “narrow view”) require a trauma or bodily injury;**¹ others more broadly look for **“any injury which is an invasion of personal rights.”**² A third viewpoint (which one court has called the “hybrid approach”^{2a} finds fault with both of these approaches, and concludes that “in cases where it appears that a claim might be a ‘personal injury tort claim’ under the ‘broader’ view but has earmarks of a financial, business or property tort claim, or a contract claim, the court reserves the right to resolve the ‘personal injury tort claim’ issue by (among other things) a more searching analysis of the complaint.”³

1

A persuasive decision adopting the narrow view following a thorough review of the legislative history, is *In re Gawker Media LLC*, 571 B.R. 612 (Bankr. S.D.N.Y. 2017). *See also Massey Energy Co. v. West Va. Consumers for Justice*, 56 C.B.C.2d 1585, 351 B.R. 348, 351 (E.D. Va. 2006) (claims for defamation and business conspiracy are not PITWD claims, a category that “is limited to a narrow range of claims that involve an actual physical injury”); *In re Sheehan Mem’l Hospital*, 377 B.R. 63, 68 (Bankr. W.D.N.Y. 2007) (employment discrimination claim); *In re Cohen*, 107 B.R. 453 (S.D.N.Y. 1989) (claim for statutory violation of state anti-discrimination law); *In re Atron Inc.*, 172 B.R. 541 (Bankr. W.D. Mich. 1994) (civil rights complaint alleging damages for mental and emotional distress does not qualify); *In re Interco, Inc.*, 135 B.R. 359 (Bankr. E.D. Mo. 1991) (age discrimination complaint alleging emotional distress does not qualify).

2

Control Center, L.L.C. v. Lauer, 288 B.R. 269, 286 (M.D. Fla. 2002) (“Defamation is a personal injury tort.”); *Unnamed Citizens A thru E v. White (In re White)*, 410 B.R. 195 (Bankr. W.D. Va. 2008) (violation of federal and state housing laws); *Leathem v. Volkmar (In re Volkmar)*, 217 B.R. 561, 566 (Bankr. N.D. Ill. 1998) (“personal injury tort” may include complaint alleging intentional infliction of emotional distress); *Thomas v. Adams (In re Gary Brew Enters.)*, 198 B.R. 616 (Bankr. S.D. Cal. 1996) (racial discrimination complaint falls within the term).

2a

In re Residential Capital, LLC, 536 B.R. 566, 572 (Bankr. S.D.N.Y. 2015), followed by *In re Roman Catholic Church for the Archdiocese of New Orleans*, 2021 U.S. Dist. LEXIS 160497 at *7 (E. D. La., Aug. 25, 2021).

3

Parker v. Miller (In re Miller), 589 B.R. 550, 563 (Bankr. S.D. Miss. 2018) (**alienation of affection and intentional infliction of emotional distress are PITWD claims**); *In re Residential Capital, LLC*, 536 B.R. 566, 572 (Bankr. S.D.N.Y. 2015) (**emotional distress, whether intentional or negligent**); *Elkes Devel., LLC v. Arnold (In re Arnold)*, 407 B.R. 849 (Bankr. M.D.N.C. 2009); *Stranz v. Ice Cream Liquidation, Inc. (In re Ice Cream Liquidation, Inc.)*, 281 B.R. 154, 161 (Bankr. D. Conn. 2002) (also holding that the provisions regarding personal injury tort and wrongful death claims are not constitutionally mandated); accord *Adelson v. Smith (In re Smith)*, 389 B.R. 902, 908 (Bankr. D. Nev. 2008) (**libel claim is a PITWD claim**). The Supreme Court noted this triad of views in the course of its opinion in *Stern v. Marshall*, 564 U.S. 462, 131 S. Ct. 2594, 180 L. Ed. 2d 475, 65 C.B.C.2d 827 (2011), discussed at ¶¶ 3.02[3][d][i] and 3.03 supra, but did not have to reach the issue.

1 Collier on Bankruptcy, ¶ 3.06 (16th Edition) [emphasis added].

Even under the most narrow view (which is not adopted by the trial courts in the Ninth Circuit), one looks to see if the claim is based on a “trauma or physical injury.”

As the court addresses below, the Confirmed Chapter 11 Plan provides the process for the liquidation of the debt that Plaintiffs assert in the Superior Court Judicial Proceeding. In the Chapter 11 Plan itself (counsel for the Debtor, serving as the Debtor in Possession listed as the attorneys in the upper left hand corner of page 1 of the Confirmed Plan), expressly references claims in the nature of Plaintiffs’ asserted in the Superior Court Action as a “Personal Injury Claim.” This is the Plan drafted for the Debtor-Defendant in the Bankruptcy Case.

The following are the “plain language” stated by the Debtor-Defendant in the Chapter 11 Plan relating to Plaintiff’s claim that constitutes the State Court Action:

49. “**Litigation Claim**” means an Employment Claim or **Personal Injury Claim**.

Confirmed Plan, p. 7:22; Exhibit B, Dckt. 15 (emphasis added)

64. “**Personal Injury Claim**” means a General Unsecured Claim that has been scheduled by the Debtors or asserted by a claimant in a timely filed proof of claim for damages **for personal injury, wrongful death or related claims**.

Id.; p. 8:21-23 (emphasis added).

Class 4 – General Unsecured Claims. Each holder of an Allowed Class 4 General Unsecured Claim will have the option (which option will be included in their Plan

ballot) of selecting between the following two treatments under this Plan, which (except as set forth immediately below) will be in full settlement and satisfaction of their Allowed General Unsecured Claim against the Debtors. Each Claimant with a Personal Injury Claim who does not accept the Debtors' proposed Claim settlement amount and who is otherwise not able to reach agreement with the Debtors on a different mutually agreeable Claim settlement amount prior to the date of Plan confirmation (each, a **"Non-Settling Personal Injury Claimant"**) **shall be permitted to proceed with the liquidation of their disputed Personal Injury Claim against the Debtors and any third parties (including the Guarantors) in the manner set forth in Section IV(D)(7) below.**

Id.; p. 12:17-27 (emphasis added).

The **Personal Injury Claim** of any claimant who does not accept the Debtors' proposed Claim settlement amount and who does not reach agreement with the Debtors through mediation or otherwise on a different mutually agreeable Claim settlement amount will be deemed a Disputed Claim, and **the holder of any such Claim will not be entitled to receive any distribution from the Reorganized Debtors unless and until such Claim becomes a liquidated Allowed Claim pursuant to a Final Order from the District Court or, to the extent the District Court elects to abstain, the applicable state court, at which time such Claim will be treated in the same manner as all other Allowed General Unsecured Claims.** For the avoidance of doubt, all rights of holders of Personal Injury Claims and the Reorganized Debtors with respect to any request for abstention by the District Court are expressly preserved and reserved.

Id.; p. 32:1-11.

Thus, it appears that the plain language of the Confirmed Chapter 11 Plan, drafted for and prosecuted by the Debtor-Defendant, defines Plaintiffs' claim as one for "Personal Injury."

While Federal jurisdiction exists to adjudicate the State Court Complaint and claim therein, Federal Law is very clear on which Federal Judge to which such an adversary proceeding must be assigned.

At the Status Conference, **XXXXXXX**

Debtor's Atty: David Foyil

Notes:

Continued from 9/18/24 in light of the Debtor in Possession and his counsel reevaluating whether a plan can be prosecuted in this Bankruptcy Case.

U.S. Trustee Report at 341 Meeting lodged: 10/2/24

[JWC-2] Application for Examination Under Rule 2004 and Production of Movant's Collateral filed 10/17/24 [Dckt 97]; Order granting filed 10/21/24 [Dckt 99]

[BRL-1] Motion for Order Terminating Automatic Stay or Requiring Adequate Protection by Creditors Michael Minch, Carmen Minch and Jay Merani filed 10/30/24 [Dckt 103]; Order granting filed 11/15/24 [Dckt 113]

[DEF-4] Application for Final Allowance of Fees and Expenses Filed by Attorney for Debtor filed 11/27/24 [Dckt 114]; Order granting filed 12/20/24 [Dckt 129]

[CAE-1] Status Report filed 1/14/25 [Dckt 130]

The Status Conference is XXXXXXX.

JANUARY 22, 2025 STATUS CONFERENCE

On January 14, 2025, the Debtor in Possession filed an updated Status Report. Dckt. 130.

SEPTEMBER 18, 2024 STATUS CONFERENCE

Debtor Ismoil Kasimov commenced this voluntary Chapter 11 case on June 28, 2024. At the September 12, 2024 hearing, the court announced its Ruling that relief from the stay is granted as to two vehicles which the Debtor in Possession stated would be used in the business. Civ. Min.; Dckt. 77.

At the Status Conference, counsel for the Debtor in Possession reported that documents are being produced for the U.S. Trustee. However, the court has granted relief from the automatic stay for two of the trucks that would be used in the operation of the business.

The Status Conference is continued to 2:00 p.m. on January 22, 2025, in light of the Debtor in Possession and his counsel reevaluating whether a plan can be prosecuted in this Bankruptcy Case. The

Report states that counsel for the Debtor in Possession has not received the requested information from the Debtor in Possession to evaluate and draft a proposed Chapter 11 Plan.

At the Status Conference, **XXXXXXX**

3. [17-26064-E-13](#) **MARTIN/MARIA ORTEGA** **CONTINUE STATUS CONFERENCE RE:**
[23-2023](#) **COMPLAINT**
2-27-23 [[1](#)]

ORTEGA ET AL V. TEDESCHI

Plaintiff's Atty: Peter G. Macaluso
Defendant's Atty: Anthony Asebedo

Adv. Filed: 2/27/23
Answer: 9/27/23
Counterclaim Filed: 9/27/23
Answer: none

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

Notes:
[RLL-1] Joint Application to Reschedule Status Conference filed 11/15/24 [Dckt 81]; Order granting filed 11/18/24 [Dckt 83]

[RLL-1] Stipulation re Rescheduling of Status Conference filed 11/15/24 [Dckt 82]

[CAE-1] Defendant Adrian G. Tedeschi's Third Status Conference Statement filed 1/14/25 [Dckt 84]

The Pre-Trial Status Conference is XXXXXXX
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JANUARY 22, 2025 STATUS CONFERENCE FOR PRE-TRIAL CONFERENCE

This Adversary Proceeding has an interesting, and very unusual history. The Adversary Proceeding was filed on February 22, 2023. Complaint; Dckt. 1. The Pre-Trial Conference was concluded and the matter set for trial to be conducted on October 16, 2024. Order; Dckt. 66. The Trial was continued to November 20, 2024. Order; Dckt. 66.

On November 15, 2024, the Parties filed their Joint Request to continue the trial while they continued in their settlement discussions to a Pre-Trial Status Conference. Dckt. 82. The court continued the Matter for a Pre-Trial Status Conference to be conducted on January 22, 2025.

On January 14, 2025, Defendant Adrian G. Tedeschi filed a Status Report. Dckt. 84. Defendant reports that the settlement discussions revolved around the Plaintiff-Debtors selling the collateral and the Parties being able to reach an agreement once the “cash was on the table.” Unfortunately, the sale fell through.

Defendant requests that the court take the matter under submission based on the Joint Statement of Undisputed Facts and documentary evidence.

On January 20, 2025, the Plaintiff-Debtors filed their Pre-Trial Status Conference Statement and argue that the court should find in their favor of Plaintiff-Debtors “in the amount of \$111,240.66, to be credited for a total claim held by Defendant of \$192,893.34.” Dckt. 85.

At the Pre-Trial Status Conference, **XXXXXXX**

4. [24-21092-E-12](#) **RHETT BURGESS**
[CAE-1](#)

**CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
3-20-24 [1]**

Debtor’s Atty: David C. Johnston

Notes:
Continued from 11/13/24

[DCJ-4] Motion to Confirm Chapter 12 Plan continued to 11:30 a.m. on 1/15/25 (Ord Dckt 73) Dckt 75

The Status Conference is XXXXXXX
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JANUARY 22, 2025 STATUS CONFERENCE

The court conducted the Confirmation Hearing on January 15, 2025. The Motion to Confirm was denied without prejudice. Civ. Minutes; Dckt. 77.

At the Status Conference, **XXXXXXX**

NOVEMBER 13, 2024 STATUS CONFERENCE

The Debtor in Possession previously requested that the court continue the confirmation hearing in this Case to November 14, 2024. The court granted that request. Order; Dckt. 64.

Functionally, the court can conduct any Status Conference matters at the continued confirmation hearing.

The Status Conference is continued to 2:00 p.m. on January 22, 2025.

5. [24-24493-E-11](#) **TOWN & COUNTRY WEST LLC** **CONTINUED STATUS CONFERENCE RE:**
[CAE-1](#) **VOLUNTARY PETITION**
10-7-24 [1](#)

Debtor's Atty: Arasto Farsad

Notes:

Continued from 11/13/24

Trustee Report at 341 Meeting lodged: 11/15/24; 11/26/24; 12/23/24

Order Granting Motion for Joint Administration of Chapter 11 Cases filed 11/18/24 [Dckt 48]

Stipulation for Adequate Protection filed 12/12/24 [Dckt 51]

Stipulation for Adequate Protection filed 12/12/24 [Dckt 53]

[AF-1] Order Granting Motion to Employ Attorney filed 12/23/24 [Dckt 59]

[AF-4] Disclosure Statement and Plan [Town & Country Event Center, LLC] filed 12/27/24 [Dckts 60 & 61]; set for hearing 2/13/25 at 11:30 a.m.

[AF-4] Disclosure Statement and Plan [Town & Country West, LLC] filed 12/27/24 [Dckts 64 & 65]; set for hearing 2/13/25 at 11:30 a.m.

The Status Conference is XXXXXXX
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**JANUARY 22, 2025 STATUS CONFERENCES FOR
THE JOINTLY ADMINISTERED CASES**

The Town & Country West LLC Chapter 11 Case, No. 24-24493, and the Town & Country Event Center, LLC Chapter 11 Case, No. 24-24492, are being jointly administered pursuant to the orders of the court. 24-24493; Order, Dckt. 48; and 24-24492; Order, Dckt. 52.

The Town & Country West LLC is designated the lead case in which all pleadings are to be filed, with the specified exceptions stated in the Orders for Joint Administration.

Proposed Chapter 11 Plans and Disclosure Statements have been filed for both Town & Country West LLC and Town & Country Event Center, LLC. Dckts. 65, 64 and 61, 60; respectively. Hearings for approval of the Disclosure Statements have been set for February 13, 2025 at 11:30 a.m.

A Motion to Approve a Stipulation for Adequate Protection for several lien holders and the Town & Country Event Center LLC Debtor in Possession. Dckt. 68. The hearing on that Motion is set for 10:30 a.m. on February 13, 2025.

At the Status Conference, **XXXXXXX**

6.	<u>24-24492-E-11</u> <u>CAE-1</u>	TOWN & COUNTRY EVENT CENTER, LLC	CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION 10-7-24 [1]
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Debtor's Atty: Nancy W. Weng

Notes:

Continued from 11/13/24

Trustee Report at 341 Meeting lodged: 11/26/24; 12/23/24

Order Granting Motion for Joint Administration of Chapter 11 Cases filed 11/18/24 [Dckt 52]

[AF-1] Order Granting Motion to Employ Attorney filed 12/23/24 [Dckt 54]

The Status Conference is conducted in the Town & Country West, LLC Case, No. 14-24493, the Lead Case for the Joint Administration of these two Cases.

JANUARY 22, 2025 STATUS CONFERENCE

The court entered its order for the Joint Administration of the two Chapter 11 Cases. Order Dckt. 52. The Town & Country West, LLC case is the lead case in which all pleadings (with several specified exceptions).

The court's Civil Minutes for the Jointly Administered Cases are stated on the Docket in the Lead Case.

NOVEMBER 13, 2024 STATUS CONFERENCE

On October 29, 2024, the Debtor in Possession filed a Motion requesting that the Town & Country West, LLC Case, NO. 24-24493, and the Town & Country Event Center, LLC Case, NO. 24-24492 be jointly administered. The cases are not to be substantively consolidated.

The hearing on the Motions for Joint Administration are set for November 14, 2024. The court will use those hearing to address Status Conference matters, if any.

The Status Conference is continued to 2:00 p.m. on January 22, 2025.

7. [23-21899-E-12](#) **JAKOB/GLADYS WESTSTEYN** **CONTINUED STATUS CONFERENCE RE:**
[CAE-1](#) **VOLUNTARY PETITION**
6-9-23 [1]

Debtor's Atty: Daniel L. Egan; Jason Eldred

Notes:

Continued from 8/14/24

Operating Reports filed: 9/13/24; 10/14/24; 11/14/24; 12/13/24; 1/13/25

[CLH-2] Motion to Withdraw as Counsel of Record filed 10/11/24 [Dckt 274]; Order granting filed 11/15/24 [Dckt 256]

The Status Conference is XXXXXXX
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JANUARY 22, 2025 STATUS CONFERENCE

On January 7, 2025, the Debtor in Possession Plan Administrator filed a Notice of Sale of Trailer. Dckt. 259. The Notice states that the sale is to be \$40,000. The Notice states that it is given pursuant to Federal Rule of Bankruptcy Procedure 6004(a), and that any objection to the Sale must be filed by January 22, 2025. If no Objection is filed, the Debtor will sell the property.

The Chapter 12 Trustee filed an Opposition to the proposed sale. Dckt. 262. The Trustee notes that on the Schedules the Debtors, under penalty of perjury, stated that the Trailer only had a value of \$2,000. Schedule A/B; Dckt. 1 at 29. The proposed sale is now for \$40,000, which is 20 times the value stated under penalty of perjury in the Schedules.

The Trustee states that under the Confirmed Chapter 12 Plan the property of the Bankruptcy Estate was not revested in the Debtor, citing to Chapter 12, Article 8, Section 8.01 of the Plan (See Second Amended Plan, p. 12, attached to the Order confirming the Plan; Dckt. 175).

The Trustee further argues that a motion for approval fo the sale must be made, not merely a Notice of Proposed Sale.

The Trustee states that the proceeds of the \$40,000 Trailer (for which a \$2,000 value stated by Debtor under penalty of perjury was used for the liquidation analysis) should be turned over to the Trustee for payment to creditors under the Chapter 12 Plan.

At the Status Conference, **XXXXXXX**

AUGUST 14, 2024 POST-CONFIRMATION STATUS CONFERENCE

At the Status Conference, counsel for the Debtor in Possession reported that the Plan payments are being made. While performing the Plan, there are some financial challenges, but Debtor in Possession continues to perform the Plan.

The Post-Confirmation Status Conference is continued to 2:00 p.m. on January 22, 2025.

FINAL RULINGS

8. [24-2190](#) -E-0
[24-2188](#)

WINDSOR TERRACE
HEALTHCARE, LLC

STATUS CONFERENCE RE: NOTICE OF
REMOVAL
9-26-24 [\[1\]](#)

BRANDY RUSSELL,
SUCCESSOR-IN-INTEREST TO
DECEDENT DEBORAH WASHINGTON
V. WINDSOR EL CAMINO CARE CENTER, LLC

Final Ruling: No appearance at the January 22, 2024 Status Conference is required.

Plaintiff's Atty: Robert J. Pfister; Paul Anthony Saso
Defendant's Atty: Thomas E. Beach

Adv. Filed: 9/26/24
Answer: none

Nature of Action:
Determination of removed claim or cause

Notes:
Jury Demand filed 10/8/24 [Dckt 8]

[RJP-1] Plaintiffs' Motion to Remand Action to Sacramento Superior Court filed 10/26/24 [Dckt 11]

The Status Conference has been continued to 2:00 p.m. on March 5, 2025, by prior order of the court (Dckt. 23) because the court has not finalized the ruling on the Motion to Remand.

9. [24-0203-E-0](#)
[24-2190](#)

WINDSOR TERRACE
HEALTHCARE, LLC

STATUS CONFERENCE RE: NOTICE OF
REMOVAL
9-26-24 [\[1\]](#)

RUBY EVANS, BY AND THROUGH HER
SUCCESSOR-IN-INTEREST,
WILLETTE WILLIAMS
V. WINDSOR VALLEJO CARE CENTER, LLC

Final Ruling: No appearance at the January 22, 2024 Status Conference is required.

Plaintiff's Atty: Robert J. Pfister; Paul Anthony Saso
Defendant's Atty: Thomas E. Beach

Adv. Filed: 9/26/24
Answer: none

Nature of Action:
Determination of removed claim or cause

Notes:
Jury Demand filed 10/8/24 [Dckts 8 & 9]

Statement Pursuant to Federal Bankruptcy Rule 9027(e)(3) and Judicial Code Section 157(e); Reservation of Rights filed 10/10/24 [Dckt 10]

[RJP-1] Plaintiffs' Motion to Remand Action to Solano Superior Court filed 10/26/24 [Dckt 14]

The Status Conference has been continued to 2:00 p.m. on March 5, 2025, by prior order of the court (Dckt. 28) because the court has not finalized the ruling on the Motion to Remand.

10. [24-0203-E-0](#)
[24-2193](#)

WINDSOR TERRACE
HEALTHCARE, LLC

STATUS CONFERENCE RE: NOTICE OF
REMOVAL
10-4-24 [\[1\]](#)

DONALD KNESTRICK BY AND
THROUGH HIS SUCCESSOR-IN-INTEREST,
KATHERINE FELKINS
V. WINDSOR OXFORD HOLDING COMPANY, LLC

Final Ruling: No appearance at the January 22, 2024 Status Conference is required.

Plaintiff's Atty: Robert J. Pfister; Paul Anthony Saso
Defendant's Atty: John L. Supple

Adv. Filed: 10/4/24
Answer: none

Nature of Action:
Determination of removed claim or cause

Notes:
Statement Pursuant to Federal Bankruptcy Rule 9027(e)(3) and Judicial Code Section 157(e); Reservation of Rights filed 10/17/24 [Dckt 10]

Order re Amended State Court Compliant re Identification of Defendant filed 10/30/24 [Dckt 11]

[RJP-1] Plaintiffs' Motion to Remand Action to Sacramento Superior Court filed 11/1/24 [Dckt 13]

The Status Conference has been continued to 2:00 p.m. on March 5, 2025, by prior order of the court (Dckt. 30) because the court has not finalized the ruling on the Motion to Remand.

11. [24-0203-E-0](#)
[24-2195](#)

WINDSOR TERRACE
HEALTHCARE, LLC

STATUS CONFERENCE RE: NOTICE OF
REMOVAL
10-4-24 [1]

RICHARD HOLBEN, AS HEIR-AT-LAW
AND SUCCESSOR-IN-INTEREST,
DAVID HOLBEN
V. WINDSOR EL CAMINO CARE CENTER, LLC

Final Ruling: No appearance at the January 22, 2024 Status Conference is required.

Plaintiff's Atty: Estee Lewis
Defendant's Atty: John L. Supple

Adv. Filed: 10/4/24
Answer:

Nature of Action:
Determination of removed claim or cause

Notes:
James Holben and Richard Holben's Motion to Remand filed 11/15/24 [Dckt 10]

Stipulation to Continue Plaintiffs' Motion to Remand filed 12/13/24 [Dckt 14]; Order approving filed 12/16/24 [Dckt 15]

The Status Conference is continued to 2:00 p.m. on March 5, 2025, the court having continued the hearing on the Plaintiff's Motion to Remand (Order; Dckt. 20).

JANUARY 22, 2025 STATUS CONFERENCE

The court having continued the hearing on the Motion to Remand in this Adversary Proceeding to February 27, 2025, in light of the court having under submission three motions to remand in other related adversary proceedings, the court continues the Status Conference to 2:00 p.m. on March 5, 2025.

The court shall issue an order in substantially the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Adversary Proceeding Status Conference having been scheduled by the court, the court having continued the hearing on Plaintiff's Motion to Remand this

Matter to State Court (Order; Dckt. 20), and upon review of the pleadings, reports of counsel, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to **2:00 p.m. on March 5, 2025.**

12. [23-21407-E-7](#) **BELLA VIEW CAPITAL, LLC** **CONTINUED STATUS CONFERENCE RE:**
[24-2185](#) **COMPLAINT**
CAE-1 **9-16-24 [1]**

FARRIS V. FOSTER

Plaintiff's Atty: Gabriel P. Herrera
Defendant's Atty: unknown

Adv. Filed: 9/16/24
Answer: none

Nature of Action:
Recovery of money/property - fraudulent transfer

Notes:
Continued from 11/13/24. The Parties reporting that this matter has been settled and a motion to approve settlement will be filed.

The Status Conference is continued to 2:00 p.m. on March 5, 2025.
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JANUARY 22, 2025 STATUS CONFERENCE

On December 20, 2024, in the related Chapter 7 Bankruptcy Case the court entered its Order Approving Settlement of the claims in this Adversary Proceeding. 23-21407; Dckt. 274. Exhibit A filed in support of the Motion to Approve Settlement is a proposed judgment. *Id.*; Dckt. 269.

It appears that the proposed Judgment was not lodged with the court.

The Status Conference is continued to 2:00 p.m. on March 5, 2025, for docket management purposes.

Counsel for the Plaintiff-Trustee shall lodge the proposed Judgment with the court.

The court shall issue an order in substantially the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Adversary Proceeding Status Conference having been scheduled by the court, the court having approved a settlement of this Adversary Proceeding, it appearing that the proposed Judgment has not been lodged with the court, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to **2:00 p.m. on March 5, 2025**. Counsel for Plaintiff-Trustee shall lodge the proposed judgment with the court.

13. [24-21710-E-7](#)
[CAE-1](#)

SWANSTON OAK, LLC

**CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
4-25-24 [1]**

Final Ruling: No appearance at the January 22, 2024 Status Conference is required.

Debtor's Atty: Karl Schweikert

Notes:

Continued from 11/13/24

Trustee Report at 341 Meeting lodged: 12/27/24; 1/7/25

[KAS-1] Order granting Motion to Convert from Chapter 11 to Chapter 7 filed 11/15/24 [Dckt 161]; Notice of Conversion filed 11/18/24 [Dckt 163]

The Status Conference is concluded and removed from the Calendar.
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JANUARY 22, 2025 STATUS CONFERENCE

The Bankruptcy Case having been converted to one under Chapter 7, the Status Conference is concluded and removed from the Calendar.

14. [23-22217-E-13](#) **WLODZIMIERZ LITWIN**
[24-2042](#)
CAE-1

**CONTINUED STATUS CONFERENCE RE:
COMPLAINT**
5-1-24 [1]

**LITWIN V. MEB TRUST IV, U.S.
BANK TRUST NATIONAL**

Plaintiff's Atty: Peter G. Macaluso
Defendant's Atty: Jacqueline D. Serrao

Adv. Filed: 5/1/24
Answer: none

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

Notes:
Continued from 11/13/24. Plaintiff-Debtor reporting that he will proceed with preparing and lodging with the State Court a proposed order dismissing the State Court Action.

[CAE-1] MEB Trust IV, U.S. Bank Trust National Association's Status Conference Statement filed 12/4/24 [Dckt 26]

[CAE-1] Plaintiff's Renewed Status Conference Statement filed 1/2/25 [Dckt 27]

The Status Conference is continued to 2:00 p.m on March 5, 2025, for case management purposes pending a proposed order dismissing the Adversary Proceeding being lodged with the court.

JANUARY 22, 2025 STATUS CONFERENCE

This is an Adversary Proceeding in which the Parties and the respective counsel worked diligently to achieve a consensual resolution. NewRez LLC d/b/a Shellpoint Mortgage Servicing as servicer and agent for Defendant MEB Loan Trust IV, U.S. Bank Trust National Association, filed a Status Report on December 4, 2024, for this Status Conference requesting that it again be continued to allow for some additional time to have the lien released as provided in the court approved Settlement. Dckt. 26.

On January 2, 2025, the Plaintiff-Debtor filed an updated Status Report (Dckt. 27) stating that the settlement has been concluded, the Release of Lien has been recorded, and the Parties have met and conferred and request the court dismiss this Adversary Proceeding.

Though the court does not have a motion to dismiss before it, to allow the counsel and parties to avoid the otherwise unnecessary cost and expense of time and money of coming to the Status Conference, the court continues it to 2:00 p.m. on March 5, 2025.

The parties shall lodge with the court a proposed order dismissing this Adversary Proceeding. Counsel for Plaintiff-Debtor shall prepare the proposed order dismissing this Adversary Proceeding, have counsel for Defendant approve it as to form and content, and then lodge the approved form of the order with the court.

NOVEMBER 13, 2024 STATUS CONFERENCE

On November 1, 2024, Wlodzimierz Litwin, the Plaintiff-Debtor, filed a Status Conference Statement. Dckt. 23. In it, Plaintiff-Debtor reports that the court has approved the settlement agreement that fully resolves this Adversary Proceeding.

The court's order approving the Settlement was entered on October 9, 2024. 23-22217; Order, Dckt. 126.

Plaintiff-Debtor reports that he will proceed with preparing and lodging with the State Court a proposed order dismissing the State Court Action, confirm the release of the lien that is the subject of the Settlement Agreement, and conclude the Settlement. Plaintiff-Debtor requests that the Status Conference be continued sixty-days.

The Status Conference is continued to 2:00 p.m. on January 22, 2025.

The court shall issue an order in substantially the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Adversary Proceeding Status Conference having been conducted by the court, the Parties reporting that the Settlement has been fully performed, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to **2:00 p.m on March 5, 2025**, for case management purposes pending a proposed order dismissing the Adversary Proceeding being lodged with the court.

Counsel for Plaintiff-Debtor shall prepare the proposed order dismissing this Adversary Proceeding, have counsel for Defendant approve it as to form and content, and then lodge the approved form of the order with the court.

15. [24-23142-E-7](#) JACKSON GRIFFIN
[24-2196](#)
CAE-1

STATUS CONFERENCE RE:
COMPLAINT
10-8-24 [1]

**GRIFFIN V. UNITED STATES
DEPARTMENT OF EDUCATION**

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

Adv. Filed: 10/8/24
Answer: none
Reissued Summons: 1/14/25

Nature of Action:
Dischargeability - student loan

Notes:

The Status Conference is continued to 2:00 p.m. on April 16, 2025, the date and time set in the Reissued Summons issued by the Clerk of the Court on January 14, 2025 (Dckt. 10).

JANUARY 22, 2025 STATUS CONFERENCE

On October 8, 2024, Plaintiff-Debtor Jackson Griffin filed the Complaint in this Adversary Proceeding. Dckt. 1. The Complaint seeks a determination that the Plaintiff-Debtor's student loan debt is dischargeable.

On January 14, 2025, Plaintiff-Debtor obtained a Reissued Summons from the Clerk of the Court. Certificates of Service were filed on January 17, 2025, for the Summons, Notice of Status Conference, and Complaint. Dckts. 11, 12, 13, 14. The Reissued Summons sets the Status Conference for 2:00 p.m. on April 16, 2025.

The Status Conference in this Adversary Proceeding is continued to 2:00 p.m. on April 16, 2025.

The court shall issue an order in substantially the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Adversary Proceeding Status Conference having been set for January 22, 2025, the Plaintiff-Debtor having obtained a Reissued Summons for this

Adversary Proceeding for which the Status Conference is set for April 16, 2025, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to **2:00 p.m. on April 16, 2025.**

16. 24-23053 -E-7	NICHOLAS/KIMBERLY	STATUS CONFERENCE RE:
24-2187	CORNETT	COMPLAINT
CAE-1		9-23-24 [1]

SCHAMBER V. CORNETT

Final Ruling: No appearance at the January 22, 2024 Status Conference is required.

Plaintiff's Atty: Robert D. Hillshafer; Kevin P. Carter
Defendant's Atty: Pro Se

Adv. Filed: 9/23/24
Answer: 10/23/24

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

Notes:
[CAE-1] Order Granting Motion to Continue Status Conference filed 1/13/25 [Dckt 39]

<p>The Status Conference has been continued to 2:00 p.m. on March 5, 2025, by prior Order of this Court (Order; 39).</p>

HAMILTON V. LONG

Final Ruling: No appearance at the January 22, 2024 Status Conference is required.

Plaintiff's Atty: Robert L. Hamilton
Defendant's Atty: unknown

Adv. Filed: 3/21/24
Reissued Summons: 7/18/24
Answer: none

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

Notes:
Continued from 11/13/24. The Motion for Entry of Default Judgment to be filed and served on or before 1/3/25.

[CAE-1] Motion for Default Judgment filed 1/3/25 [Dckt 24]; set for hearing 3/13/25 at 11:00 a.m.

The Status Conference is continued to 2:00 p.m. on March 5, 2025.
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JANUARY 22, 2025 STATUS CONFERENCE

On January 3, 2025, Plaintiff filed a Motion for Default Judgment, Dckt. 24, along with evidence in support thereof. The hearing on the Motion is set for February 13, 2025.

The Status Conference is continued to 2:00 p.m. on March 5, 2025, for case management purposes.

NOVEMBER 13, 2024 STATUS CONFERENCE

A review of the Docket discloses that nothing has been filed in this Adversary Proceeding since the court's order filed on September 23, 2024, extending until November 1, 2024, the deadline for Plaintiff filing a motion for entry of default judgment. Dckt. 20. No motion for entry

of default judgment has been filed by Plaintiff. As stated in the Order Entering Default,

Failure to comply with this order may result in the imposition of sanctions pursuant to Federal Rule of Civil Procedure 16(f) and 41(b), including, without limitation, dismissal of this adversary proceeding without further notice or hearing.

Entry of Default Order, p. 2:3-6; Dckt. 15.

At the Status Conference, Robert Hamilton, pro se, who is an attorney, reported the reason for his delay.

Patricia Wilson, Esq., has now been retained to represent the Defendant-Debtor.

The Parties requested a continuance and extension of time for filing the Motion for a Default Judgment.

The Motion for Entry of Default Judgment shall be filed and served on or before January 3, 2025.

The Status Conference is continued to 2:00 p.m. on January 22, 2025.

SEPTEMBER 18, 2024 STATUS CONFERENCE

On September 9, 2024, the default of Defendant Ian Long was entered. Dckt. 15. Plaintiff must now file a motion for entry of default judgment and set it for hearing.

The Status Conference is continued to 2:00 p.m. on November 13, 2024, to afford Plaintiff the opportunity to prosecute the Motion for Entry of Default Judgment.

The Court granted the Plaintiff's Oral Motion at the September 18, 2024 Status Conference, to extend to November 1, 2024, the deadline for extension for the filing of a motion for entry of default judgment in this Adversary Proceeding

The court shall issue an order in substantially the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Adversary Proceeding Status Conference having been scheduled by the court, the Plaintiff having filed and set for hearing a Motion for Default Judgment, and upon review of the pleadings, reports of counsel, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to **2:00 p.m. on March 5, 2025.**