

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: THURSDAY

DATE: FEBRUARY 1, 2018

CALENDAR: 9:15 A.M. CHAPTERS 13 AND 12 CASES

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions. If the parties stipulate to continue the hearing on the matter or agree to resolve the matter in a way inconsistent with the final ruling, then the court will consider vacating the final ruling only if the moving party notifies chambers before 4:00 pm at least one business day before the hearing date: Department A-Kathy Torres (559)499-5860; Department B-Jennifer Dauer (559)499-5870. If a party has grounds to contest a final ruling because of the court's error under FRCP 60 (a) (FRBP 9024) ["a clerical mistake (by the court) or a mistake arising from (the court's) oversight or omission"] the party shall notify chambers (contact information above) and any other party affected by the final ruling by 4:00 pm one business day before the hearing.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [17-13446](#)-A-13 **IN RE: LEONEL TERA**
[17-1087](#)

STATUS CONFERENCE RE: COMPLAINT
12-1-2017 [[1](#)]

OMNEX GROUP, INC. V. TERA
SAMY HENEIN/ATTY. FOR PL.

Final Ruling

The status conference is continued to Mach 29, 2018, at 9:15 a.m.

Civil Minute Order

IT IS ORDERED that no later than February 15, 2018, the plaintiff shall cause a reissued Summons, Complaint, and Notice of Availability of Bankruptcy Dispute Resolution Program EDC 003-650A to be served on the defendant.

IT IS FURTHER ORDERED that when the Clerk of the Court reissues the summons it shall set the status conference date as March 29, 2018, at 9:15 a.m.

IT IS FURTHER ORDERED that no later than the date prescribed by Federal Rule of Bankruptcy Procedure 7012(a), the defendant shall file and serve a responsive pleading or motion. The parties shall not enlarge time for the filing of a responsive pleading or motion without order of this court. Such an enlargement may be sought by ex parte application, supported by stipulation or other admissible evidence.

IT IS FURTHER ORDERED that if defendant fails to file timely a responsive pleading or motion, the plaintiff shall forthwith and without delay seek entry of plaintiff's default.

IT IS FURTHER ORDERED that if defendant files a motion under Rule 12(b) or otherwise, rather than an answer, the motion shall be set for hearing consistent with LBR 9014-1(f)(1).

IT IS FURTHERED ORDERED that the status conference is continued to March 29, 2018, at 9:15 a.m.