

**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: WEDNESDAY
DATE: FEBRUARY 10, 2016
CALENDAR: 2:00 P.M. CHAPTER 11 ADVERSARY PROCEEDINGS

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

ORAL ARGUMENT

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [10-12709](#)-A-11 ENNIS COMMERCIAL
[15-1120](#) PROPERTIES, LLC
STAPLETON V. STAPLETON
DAVID STAPLETON/Atty. for pl.

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
10-5-15 [[1](#)]

Final Ruling

At the request of the plan administrator, the status conference is continued to June 29, 2016, at 2:00 p.m. Not later than 14 days prior the continued status conference, administrator Stapleton will file a status report. The status report will address all relevant issues including whether Stapleton may properly appear as both a plaintiff and a defendant (including citation to salient authorities) and whether he may appear without counsel, if counsel has not been hired. If the adversary proceeding has not been resolved (including memorialization of an settlement) by May 15, 2016, (1) not later than May 22, 2016, plaintiff Stapleton will cause a re-issued summons to be served on all defendants; and (2) not later than May 22, 2016, plaintiff will hire counsel if he intends to do so. The parties shall not enlarge time for filing a responsive pleading without order of this court and, if defendant Stapleton fails to file a responsive pleading in a timely manner, plaintiff shall forthwith and without delay seek an entry of default. No further continuances of the status conference will be granted for any reason. Failure to comply with the terms of this disposition will result in dismissal of the action without further notice. A civil minute order will issue.