

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis
Chief Bankruptcy Judge
Sacramento, California

February 22, 2017 at 2:00 p.m.

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1. [16-21305-E-7](#) **RODERICK/ROSEMARIE TAPNIO CONTINUED STATUS CONFERENCE**
[16-2155](#) **RE: AMENDED COMPLAINT**
TAPNIO ET AL V. PARTNERS FOR **10-20-16 [29]**
PAYMENT RELIEF DE II, LLC'S ET

Final Ruling: No appearance at the February 22, 2017 Status Conference is required.

Plaintiff's Atty: Peter Macaluso

Defendant's Atty:

Michelle R. Ghidotti-Gonsalves

Dhruv M. Sharma [Wells Fargo Bank, N.A.] Party dismissed on 9/13/16

Adv. Filed: 8/1/16

Answer: None

1st Amd Complaint filed: 8/1/16

Answer: None

2nd Amd Complaint filed: 10/20/16

Answer: None

Nature of Action:

Declaratory judgment

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

<p>The Status Conference is continued to 11:00 a.m. on April 6, 2017, to allow the Chapter 7 Trustee in Plaintiff-Debtor's bankruptcy case to substitute in or otherwise address this Adversary Proceeding. (Specially set to time and date of continued hearing on Defendants' motion to dismiss).</p>
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Notes:

Continued from 11/16/16

Stipulation to Extend Time to Respond to Complaint filed 11/23/16 [Dckt 37]; Order approving filed

February 22, 2017 at 2:00 p.m.

11/29/16 [Dckt 41]

Notice of Motion and Motion to Dismiss Counts One Through Five of Plaintiff's First Amended Complaint filed 11/29/16 [Dckt 42]; Order denying filed 1/17/17 [Dckt 65]

[DS-2] Motion to Dismiss First Amended Complaint for Failure to State a Claim Upon Which Relief Can Be Granted filed 12/6/16 [Dckt 47]; Stipulation to Dismiss Adversary Proceeding as to Mortgage Electronic Registration Systems, Inc. Filed 1/9/17 [Dckt 56]; Order approving filed 1/9/17 [Dckt 57]

[MRG-2] Motion to Dismiss First Amended Complaint for Failure to State a Claim Upon Which Relief Can Be Granted filed 1/17/17 [Dckt 66]; heard 2/16/17 at 11:00 a.m. and continued to 4/6/17 at 11:00 a.m.

Plaintiffs' 4th Status Conference filed 2/15/17 [Dckt 75]

The court shall issue a minute order substantially in the following form holding that:

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

The Status Conference in this Adversary Proceeding having been conducted by the court, Plaintiff-Debtor having converted their bankruptcy case to one under Chapter 7, it appearing that the real party interest in this Adversary Proceeding may be the Chapter 7 Trustee, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to 11:00 a.m. on April 6, 2017, to allow the Chapter 7 Trustee in Plaintiff-Debtor's bankruptcy case to substitute in or otherwise address this Adversary Proceeding. (Specially set to time and date of continued hearing on Defendants' motion to dismiss).

In addition to the Parties currently in this Adversary Proceeding, the Clerk of the Court shall serve a copy of the order continuing the Status Conference on:

Susan Smith, Trustee
2701 Del Paso Road, Suite 130-PMB 399
Sacramento, CA 95835

February 22, 2017 at 2:00 p.m.

2. [16-25210-E-13](#) MARCO SIERRA
[16-2184](#)
U.S. TRUSTEE V. SIERRA

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
9-8-16 [[1](#)]

ADV. CLOSED 2/13/17

Plaintiff's Atty: Allen C. Massey
Defendant's Atty: unknown

Adv. Filed: 9/8/16
Answer: none

Nature of Action:
Injunctive relief - other

<p>Judgment having been entered in this Adversary Proceeding, the Status Conference is removed from the Calendar.</p>
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Notes:
Continued from 11/16/16; a motion for entry of default judgment having been filed.

Order granting motion for default judgment filed 1/13/17 [Dckt 25]

Order prohibiting Defendant-Debtor from filing any petition during an eight-year period filed 1/13/17 [Dckt 25]

Judgment filed 1/25/17 [Dckt 26]

3. [16-27723-E-13](#) **DARRYL/BRIDGETTE MERRITT** **STATUS CONFERENCE RE:**
[16-2254](#) **COMPLAINT**
U.S. TRUSTEE V. MERRITT ET AL **12-14-16 [1]**

Plaintiff's Atty: Judith C. Hotze

Defendant's Atty: unknown

Adv. Filed: 12/14/16

Answer: none

Nature of Action:

Injunctive relief - other

The defaults of Defendant-Debtor having been entered and Plaintiff having filed a motion for entry of a default judgment, **the Status Conference is continued to 2:00 p.m. on May 31, 2017.**

Notes:

Request for Entry of Default by Plaintiff [Bridgette Arianna Merritt] filed 1/20/17 [Dckt 7]; Entry of Default and Order filed 1/23/17 [Dckt 11]

Request for Entry of Default by Plaintiff [Darryl Eugene Merritt] filed 1/20/17 [Dckt 8]; Entry of Default and Order filed 1/23/17 [Dckt 10]

Plaintiff's Application for Default Judgment filed 2/9/17 [Dckt 12], set for hearing 3/9/17 at 11:00 a.m.

4. [11-29826-E-13](#) MARIA CANO
[16-2257](#)
CANO V. CITI MORTGAGE

STATUS CONFERENCE RE:
COMPLAINT
12-21-16 [\[1\]](#)

Plaintiff's Atty: Douglas B. Jacobs
Defendant's Atty: unknown

Adv. Filed: 12/21/16
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

<p>The Adversary Proceeding having been dismissed, the Status Conference is removed from the Calendar.</p>

Notes:

Notice of Dismissal of Adversary Complaint filed 2/15/17 [Dckt 8]; order [Dckt. 10].

5. [16-26327-E-13](#) **SHAUNA DINGUS**
[16-2249](#)
RACKLEY V. DINGUS

STATUS CONFERENCE RE:
COMPLAINT
12-6-16 [1]

Plaintiff's Atty: David R. Griffith
Defendant's Atty: unknown

Adv. Filed: 12/6/16
Answer: none

Nature of Action:
Recovery of money/property - fraudulent transfer
Dischargeability - false pretenses, false representation, actual fraud

The Status Conference is XXXXXXXXXXXXXXXXXXXX.
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Notes:

SUMMARY OF COMPLAINT

Bill Rackley ("Plaintiff") has filed a Complaint seeking to have the court determine that the obligation of Shauna Dingus (Defendant-Debtor) in the amount of \$65,409.68 is nondischargeable pursuant to 11 U.S.C. § 523(a)(2)(A). The underlying transaction is one in which a loan to be secured by real property was made, but Defendant-Debtor misrepresented that collateral would be given to Plaintiff.

SUMMARY OF ANSWER

Shauna Dingus ("Defendant-Debtor") has not filed an answer.

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff alleges in the Complaint that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334, and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B) and (I). Complaint ¶ 3, Dckt. 1.

No Answer has been filed by Defendant-Debtor

The determination of the dischargeability of a debt arises under the Bankruptcy Code, 11 U.S.C. § 523, and is a core-proceeding for which the bankruptcy judge issues all orders and final judgment. 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. The Bill Rackley, the Plaintiff alleges in the Complaint that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334, and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B) and (I). Complaint ¶ 3, Dckt. 1.

No Answer has been filed by Shauna Dingus, the Defendant-Debtor

The determination of the dischargeability of a debt arises under the Bankruptcy Code, 11 U.S.C. § 523, and is a core-proceeding for which the bankruptcy judge issues all orders and final judgment. 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 -----, 2017.

c. Expert Witnesses shall be disclosed on or before -----, 2017, and Expert Witness Reports, if any, shall be exchanged on or before -----, 2017.

d. Discovery closes, including the hearing of all discovery motions, on -----, 2017.

e. Dispositive Motions shall be heard before -----, 2017.

f. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at ----- p.m. on -----, 2017.

February 22, 2017 at 2:00 p.m.

6. [10-50941-E-13](#) **JOEL/MAGGIE DAUGHERTY**
[16-2192](#)
DAUGHERTY ET AL V. FLAGSTAR
BANK, FSB ET AL

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
9-14-16 [1]

Plaintiff's Atty: Ryan C. Wood
Defendant's Atty: unknown

Adv. Filed: 9/14/16
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

The Status Conference is continued to 2:00 p.m. on xxxxxxx, 2017.

Notes:

Continued from 1/18/17 to allow the Parties the opportunity to have adjudicated motions for entry of default judgments (the defaults of both Defendants having been entered).

FEBRUARY 22, 2017 STATUS CONFERENCE

The court has issued orders for the entry of default judgments against Defendants in this Adversary Proceedings. Orders, Dckts. 48, 50; filed January 17, 2017. No proposed judgments have been lodged by Plaintiff-Debtor with the court. See Orders, Dckts. 48, 50.

7. [12-39954-E-13](#) **JOHN/MICHELLE PINEDA**
[16-2002](#)
PINEDA, JR. ET AL V. WELLS
FARGO BANK, N.A.

CONTINUED STATUS CONFERENCE
RE: SECOND AMENDED COMPLAINT
12-28-16 [28]

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: Adam N. Barasch

Adv. Filed: 1/5/16
Answer: none
1st Amd Complaint Filed: 7/5/16
Answer: 7/29/16
2nd Amd Complaint Filed: 12/18/16
Answer: none

Nature of Action:
Injunctive relief - other

The Status Conference is XXXXXXXXXXXXXXXXXXXXXXXXXXXX.
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Notes:
Continued from 11/16/16

Stipulation to File Second Amended Complaint filed 12/28/16 [Dckt 27]

Second Amended Complaint filed 12/28/16 [Dckt 28]

FEBRUARY 22, 2017 STATUS CONFERENCE

Plaintiff Debtor filed a Second Amended Complaint on December 28, 2016.
Certificates of Service were filed on December 28 and 29, 2016. Dckts. 30, 32. No answer or other responsive pleading has been filed by the named Defendant.

8. [15-25168](#)-E-13 DEBRA MCCLAIN
[15-2152](#)
MCCLAIN V. SULLIVAN ET AL

CONTINUED PRE-TRIAL
CONFERENCE RE: AMENDED
COMPLAINT FOR OBJECTION TO
CLAIM; DECLARATORY RELIEF; AND
RELATED STATE CAUSES OF ACTION
11-3-15 [[18](#)]

**ADVERSARY PROCEEDING
DISMISSED: 01/23/2017**

Final Ruling: No appearance at the January 26, 2017 Status Conference is required.

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: Kirk Steven Rimmer

**The Adversary Proceeding having been dismissed (Stipulation, Dckt. 58), the
Pre-Trial Conference is removed from the Calendar.**

Notes:
Continued from 1/18/17

Notice of Stipulated Dismissal of Adversary Proceeding filed 1/23/17 [Dckt 58]