

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Chief Bankruptcy Judge
Sacramento, California

March 3, 2021 at 2:00 p.m.

1. [20-20938-E-13](#) **DEANDRA JACKSON**
[20-2103](#)
PADILLA-ANGEL V. JACKSON

**PRE-TRIAL CONFERENCE RE:
COMPLAINT TO DETERMINE
DISCHARGEABILITY
5-23-20 [1]**

Plaintiff's Atty: Joseph M. Canning
Defendant's Atty: Peter G. Macaluso

Adv. Filed: 5/23/20
Answer: 7/14/20

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

Notes:
Initial disclosures by 8/17/20
Close of discovery 11/17/20
Dispositive motions heard by 1/22/21

Substitution of Attorney [for Plaintiff, Maria Padilla-Angel] filed 1/22/21 [Dckt 20]; No Order Docketed

Defendant's Pretrial Statement filed 2/23/21 [Dckt 23]

The Pre-Trial Conference is XXXXX.
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MARCH 3, 2021 PRETRIAL CONFERENCE

SUMMARY OF COMPLAINT

Maria Padilla-Angel ("Plaintiff") filed a Complaint (Dckt. 1) asserting that debt should be nondischargeable pursuant to 11 U.S.C. § 523(a)(2)(A), with the allegations in the Complaint summarized as follows:

- A. Deandra Renee Jackson, “Defendant-Debtor,” submitted to Plaintiff an application to rent property.
- B. In reliance on the information provided therein, Plaintiff rented the property to Defendant-Debtor.
- C. The lease commenced on November 15, 2019, and Defendant-Debtor pre-paid rent through December 31, 2019.
- D. Defendant-Debtor has made no further rent payments and continues in possession of the property.
- E. On January 10, 2020, Plaintiff served a three-day notice to pay rent or quit on Defendant-Debtor.
- F. At the time of giving the three-day notice, Plaintiff discovered that Defendant-Debtor had filed three bankruptcy cases in less than one year. One was filed prior to the rental agreement being signed on October 10, 2019, and two after, those cases filed on October 11, 2019, and November 18, 2019. The pre-Rental Agreement bankruptcy was not disclosed to Plaintiff on the Rental Application.
- G. Defendant-Debtor did not list Plaintiff as a creditor in the two post-Rental Agreement cases filed. However, after the three-day notice was given, Defendant-Debtor amended her Schedules to list Plaintiff.
- H. The unlawful detainer trial was set for March 10, 2020. Defendant-Debtor’s third bankruptcy case was dismissed on February 17, 2020, ten days after Plaintiff filed a motion for a “comfort order” concerning the automatic stay.
- I. Defendant-Debtor commenced her current Chapter 13 case, 20-20938, (“Current Case”) on February 20, 2020.
- J. Defendant-Debtor requested that the bankruptcy court impose the stay in the Current Case. No stay had been imposed as of the March 10, 2020 unlawful detainer trial, but the state court continued the trial until after the bankruptcy court could rule on the motion to impose the stay.
- K. The bankruptcy court granted the motion to impose the stay as to all persons, except the Plaintiff.
- L. Due to the COVID-19 pandemic, the State Court has not been able to set a trial in the unlawful detainer.
- M. In reviewing the Defendant-Debtor’s Schedules and Statement of Financial Affairs, Plaintiff has determined that the income information Defendant-Debtor provided in the Rental Application was not accurate.
- N. Plaintiff has identified a dozen bankruptcy cases that Defendant-Debtor has filed in the

Eastern District of California, with five cases having been filed within seven years of the Rental Application given to Plaintiff, which Application did not disclose those cases.

O. In the First Cause of Action, Plaintiff asserts that the obligations owed to Plaintiff relating to the rental are nondischargeable for fraud pursuant to 11 U.S.C. § 523(a)(2)(A). The alleged misrepresentation are as to the Defendant-Debtor's income and the failure to disclose the multiple bankruptcy cases filed.

P. In the Second Cause of Action Plaintiff asserts that Defendant-Debtor has injured Plaintiff's property, converting the rental Property, and the damages relating to that conduct is nondischargeable pursuant to 11 U.S.C. § 523(a)(6).

SUMMARY OF ANSWER

Deandra Renee Jackson ("Defendant-Debtor") filed an Answer (Dckt. 7) to the Complaint, which the court summarizes as follows:

A. The Defendant-Debtor begins with a "general denial," which states:

Defendant hereby **denies, both generally and specifically, each and every allegation in the Complaint**, and specifically denies any allegation that Plaintiff has been, is, or will be damaged in the amount alleged, or any manner or sum whatsoever, or entitled to any recovery or remedy of any type whatsoever, by reason or any act, conduct, or omission of Defendant.

Answer, p. 2:4-9; Dckt. 7. ^{FN. 1}

FN. 1. The U.S. Supreme Court provides in Federal Rule of Civil Procedure 8(b)(3), incorporated into Federal Rule of Bankruptcy Procedure 7008, that a party may make a general denial only as follows:

(3) General and Specific Denials. A party that intends in **good faith to deny all the allegations** of a **pleading—including the jurisdictional** grounds—may do so by a general denial. A party that does **not intend to deny** all the allegations must **either specifically deny designated allegations or generally deny all except those specifically admitted**.

By this general denial, Defendant-Debtor is denying that federal court jurisdiction exists for adjudicating claims that debt is nondischargeable under the Bankruptcy Code based on the specific grounds stated in the Bankruptcy Code.

B. In Paragraph 1 of the Answer Defendant-Debtor provides the conflicting admission that federal court jurisdiction exists for this Adversary Proceeding.

C. Defendant-Debtor denies that she is "a residential tenant" of the Property.

FINAL BANKRUPTCY COURT JUDGMENT

The Plaintiff alleges that jurisdiction exists for this Adversary Proceeding pursuant to 28 U.S.C. § 1334 and 157, and the referral to this bankruptcy court from the United States District Court for the Eastern District of California. Further, that this is a core proceeding before this bankruptcy court pursuant to 28 U.S.C. § 157(b)(2)(I). Complaint, ¶¶ 1, 2, Dckt. 1. The Defendant admits the jurisdiction and that this is a core proceeding. Answer, ¶¶ 1, 2 (notwithstanding denying it in the “general denial” in Section I of the Answer), Dckt. 7.

MOTION TO SUBSTITUTE ATTORNEY

On January 22, 2021, Joseph Canning, Esq., attorney for Plaintiff, filed a Substitution of Attorney, which purports to substitute counsel of record out and put Plaintiff in *pro se* in his place. The court has not issued an order permitting counsel to substitute out from the representation of Plaintiff. E.D. Cal. LBR 2017-1(e); E.D. Cal. L.R. 182(e).

On February 25, 2021, Mr. Canning filed a Motion to Withdraw as counsel for Plaintiff. Dckt. 25. The hearing on the Motion is set for April 22, 2021.

Defendant filed a Pre-Trial Statement providing all of the required information for the court to set this matter for trial.

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

2. [19-22653-E-7](#) **REECE/RODINA VENTURA**
[19-2156](#)
GAUNIA V. VENTURA, ET AL.

**PRE-TRIAL CONFERENCE RE:
COMPLAINT TO DETERMINE
DISCHARGEABILITY OF A DEBT
12-22-19 [1](#)**

Plaintiff's Atty: Michael J. Harrington, Cindy Lee Hill
Defendant's Atty: Peter G. Macaluso

Adv. Filed: 12/22/19
Answer: 1/20/20

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

Notes:
Initial disclosures by 4/1/20
Disclose expert witnesses by 6/26/20
Disclose rebuttal expert witnesses by 7/24/20
Dispositive motions heard by 10/28/20
Close of discovery 11/6/20

Defendants' Pretrial Statement filed 2/23/21 [Dckt 21]

Plaintiff's Pre-Trial Conference Statement filed 2/24/21 [Dckt 23]

The Pre-Trial Conference is XXXXX.
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SUMMARY OF COMPLAINT

Adela Bon Gaunia ("Plaintiff") seeks to obtain a judgment determining that obligation resulting from Plaintiff's employment by Defendant-Debtor, directly or by one of Defendant-Debtor's corporations operating care facilities, is non-dischargeable. Plaintiff asserts that Defendant-Debtor did not comply with California wage and employment laws including the proper withholding of taxes. Plaintiff filed and was prosecuting a state court action asserting such claims, which was pending when Defendant-Debtors commenced their Chapter 7 bankruptcy case. Plaintiff asserts that the obligations are nondischargeable pursuant to 11 U.S.C. § 523(a)(2)(A), (a)(4), and (a)(6).

SUMMARY OF ANSWER

Reece Ventura and Rodina Ventura ("Defendant-Debtor") have filed an Answer (Dckt. 6), admitting and denying specific allegations.

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff Adela Bon Gaunia alleges in the Complaint that 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)(I). Complaint ¶¶ 1, 2, Dckt. 1. In the Answer, Defendant Reece Ventura and Rodina Ventura admit the allegations of jurisdiction and that this is a core proceeding. Answer ¶¶ 2, 3, 4; Dckt. 6. 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.

The court shall issue an Trial Setting in this Adversary Proceeding setting the following dates and deadlines:

- A. Evidence shall be presented pursuant to Local Bankruptcy Rule 9017-1.
- B. **Plaintiff** shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, **2021**.
- C. **Defendant** shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, **2021**.
- D. The Parties shall lodge with the court, file, and serve Hearing Briefs and Evidentiary Objections on or before -----, **2021**.
- E. Oppositions to Evidentiary Objections, if any, shall be lodged with the court, filed, and served on or before -----, **2021**.
- F. The Trial shall be conducted at ----x.m. on -----, **2021**.

The Parties in their respective Pretrial Conference Statements, Dckts. -----, 23, and as stated on the record at the Pretrial Conference, have agreed to and establish for all purposes in this Adversary Proceeding the following facts and issues of law:

Plaintiff(s)

Defendant(s)

Jurisdiction and Venue:

Plaintiff Adela Bon Gaunia alleges in the Complaint that 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)(I). Complaint ¶¶ 1, 2, Dckt. 1. In the Answer, Defendant Reece Ventura and Rodina Ventura admit the allegations of jurisdiction and that this is a core proceeding. Answer ¶¶ 2, 3, 4; Dckt. 6.

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.

Undisputed Facts:

3. Debtors owned and operated several disabled children care home businesses known as RML Children's Home, Inc., a California Corporation, and its successor corporation, RML Care Group, Inc.
4. RML Children's Home, Inc. was a corporation formed in California later cancelled.
5. RML Children's Home, Inc. was a corporation formed in California later dissolved.
6. Both corporations were underfunded.
7. Debtors and RML Children's Care Home, Inc. hired Plaintiff on or about 2013 until she left in 2015, as a live-in caregiver at several of Debtor's two care home locations. On October 5, 2016 Plaintiff filed a complaint for damages in Sacramento County Superior Court, *Gaunia v. RML Children's Home, Inc.*, the two Debtors, and related family business members and family companies. The complaint sued, inter alia, for damages for failure to pay minimum wages, overtime compensation, meal and break periods, various penalties, and interest on unpaid wages.
8. Debtors failed to pay minimum wages.
9. Debtors failed to pay overtime.
10. Debtors improperly treated Plaintiff as an independent contractor and failed to

Undisputed Facts:

1. None Identified

<p>pay employer share of taxes or other government requirements.</p> <p>11. Plaintiff worked live-in shifts for 24 hour periods, details to be provided in a summary of claim and damages. See Proof of Claim.</p> <p>12. "At the beginning of Plaintiff's employment and continuously through the end, [Debtors] represented to Plaintiff that she would be provided lawful pay and working conditions. Defendants represent to Plaintiff that her paychecks conformed to law, and was paid properly and legally pursuant to law." AP Complaint, para. 17, p. 3:15-18. This was admitted in Debtors' Answer. Plaintiff accepted Debtors' representations.</p> <p>13. Debtors, as the owners of the company and as the administrators of the employees, including Plaintiff, are personally responsible for the unpaid wages, penalties, interest and punitive damages.</p>	
<p>Disputed Facts:</p> <p>1. Plaintiff was an employee of Debtors and her LLC, rather than an independent contractor.</p> <p>2. Debtors owed, and was aware of the law requiring her to pay, Plaintiff for overtime worked, breaks and meal breaks.</p> <p>3. Plaintiff worked substantial overtime, for which she was not paid overtime.</p> <p>4. Debtors were exempt from meal and break time requirements.</p> <p>5. Debtors misrepresented Plaintiff's employment status therefore avoiding</p>	<p>Disputed Facts:</p> <p>1. Whether Plaintiff holds a claim against Defendants in the amount of \$179,196.52, upon which interest, penalties, and reciprocal attorney fees which have accrued or, if not, in what amount, if any.</p> <p>2. Whether Plaintiff was paid for all hours worked.</p> <p>3. Whether Plaintiff was a live-in caregiver.</p> <p>4. Whether there was a misrepresentation of pay and working conditions.</p> <p>5. Whether Plaintiff holds any claim whatsoever.</p>

<p>paying the employer's share of withholding taxes and other benefits.</p> <p>6. Debtors misrepresented the wages due under California law so as to underpay Plaintiff.</p> <p>7. Debtors intentionally prepared or failed to prepare accurate wage statements so as to underpay Plaintiff, resulting in substantial underpayment of wages.</p> <p>8. Debtors' actions caused Plaintiff to receive less than she was lawfully entitled to in wages and benefits.</p> <p>9. Debtors' actions were intentional and willful.</p> <p>10. Debtors made material misrepresentations during the period from 2013 to 2015 with regard to classification and wages paid to Plaintiff to induce her to work for Debtors and their businesses.</p>	
<p>Disputed Evidentiary Issues:</p> <p>1. None Identified</p>	<p>Disputed Evidentiary Issues:</p> <p>1. Hearsay objections to exhibits A-J. ?????</p>
<p>Relief Sought:</p> <p>1. Determination that \$175,196.52, plus interest, fees and expenses is nondischargeable pursuant to 11 U.S.C. § 524(a)(2), (4), (6).</p>	<p>Relief Sought:</p> <p>1. Plaintiff's debt is dischargeable.</p>
<p>Points of Law:</p> <p>1. 11 U.S.C. 523(a)(2), (4), and (6)</p> <p>2. 11 U.S.C. 523(d) is not applicable to this wage claim.</p> <p>3. Labor Code 512, 226.7, and 1198, and</p>	<p>Points of Law:</p> <p>1. 11 U.S.C. 523(a)(2)(4) and (6)</p> <p>2. 11 U.S.C. 523(d)</p> <p>3. Labor Code 512, 226.7, and 1198</p>

<p>other applicable Labor Code sections</p> <p>4. Industrial Welfare Commission Order 5-2001, Sections to include but not limited to 3, 4 and 11.</p>	<p>4. Industrial Welfare Commission Order 5-2001, Sections 3, 4, and 11</p>
<p>Abandoned Issues:</p> <p>1. None Identified</p>	<p>Abandoned Issues:</p> <p>1. None Identified</p>
<p>Witnesses:</p> <p>1. Benjamin Villanueva</p> <p>2. Co-workers of Plaintiff at the care home facilities ?????</p> <p>3. Reece Rodina</p> <p>4. Plaintiff's Designated [unidentified] Expert</p> <p>5. Designated Representative of RML Children's Home, Inc</p> <p>6. Designated Representative of RML Care Group, Inc.,</p> <p>7. Rodina Ventura</p> <p>8. Tido Thac Hoang and Tido Financial, Inc.</p> <p>9. Adela Bon Gaunia</p> <p>10. Custodians of Records of various banks that have done business with Debtors or any of the business entities created by or on behalf of Debtors.</p> <p>11. Transcripts of depositions taken in any of the two state court cases????????</p> <p>12. Plaintiff's Expert Witness, Michael Bilger</p>	<p>Witnesses:</p> <p>1. Reece Ventura</p> <p>2. Rodina Ventura</p> <p>3. Adela Bon Gaunia</p>

13.	Plaintiff's backup Expert Witness (Due to forgoing expert being unavailable due to employment change)	
Exhibits:		Exhibits:
1.	All documents produced by Debtors in response to discovery requests in any of the bankruptcy cases or the two state court cases.	1. Defendant-Debtor's Bankruptcy Petition
2.	All documents produced by Debtors in response to any discovery or 2004 Exam requests, in any of the bankruptcy cases, or the two state court cases.	2. Wage Records June 21, 2013 to March 6, 2015.
3.	Exhibits marked at any of the depositions taken in the bankruptcy cases or two state court cases	
4.	Exhibits marked in the state court motion for leave to file Amended Judgment to Add Additional Judgment Debtor Successor Corporation	
5.	Filings by Debtors or their two corporations with the California Secretary of State	
6.	Any court filings in either of the two state court actions	
7.	Plaintiff's Proof of Claim, as amended for trial	
8.	Employee files and payroll of Plaintiff Plaintiff's bank statements and records showing payroll and evidence of employment	
9.	Various emails and communications	
10.	Documents produced by the California Department of Social Services	
11.	Plaintiff expert CVs, and reports, and	

calculations of damages	
12. Various opinion letters from the Office of General Counsel, Labor Commissioner, interpretations various wage and hour laws and factual situations for care homes	
Discovery Documents:	Discovery Documents:
1. None Identified (except to the extent included in the forgoing Exhibits listed)	1. None Identified
Further Discovery or Motions:	Further Discovery or Motions:
1. None Identified	1. None Identified
Stipulations:	Stipulations:
1. None Identified	1. None Identified
Amendments:	Amendments:
1. None Identified	1. 2. 3.
Dismissals:	Dismissals:
1. None Identified	1. None Identified
Agreed Statement of Facts:	Agreed Statement of Facts:
1. May be Possible	1. None Identified
Attorneys' Fees Basis:	Attorneys' Fees Basis:
1. CLC §§ 218.5, 226(f), 1194 (a), 2. CCP 1021, CCP 685.040,	1. Prevailing Party ??????

3. Any other applicable provisions.	
Additional Items 1. None Identified	Additional Items 1. None Identified
Trial Time Estimation: Three (3) Days	Trial Time Estimation: Three (3) Days

14. [19-22653-E-7](#) REECE/RODINA VENTURA
[19-2157](#)
VILLANUEVA V. VENTURA, ET AL.

**PRE-TRIAL CONFERENCE RE:
COMPLAINT TO DETERMINE
DISCHARGEABILITY OF A DEBT
12-22-19 [1]**

Plaintiff's Atty: Michael J. Harrington, Cindy Lee Hill
Defendant's Atty: Peter G. Macaluso

Adv. Filed: 12/22/19
Answer: 1/20/20

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

Notes:
Initial disclosures by 4/1/20
Disclose expert witnesses by 6/26/20
Disclose rebuttal expert witnesses by 7/24/20
Dispositive motions heard by 10/18/20
Close of discovery 11/6/20

Defendants' Pre-Trial Statement filed 2/23/21 [Dckt 21]

Plaintiff's Pre-Trial Conference Statement filed 2/24/21 [Dckt 23]

The Pre-Trial Conference is XXXXX.
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SUMMARY OF COMPLAINT

Benjamin Villanueva ("Plaintiff") seeks to obtain a judgment determining that obligation resulting from Plaintiff's employment by Defendant-Debtor, directly or by one of Defendant-Debtor's corporations operating care facilities, is nondischargeable. Plaintiff asserts that Defendant-Debtor did not comply with California wage and employment laws including the proper withholding of taxes. Plaintiff filed and was prosecuting a state court action asserting such claims, which was pending when Defendant-Debtors commenced their Chapter 7 bankruptcy case. Plaintiff asserts that the obligations are nondischargeable pursuant to 11 U.S.C. § 523(a)(2)(A), (a)(4), and (a)(6).

SUMMARY OF ANSWER

Reece Ventura and Rodina Ventura ("Defendant-Debtor") have filed an Answer (Dckt. 6), admitting and denying specific allegations.

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff Benjamin Villanueva alleges in the Complaint that 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)(I). Complaint ¶¶ 1, 2, Dckt. 1. In the Answer, Defendant Reece Ventura and Rodina Ventura admit the allegations of jurisdiction and that this is a core proceeding. Answer ¶¶ 2, 3, 4; Dckt. 6. 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.

The court shall issue an Trial Setting in this Adversary Proceeding setting the following dates and deadlines:

- A. Evidence shall be presented pursuant to Local Bankruptcy Rule 9017-1.
- B. **Plaintiff** shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, **2021**.
- C. **Defendant** shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, **2021**.
- D. The Parties shall lodge with the court, file, and serve Hearing Briefs and Evidentiary Objections on or before -----, **2021**.
- E. Oppositions to Evidentiary Objections, if any, shall be lodged with the court, filed, and served on or before -----, **2021**.
- F. The Trial shall be conducted at ----x.m. on -----, **2021**.

The Parties in their respective Pretrial Conference Statements, Dckts. -----, -----, and as stated on the record at the Pretrial Conference, have agreed to and establish for all purposes in this Adversary Proceeding the following facts and issues of law:

Plaintiff(s)

Defendant(s)

Jurisdiction and Venue:

Plaintiff Benjamin Villanueva alleges in the Complaint that 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)(I). Complaint ¶¶ 1, 2, Dckt. 1. In the Answer, Defendant Reece Ventura and Rodina Ventura admit the allegations of jurisdiction and that this is a core proceeding. Answer ¶¶ 2, 3, 4; Dckt. 6. 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.

Undisputed Facts:

1. Debtors owned and operated several disabled children care home businesses known as RML Children's Home, Inc., a California Corporation, and its successor corporation, RML Care Group, Inc.
2. RML Children's Home, Inc. was a corporation formed in California later cancelled.
3. RML Children's Home, Inc. was a corporation formed in California later dissolved.
4. Both corporations were underfunded.
5. Debtors and RML Children's Care Home, Inc. hired Plaintiff on or about 2009 until he left in 2015, as a live-in caregiver at several of Debtor's two care home locations, and related family property doing property maintenance.
6. On November 25, 2015, Plaintiff filed a complaint for damages in Sacramento County Superior Court, *Villanueva v. RML Children's Home, Inc.*, the two Debtors, and related family business members and family companies. The complaint sued, inter alia, for damages for failure to pay minimum wages, overtime compensation, meal and break periods, various penalties, and interest on unpaid wages.
7. In a demurrer filed on February 5, 2006, all defendants (including Debtors) made a general appearance by and through their attorneys of record, Steven L. Simas, Justin D. Hein, and Simas and Associates, Ltd., a litigation firm practicing in the Sacramento area.

Undisputed Facts:

1. Defendants filed for Chapter 13 protection on April, 28, 2019, and converted to Chapter 7 on September 15, 2019.
2. Plaintiff, Benjamin Zamora Villanueva ("Plaintiff"), has asserted that he is a creditor in the underlying Chapter 13 bankruptcy case.
3. This adversary proceeding was brought in connection with Defendants' underlying bankruptcy under Chapter 13 of Title 11, case number 19-27117.
4. Plaintiff's Adversary Complaint is brought pursuant to 11 U.S. Code §§ 523(a)(2), (4), (6), and was filed by Plaintiff within the instant adversary proceeding on or about December 22, 2019.
5. The Plaintiff is a former employee of Defendants.

8.	Shortly after the demurrer was filed, counsel began to discuss settlement, and agreed to a mediation with Russ Wunderli at his offices in Roseville, California.	
9.	On April 12, 2016, Plaintiff and his counsel, Michael J. Harrington, attended mediation with Russ Wunderli, Debtors, RML Children's Home, Inc, and their counsel, Justin Hein. A settlement was reached for a total of \$125,000. All parties and counsel present signed the Mediator's short form Settlement Agreement, to be paid in five \$25,000 installments beginning about 60 days after the mediation.	
10.	On or about April 22, 2016, the long-form Settlement Agreement was signed by Debtors as individuals, and on behalf of RML Children's Home, Inc.	
11.	On or about April 20, 2016, the parties also entered into a Stipulation for Entry of Judgment After Default, for \$125,000.	
12.	Soon after that, the Debtors defaulted.	
13.	On July 12, 2018, Creditor Villanueva obtained a Stipulation for Judgment against Debtors for \$125,000. Creditor Villanueva filed a Motion for Leave to Amend the Judgment to include a successor corporation, RML CHILDREN CARE GROUP, INC. That motion was granted by Judge Brown, and the case history and issues up to that time are fairly and accurately summarized in his Order dated October 8, 2018. (Exh. 1)	
14.	Creditors then filed their Motion for	

<p>Award of Attorneys Fees and Costs, and that motion was granted in August, 2019, and the judgment was amended to include them, for a total judgment of \$333,446.20.</p> <p>15. As was concluded by the Court, "the motion to amend is granted to allow adding the successor corporation as a judgment debtor. Plaintiff has shown that RML Care Group, Inc. has the same officers as the prior corporation. The certificate of dissolution of RML Children's Home, Inc. contained false information that the corporation had no debtors or liability, three days after it signed the stipulating it owned plaintiff \$125,000." Order Granting Motion to Amend Judgment to Add Additional Judgment Debtors as Successor in Interest, filed October 2, 2018. (Exh. 2) These facts are final. The Order was not appealed, and the trial court concluded that Debtors lied about their lack of debts when they dissolved the corporation that signed the settlement agreement.</p>	
<p>Disputed Facts:</p> <p>1. Whether the debt is nondischargeable as provided in 11 U.S.C. § 542(a)(2), (4), or (6).</p> <p>2. The amount of the claim.</p>	<p>Disputed Facts:</p> <p>1. Whether Defendants are liable subject to 11 U.S.C. 523(a)(2), (4) and/or (6).</p> <p>2. Whether Plaintiff holds a claim against Defendants in the amount of \$125,000.00, upon which interest, penalties, and reciprocal attorney fees have accrued or, if not, in what amount, if any.</p>
<p>Disputed Evidentiary Issues:</p> <p>1. No specific objections identified.</p>	<p>Disputed Evidentiary Issues:</p> <p>1. Hearsay objections to exhibits A-J?????</p>
<p>Relief Sought:</p>	<p>Relief Sought:</p>

<ol style="list-style-type: none"> 1. Determination that the amount of the obligation owed to Plaintiff is \$125,000, plus interest, penalties, and attorney's fees in the amount of \$333,446.20, as of August 5, 2019. 2. Such obligation is nondischargeable. 	<ol style="list-style-type: none"> 1. Determination that the debt is dischargeable.
<p>Points of Law:</p> <ol style="list-style-type: none"> 1. 11 U.S.C. § 523(a)(2), (4), (6). 2. 11 U.S.C. § 523(d) not being applicable to a wage claim. 	<p>Points of Law:</p> <ol style="list-style-type: none"> 1. 11 U.S.C. 523(a)(2)(4) and (6) 2. 11 U.S.C. 523(d) 3. Labor Code 512, 226.7, and 1198 4. Industrial Welfare Commission Order 5-2001, Sections 3, 4, and 11 5. California Penal Code 240 (Assault) 6. 7.
<p>Abandoned Issues:</p> <ol style="list-style-type: none"> 1. None Identified 	<p>Abandoned Issues:</p> <ol style="list-style-type: none"> 1. None Identified
<p>Witnesses:</p> <ol style="list-style-type: none"> 1. Benjamin Villanueva 2. Reece Rodina 3. Designated Representative of RML Children's Home, Inc. 4. Designated Representative of RML Care Group, Inc. 5. Rodina Ventura 6. Tido Thac Hoang or Tido Financial. 	<p>Witnesses:</p> <ol style="list-style-type: none"> 1. Reece Ventura 2. Rodina Ventura

<p>7. Justin Hein, Esq.</p> <p>8. Steven L. Simas, Esq, Simas and Associates, Ltd.</p> <p>9. Adela Gaunia</p> <p>10. Custodians of Records of banks having done business with Defendant-Debtors and their related business entities.</p> <p>11. Deposition transcripts from the two State Court Actions.</p>	
<p>Exhibits:</p> <p>1. All documents produced by Debtors in response to discovery requests in any of the bankruptcy cases or the two state court cases.</p> <p>2. All documents produced by Debtors in response to any discovery or 2004 Exam requests, in any of the bankruptcy cases, or the two state court cases.</p> <p>3. Exhibits marked at any of the depositions taken in the bankruptcy cases or two state court cases.</p> <p>4. Exhibits marked in the state court motion for leave to file Amended Judgment to Add Additional Judgment Debtor Successor Corporation.</p> <p>5. Exhibits marked in the state court motion for award of attorneys fees and costs in the state court action.</p> <p>6. Filings by Debtors or their two corporations with the California Secretary of State.</p> <p>7. Any court filings in either of the two state court actions.</p>	<p>Exhibits:</p> <p>1. Debtors' Bankruptcy Petition</p> <p>2. Internal Film of Plaintiff Violation of California Penal Code 240 (Assault)</p> <p>3. Settlement Civil Court</p> <p>4. Plaintiff's Proof of Claim</p>

8.	Documents submitted to Russ Wunderli Mediation for the mediation that resulted in the settlement of \$125,000	
9.	Plaintiff's Proof of Claim	
10.	Various emails and communications before and after the subject mediation	
Discovery Documents:		Discovery Documents:
1.	None Identified (except as stated above in the Identification of Exhibits)	1. None Identified
Further Discovery or Motions:		Further Discovery or Motions:
1.	None Identified	1. None Identified
Stipulations:		Stipulations:
1.	None Identified	1. None Identified
Amendments:		Amendments:
1.	None Identified	1. None Identified
Dismissals:		Dismissals:
1.	None Identified	1. None Identified
Agreed Statement of Facts:		Agreed Statement of Facts:
1.	None Identified, But Stated To Be Possible	1. None Identified
Attorneys' Fees Basis:		Attorneys' Fees Basis:
1.	CLC §§ 218.5, 226(f), and 1194(a)	1. "Prevailing Party" (no contractual or statutory basis identified)
2.	Cal. C.C.P. 1021 and 685.040.	
3.	Any other provision of law that could	

be a basis for legal fees	
Additional Items 1. None Identified	Additional Items 1. None Identified
Trial Time Estimation: Three (3) Days	Trial Time Estimation: Three (3) Days

15. [18-27755-E-7](#) MARK/RENEE EVANS
[19-2042](#)
SCHREIBER V. EVANS, ET AL.

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
3-22-19 [\[1\]](#)

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: Peter G. Macaluso

Adv. Filed: 3/22/19
Answer: 4/17/19

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

Notes:
Continued from 1/6/21 to allow the Parties to consummate the Settlement.

The Status Conference is XXXXXXX
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MARCH 3, 2021 STATUS CONFERENCE

In Defendant-Debtor's Fifth Status Report, it is stated that this matter has been settled, the court approved the Settlement on December 13, 2020, (Order, Dckt. 53) and Defendants are awaiting dismissal of this Adversary Proceeding. Dckt. 57.

The Settlement Agreement (Exhibit 1; Dckt. 49) provisions include: (1) dismissal of Defendant Rene Evans; (2) judgment in the amount of \$180,000 to be entered for Plaintiff against Defendant Mark Evans; (3) entry of judgment in a State Court Action; (4) assignment of claims against third-parties; (4) cooperation in enforcement of the assigned claims; and (5) dismissal of this Adversary Proceeding (which appears to conflict with the entry of a judgment in this Adversary Proceeding).

At the Status Conference, XXXXXXX

16. [19-25168-E-7](#) MATHEW LAKOTA
19-2140
LUCAS V. LAKOTA

CONTINUED PRE-TRIAL
CONFERENCE RE: COMPLAINT TO
DETERMINE DISCHARGEABILITY OF
DEBT
11-14-19 [\[1\]](#)

Plaintiff's Atty: Raymond L. Sandelman
Defendant's Atty: Pro Se

Adv. Filed: 11/14/19
Answer: 11/26/19

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

Notes:
Continued from 1/6/21 by request of the Parties.

The Pre-Trial Conference is XXXXX.

MARCH 3, 2021 PRETRIAL CONFERENCE

A review of the Docket reflects that while Plaintiff filed a Pretrial Conference Statement (Dckt. 20) on December 31, 2020, none has been filed by the Defendant-Debtor. Though providing additional time, Defendant-Debtor has not filed the required Statement identifying his witnesses and exhibits.

At the Pretrial Conference, XXXXXXXX

JANUARY 6, 2021 PRETRIAL CONFERENCE

The court's December 31, 2020 review of the Docket discloses that neither party has filed a pre-trial conference statement. This may be because of disruptions caused by the COVID-19 pandemic, including the Federal Courthouse being closed to the public. Alternatively, it may be that the Parties have resolved their disputes.

At the Pretrial Conference, the Defendant-Debtor reported that he had been ill and the parties agreed to a short continuance. The court's first available Pretrial Conference date, after allowing Defendant-Debtor with an adequate opportunity to prepare, is March 3, 2021.

Summary of Complaint

Lisa Lucas (“Plaintiff”) has filed a complaint seeking to have alleged obligations to be determined nondischargeable in connection with Defendant-Debtor’s bankruptcy case. Plaintiff obtained a judgement against her ex-husband, and assigned the judgment to Defendant-Debtor for collection. Under the terms of the assignment, 33% of the monies collected would be paid to Defendant-Debtor and 67% to Plaintiff.

Plaintiff’s ex-husband filed a Chapter 13 bankruptcy case, the confirmed plan in which provided for 100% payment of Plaintiff’s judgment. Plaintiff alleges that Defendant-Debtor improperly retained and took \$3,931.71 of Plaintiff’s portion of the monies paid on the judgment that was assigned for collection. Plaintiff commenced and was prosecuting a state court action asserting her claims when Defendant-Debtor commenced his Chapter 7 bankruptcy case. Plaintiff asserts that her claims are nondischargeable pursuant to 11 U.S.C. § 523(a)(4), embezzlement, breach of fiduciary duty; (a)(6), willful and malicious injury; and her claim for punitive damages.

Summary of Answer

Mathew Lakota (“Defendant”), in *pro se*, filed an Answer (Dckt. 8) that admits and denies specific allegations in the Complaint.

Final Bankruptcy Court Judgment

Plaintiff Lisa Lucas alleges in the Complaint that 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)(B) and (d)(I). Complaint ¶¶ 2, Dckt. 1. In the Answer, Defendant Mathew Lakota admits the allegations of jurisdiction and core proceedings. Answer ¶ 2, Dckt. 8.

The court shall issue an Trial Setting in this Adversary Proceeding setting the following dates and deadlines:

- A. Evidence shall be presented pursuant to Local Bankruptcy Rule 9017-1.
- B. Plaintiff shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, 2021.
- C. Defendant shall lodge with the court and serve their Direct Testimony Statements and Exhibits on or before -----, 2021.
- D. The Parties shall lodge with the court, file, and serve Hearing Briefs and Evidentiary Objections on or before -----, 2021.
- E. Oppositions to Evidentiary Objections, if any, shall be lodged with the court, filed, and served on or before -----, 2021.
- F. The Trial shall be conducted at ----x.m. on -----, 2021.

The Parties in their respective Pretrial Conference Statements, Dckts. -----, -----, and as stated on the record at the Pretrial Conference, have agreed to and establish for all purposes in this Adversary Proceeding the following facts and issues of law:

Plaintiff(s)

Defendant(s)

<p>Jurisdiction and Venue:</p> <p>Plaintiff Lisa Lucas alleges in the Complaint that 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)(B) and (I). Complaint ¶¶ 2, Dckt. 1. In the Answer, Defendant Mathew Lakota admits the allegations of jurisdiction and core proceedings. Answer ¶ 2, Dckt. 8.</p>	
<p>Undisputed Facts:</p> <ol style="list-style-type: none"> 1. Lisa Lucas obtained a judgment against her ex-husband Jeffrey Kahn. Defendant-Debtor and Lisa Lucas signed an assignment of judgment. Defendant-Debtor promised to pay Lisa Lucas 66 % of the monies collected. 2. Defendant-Debtor is in the business of collecting assigned judgments. He has had hundreds of assignments. 3. Then Jeffrey Kahn filed for bankruptcy and proposed a Chapter 13 plan where all unsecured creditors were to be paid 100 % of their claims over sixty months. Defendant-Debtor filed two proofs of claims with the bankruptcy court concerning the debt he was collecting for Ms. Lucas. 4. Each month, the bankruptcy trustee sent Mr. Lakota a check. Except for one payment of \$1,000 to Ms. Lucas, Defendant-Debtor retained all of the monies he received from the trustee and did not send Ms. Lucas her 66% share of the payments. 5. Defendant-Debtor made a single payment to Ms. Lucas of \$1,000 in March of 2018. The balance owed to Ms. Lucas is \$4,092.33. 6. Seven of the payments that Defendant-Debtor received from the bankruptcy trustee were after he filed an Answer to the Complaint in the state court litigation. Each month after he filed his Answer, he retained 100 % of the proceeds, knowing that Ms. 	<p>Undisputed Facts:</p> <ol style="list-style-type: none"> 1. No Pretrial Conference Statement Filed.

<p>Lucas was suing him for punitive damages for failing to pay her 66 % of the proceeds he collected.</p> <p>7. Defendant-Debtor claimed that he does not have any documents for his receipt of the seven payments after he filed his Answer or the fifteen payments he received prior to his filing of his Answer.</p> <p>8. Defendant-Debtor's deposition on July 23, 2019 he testified that he did not know if he had received any monies from the bankruptcy trustee or anyone else in response to the proofs of claim he filed in the Jeffrey Kahn bankruptcy.</p> <p>9. Defendant-Debtor stated that he had no records of monies being received, and that he had no files for the assigned judgment from Ms. Lucas.</p> <p>10. Prior issues arising under the California Penal Code are relevant to this Adversary Proceeding.</p>	
<p>Disputed Facts:</p> <p>1. Whether Defendant-Debtor had a fraudulent intent.</p> <p>2. Was Defendant-Debtor's conduct deliberate or intentional.</p> <p>3.</p> <p>4.</p>	<p>Disputed Facts:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Disputed Evidentiary Issues:</p> <p>1. None Identified.</p>	<p>Disputed Evidentiary Issues:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Relief Sought:</p> <p>1. Nondischargeable actual damages in the amount of \$3,931.71, plus interest.</p> <p>2. Nondischargeable punitive damages of \$6,068.29.</p>	<p>Relief Sought:</p> <p>1. No Pretrial Conference Statement Filed.</p>

<p>Points of Law: (Not all authorities cited are included below)</p> <ol style="list-style-type: none"> 1. <i>Moore v. United States</i> (1895) 160 US 268, 269-270, 16 S.Ct. 294, 295; <i>In re Littleton</i> (9th Cir. 1991) 942 F2d 551, 555; <i>In re Wada</i> (9th Cir. BAP 1997) 210 BR 572, 576 2. <i>Savonarola v. Beran</i> (BC ND FL 1987) 79 BR 493, 496 3. <i>In re Blanton</i> (BC ED VA 1992) 149 BR 393, 394-395 4. Pen. Code, § 506, Pen. Code, § 506a, referring to violation of Pen. Code, § 506; <i>People v. Weitz</i>, 42 Cal. 2d 338, 267 P.2d 295 (1954) (Pen. Code, § 506a amplifies Pen. Code, § 506). <i>People v. Steffner</i>, 67 Cal. App. 23, 227 P. 699 (3d Dist. 1924). 5. 18A Cal. Jur. 3d Criminal Law: Crimes Against Property § 159 6. 11 U.S.C. § 523(a)(4) 7. 11 U.S.C. § 523(a)(6) 8. <i>Kawaauhau v. Geiger</i> (1998) 523 US 57, 61-62, 118 S.Ct. 974, 977; <i>In re Steger</i> (8th Cir. BAP 2012) 472 BR 533, 537 9. <i>In re Bailey</i> (9th Cir. 1999) 197 F3d 997, 1000; <i>In re Rodriguez</i> (BC SD CA 2017) 568 BR 328, 339; <i>Lockerby v. Sierra</i> (9th Cir. 2008) 535 F3d 1038, 1041 10. <i>Matter of Ormsby</i> (9th Cir. 2010) 591 F3d 1199, 1206; <i>In re Barboza</i> (9th Cir. 2008) 545 F3d 702, 711; <i>In re Su</i> (9th Cir. 2002) 290 F3d 1140, 1147 11. <i>In re Thiara</i> (9th Cir. BAP 2002) 285 BR 420, 427; <i>In re Qari</i> (BC ND CA 2006) 357 BR 793, 798 12. <i>In re Honkanen</i> (9th Cir. BAP 2011) 446 BR 373, 378; <i>In re Berman</i> (7th Cir. 2011) 629 F3d 761, 767-768; <i>In re Nail</i> (8th Cir. BAP 2011) 446 BR 292, 299-300 	<p>Points of Law:</p> <ol style="list-style-type: none"> 1. No Pretrial Conference Statement Filed.
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<p>13. <i>Double Bogey, L.P. v. Enea</i> (9th Cir. 2015) 794 F3d 1047, 1050; <i>In re Davis</i> (BC ND CA 2013) 486 BR 182, 192</p> <p>14. <i>Kazanjian v. Rancho Estates, Ltd.</i> (1991) 235 Cal. App. 3d 1621, 1626</p> <p>15. <i>Devers v. Greenwood</i>, 139 Cal.App.2d 345, 293 P.2d 834." <i>Sequoia Vacuum Sys. v. Stransky</i> (1964) 229 Cal. App. 2d 281, 289; <i>Flyer's Body Shop Profit Sharing Plan v. Ticor Title Ins. Co.</i> (1986) 185 Cal. App. 3d 1149, 1154); Cal. Civ. § 3294</p>	
<p>Abandoned Issues:</p> <p>1. None Identified</p>	<p>Abandoned Issues:</p> <p>1.</p>
<p>Witnesses:</p> <p>1. Lisa Lucas</p> <p>2. Mathew Lakota</p> <p>3. Custodian of Records, Chapter 13 Trustee</p>	<p>Witnesses:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Exhibits:</p> <p>1. Defendant-Debtor's Motion to Confirm Amended Chapter 13 Plan, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 16-26950-A-BJ</p> <p>2. Amended Chapter 13 Plan, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 16-26950-A-13J</p> <p>3. Order Confirming Chapter 13 Plan Filed on December 9, 2016, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 16-26950-A-13J</p> <p>4. Certificate of Service, United States Bankruptcy Court, Eastern District of California, Sacramento</p>	<p>Exhibits:</p> <p>1. No Pretrial Conference Statement Filed.</p>

	Division, Action No. 16-26950-A-13J	
5.	Proof of Claim, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 16-26950-A-131	
6.	Proof of Claim, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 16-26950-A-131	
7.	Certificate of Service, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 16-26950-A-13J	
8.	Creditor's Response to Debtor's Objection to Claim, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 16-26950-A-13J	
9.	Order on Objection to Proof of Claim Filed by Mathew M. Lakota, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 16-26950-A-BJ	
10.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. FL036366	
11.	Abstract of Judgment - Civil and Small Claims, Superior Court of California, County of Butte, Action No. FL036366	
12.	Memorandum of Costs After Judgment, Acknowledgment of Credit and Declaration of Accrued Interest, Superior Court of California, County of Butte, Action No. FL035366	
13.	Memorandum of Costs After Judgment, Acknowledgment of Credit and Declaration of Accrued Interest, Superior Court of California, County of Butte, Action No. FL035366	
14.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. CD13590	
15.	Acknowledgment of Assignment of Judgment,	

	Superior Court of California, County of Butte, Action No. 16SC00673	
16.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16SC00672	
17.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16UD00681	
18.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16SC00863	
19.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. DSC09748	
20.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16SC02835	
21.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16UD03121	
22.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16UD00451	
23.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 17SC00915	
24.	Transfer Order in Aid of Execution, Superior Court of California, County of Butte, Action No. 16SC02758	
25.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16UD01680	
26.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 17CV01228	

27.	First Amended Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16UD01680	
28.	Acknowledgment of Assignment of Judgment and Claim, Superior Court of California, County of Butte, Action No. 17UD03374	
29.	Complaint for Money Due on Account Stated; Revolving Account, Superior Court of California, County of Butte, Action No. 18CV00526	
30.	Acknowledgment of Assignment of Judgment and Claim, Superior Court of California, County of Butte, Action No. 16SC02671	
31.	Acknowledgment of Assignment of Judgment and Claim, Superior Court of California, County of Butte, Action No. 18UD00630	
32.	Complaint for Money Due on Account Stated; Revolving Account, Superior Court of California, County of Butte, Action No. 18CV01448	
33.	Request to File New Litigation by Vexatious Litigant and Complaint for Money Due on Account Stated; Revolving Account, Superior Court of California, County of Butte, Action No.	
34.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 16SC00891	
35.	Acknowledgment of Assignment of Judgment, Superior Court of 10 California, County of Butte, Action No. 18SC01035	
36.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 19UD01446	
37.	Acknowledgment of Assignment of Judgment, Superior Court of California, County of Butte, Action No. 19SC00665	
38.	Minute order from court date stating "Notice is waived", Superior Court of California, County of	

	Butte, Action No. 18CV03834	
39.	Creditor's Complaint to Determine that Debt is Non-Dischargeable, the United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 17-27428	
40.	Plaintiff's Response to Defendants' Motion for Summary Judgment, the United States Bankruptcy Court, Eastern District of California, Sacramento Division, Action No. 17-23968-A-7	
41.	Felony complaint, Superior Court of California, County of Butte, Action No. CM017766	
42.	Clerk's minutes from sentencing and Terms & Conditions of Formal Probation, Superior Court of California, County of Butte, Action No CM017766	
43.	Complaint, Superior Court of California, County of Butte, Action No. 18CV03834	
44.	Order After Hearing, Superior Court of California, County of Butte, Action No. 18CV03834	
45.	Notice of Motion for Issue Sanctions, Evidence Sanctions, Or Terminating Sanctions for Mathew M. Lakota's Failure to Comply with Discovery Order, and Monetary Sanctions; Memorandum of Points and Authorities, Superior Court of California, County of Butte, Action No. 18CV03834	
46.	Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration [Mathew M. Lakota]	
47.	Agreement between and signed by Lisa Ann Lucas and Mathew M. Lakota	
48.	Lisa Lucas' Form Interrogatories - Limited Civil Cases (Economic Litigation) propounded to Mathew M. Lakota	
49.	Mathew M. Lakota's First Amended Answers to Lisa Lucas' Interrogatories	

<p>50. Statement of Punitive Damages Sough</p> <p>51. Records from Bankruptcy Trustee, Jan P. Johnson</p> <p>52. Order Granting Motion for Issues Sanctions, Superior Court of California, County of Butte, Action No. 18CV03834</p>	
<p>Discovery Documents:</p> <p>1. Transcript to the July 23, 2019 deposition of Matthew Lakota</p> <p>2. Lisa Lucas' Form Interrogatories - Limited Civil Cases (Economic Litigation) propounded to Mathew M. Lakota Interrogatories 115.2, 150.1, 150.5, 150.7, and 150.8, and Mathew M. Lakota's First Amended Answers to the Interrogatories.</p>	<p>Discovery Documents:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Further Discovery or Motions:</p> <p>1. None Identified</p>	<p>Further Discovery or Motions:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Stipulations:</p> <p>1. None Identified</p>	<p>Stipulations:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Amendments:</p> <p>1. None Identified</p>	<p>Amendments:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Dismissals:</p> <p>1. None Identified</p>	<p>Dismissals:</p> <p>1. No Pretrial Conference Statement Filed.</p>

<p>Agreed Statement of Facts:</p> <p>1. None Identified</p>	<p>Agreed Statement of Facts:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Attorneys' Fees Basis:</p> <p>1. Attorneys' Fees Not Sought.</p>	<p>Attorneys' Fees Basis:</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Additional Items</p> <p>1. None Identified</p>	<p>Additional Items</p> <p>1. No Pretrial Conference Statement Filed.</p>
<p>Trial Time Estimation: Three (3) Hours</p>	<p>Trial Time Estimation: No Pretrial Conference Statement Filed.</p>

FINAL RULINGS

17. [20-24700-E-13](#) WILLIAM REDDIN STATUS CONFERENCE RE:
[20-2174](#) COMPLAINT
PRICE, ET AL. V. REDDIN 11-17-20 [[1](#)]

Final Ruling: No appearance at the March 3, 2021 Status Conference is required.

Plaintiff's Atty: Kevin P. Whiteford, Mark A. Serlin
Defendant's Atty: Timothy L. Hamilton

Adv. Filed: 11/17/20
Answer: 12/7/20

Nature of Action:
Dischargeability - priority tax claims

Notes:
[KPW-1] Motion for Summary Judgment filed 1/8/21 [Dckt 11], set for hearing 2/25/21 at 11:00 a.m.

The Court having granted Plaintiff's Motion for Summary Judgment, with a Memorandum Opinion and Decision being issued thereon, **the Status Conference is continued to 2:00 p.m on May 19, 2021**, for the court's post-judgment case management.

Final Ruling: No appearance at the March 3, 2021 Status Conference is required.

Plaintiff's Atty: Stephen T. Cammack; Donald S. Burris
Defendant's Atty: David Foyil

Adv. Filed: 7/23/18
Reissued Summons: 10/10/18
Answer: 11/9/18

Nature of Action:
Dischargeability - priority tax claims
Dischargeability - fraud as fiduciary, embezzlement, larceny
Dischargeability - willful and malicious injury

Notes:
Continued from 1/6/21 to allow the Parties the opportunity to document their settlement and conclude this Adversary Proceeding.

Defendant's Status Conference Report filed 2/12/21 [Dckt 71]

[STC-1] Plaintiff Elsa Shekelle's Motion to Enforce Settlement Agreement for Judgment of Nondischargeability of Debt filed 2/18/21 [Dckt 73], set for hearing 3/18/21 at 11:00 a.m.

Plaintiff Elsa Shekelle's Supplemental Status Conference Report filed 2/23/21 [Dckt 79]

The Status Conference is continued to 11:00 a.m. on March 18, 2021,
(specially set day and time) to be held in conjunction with the Motion to Enforce Settlement Agreement filed by Plaintiff.

MARCH 3, 2021 STATUS CONFERENCE

The court has previously continued the Status Conference to allow the Parties to avail themselves of the Bankruptcy Dispute Resolution Program ("BDRP") to see if they could find a settlement of these matters. Civil Minutes, Dckt. 69.

On February 23, 2021, Plaintiff filed an updated Status Report. Dckt. 79. Plaintiff confirms that a Motion to Enforce the Settlement Agreement achieved through BDRP was filed on February 18, 2021. Plaintiff requests that the court continue the Status Conference until after that Motion has been adjudicated.

The Motion to Enforce Settlement Agreement is filed at Docket Entry 73. The Motion includes a long discussion of the history of the dispute - both prior to the filing of the bankruptcy case and the Settlement Agreement. In paragraph 13 of the Motion, Plaintiff discusses there being a November 13, 2019 BDRP session that consumed many hours, which culminated in the “Bankruptcy Dispute Resolution Agreement” (which the court has referred to as the “Settlement Agreement”). The Settlement Agreement is provided as Exhibit 5 to a Request for Judicial Notice and is authenticated in the Declaration of Stephen Cammack (who authenticates the copy attached as Exhibit 1 to Plaintiff’s Status Report, See Dckt. 79.).

JANUARY 6, 2021 STATUS CONFERENCE

On December 18, 2020, Defendant-Debtor filed an updated Status Report. Dckt. 63. Defendant-Debtor reports that the parties have agreed to settlement terms after completing a mediation in November 2020. It is further reported that no trial will be necessary in this Adversary Proceeding.

Plaintiff has filed a Status Report stating that Defendant has breached their settlement and a Motion for Entry of Judgment will be filed. Defendant-Debtor disputes that entry of judgment is proper.

The court continues the Status Conference to allow for the presentation of this issue to the court.

The court shall issue an 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 Adversary Status Conference having been scheduled, the court reviewing the updated Status Report, a hearing on a Motion to Enforce Settlement Agreement having been filed by Plaintiff, having been presented to the court, 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 March 18, 2021**, (specially set day and time) to be held in conjunction with the Motion to Enforce Settlement Agreement filed by Plaintiff.

19. [11-44540](#)-E-13 MERCEDES PEREZ
20-2176
PEREZ V. JOHN AND TESIBEL
FREY, THE TRUSTEES OF THE FREY
FAMILY TRUST, ET AL.

STATUS CONFERENCE RE:
COMPLAINT
11-23-20 [\[1\]](#)

Final Ruling: No appearance at the March 3, 2021 Status Conference is required.

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

Adv. Filed: 11/23/20
Answer: none
Reissued Summons: 1/28/21

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

Notes:
[PLC-1] *Ex Parte* Application to Serve by Publication filed 1/17/21 [Dckt 6]; Order granting filed 1/19/21 [Dckt 9]

Reissued Summons 1/28/21 [Dckt 10]; sets status conference for 5/19/21 at 2:00 p.m.

<p>The Status Conference has been rescheduled to 2:00 p.m. on May 19, 2021, in the Reissued Summons issued by the Clerk of the Court.</p>
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20. [11-44540-E-13](#) **MERCEDES PEREZ**
[20-2177](#)
PEREZ V. WILLIAM CAMP, THE
ESTATE OF WILLIAM CAMP

STATUS CONFERENCE RE:
COMPLAINT
11-23-20 [\[1\]](#)

Final Ruling: No appearance at the March 3, 2021 Status Conference is required.

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

Adv. Filed: 11/23/20
Answer: none
Reissued Summons: 1/28/21

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

Notes:
[PLC-1] *Ex Parte* Application to Serve by Publication filed 1/17/21 [Dckt 6]; Order granting filed 1/19/21 [Dckt 9]

Reissued Summons 1/28/21 [Dckt 10]; sets status conference for 5/19/21 at 2:00 p.m.

The Status Conference has been rescheduled to 2:00 p.m. on May 19, 2021, in the Reissued Summons issued by the Clerk of the Court.

21. [11-44540-E-13](#) **MERCEDES PEREZ**
[20-2178](#)
PEREZ V. WILLIAM CAMP TRUST,
THE SUCCESSOR TRUSTEE OF THE
WILLIAM CAMP TRUST

STATUS CONFERENCE RE:
COMPLAINT
11-23-20 [1]

Final Ruling: No appearance at the March 3, 2021 Status Conference is required.

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

Adv. Filed: 11/23/20
Answer: none
Reissued Summons: 1/28/21

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

Notes:
[PLC-1] *Ex Parte* Application to Serve by Publication filed 1/17/21 [Dckt 6]; Order granting filed 1/19/21 [Dckt 9]

Reissued Summons 1/28/21 [Dckt 10]; sets status conference for 5/19/21 at 2:00 p.m.

<p>The Status Conference has been rescheduled to 2:00 p.m. on May 19, 2021, in the Reissued Summons issued by the Clerk of the Court.</p>
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22. [09-22754-E-13](#) VAN/KATHLEEN GORDON
[20-2148](#)
GORDON ET AL V. U.S. BANK N.A.,
ET AL.

CONTINUED STATUS CONFERENCE
RE: AMENDED COMPLAINT
1-16-21 [\[28\]](#)

Final Ruling: No appearance at the March 3, 2021 Status Conference is required.

Plaintiff's Atty: Peter G. Macaluso

Defendant's Atty:

Unknown [U.S. Bank, N.A.; PHH Mortgage Corporation; Ocwen Loan Servicing]

Debbie P. Kirkpatrick [Nationwide Credit, Inc.]

Adv. Filed: 9/8/20

Answer: none

1st Amd. Cmplt. Filed: 1/16/21

Answer: 2/18/21 [Nationwide Credit, Inc.]

Nature of Action:

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

Notes:

Continued from 1/6/21

First Amended Complaint filed 1/16/21 [Dckt 28]

Defendant Nationwide Credit, Inc.'s Answer to Amended Complaint and Affirmative Defenses filed
2/18/21 [Dckt 33]

Plaintiffs' Status Statement filed 2/23/21 [Dckt 34]

The Status Conference is continued to 2:00 p.m. on May 19, 2021.

MARCH 3, 2021 STATUS CONFERENCE

On February 23, 2021, Plaintiff filed a Status Report. Dckt. 34. Plaintiff reports that this matter has been settled and requested that the Status Conference be continued at least 30 days to allow the Settlement be finalized. No other Status Reports were filed and not all defendants have filed answers, these being consistent with the representation that this matter has been settled.

The court shall issue an 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 having been scheduled, Plaintiff filing a Status Report that this Matter has been settled, no Status Reports having been filed by a any other Party, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to 2:00 p.m. on May 19, 2021 (the next regularly scheduled Adversary Proceeding Status Conference date), to allow the Parties to finalize the reported settlement.

If, in light of future developments, a Party determines that having the court conduct an Initial Status Conference before May 19, 2021, they may request by ex parte motion the court to accelerate that date.

23. [20-23267](#)-E-7 SHON/JILL TREANOR
[20-2160](#)
SANDERS ET AL V. TREANOR, ET AL.

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
10-2-20 [\[1\]](#)

Final Ruling: No appearance at the March 3, 2021 Status Conference is required.

Plaintiff's Atty: Steven C. Sanders
Defendant's Atty: Pro Se

Adv. Filed: 10/2/20
Answer: 10/23/20
Amd. Answer: 11/2/20

Nature of Action:
Recovery of money/property - preference
Validity, priority or extent of lien or other interest in property

Notes:
Continued from 1/6/21. The Plaintiff and the Defendant-Trustee reporting that they will be filing a motion to dismiss without prejudice in this Adversary Proceeding.

[DNL-2] Motion for Dismissal Without Prejudice filed 1/12/21 [Dckt 57], set for hearing 2/25/21

The Court having granted the Motion to Dismiss the Adversary Proceeding without prejudice, **the Status Conference is removed form the Calendar.**

24. [17-21973-E-7](#) JOSE/MARIA PIMENTEL
[20-2181](#)
EDMONDS V. BETTENCOURT

STATUS CONFERENCE RE:
COMPLAINT
12-4-20 [\[1\]](#)

Final Ruling: No appearance at the March 3, 2021 Status Conference is required.

Plaintiff's Atty: Steven S. Altman
Defendant's Atty: unknown

Adv. Filed: 12/4/20
Answer: none
Reissued Summons: 2/3/21

Nature of Action:
Recovery of money/property - turnover of property

Notes:
Plaintiff's Status Conference Statement filed 2/17/21 [Dckt 12]

The Plaintiff having obtained a Reissued Summons on February 3, 2021, **the Status Conference has been rescheduled to 2:00 p.m. on May 19, 2021.** Dckt. 10.

The rescheduling of the Initial Status Conference is without prejudice to the rights of Plaintiff and the named Defendant to seek such pre-judgment relief from the court as is proper.