

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis
Bankruptcy Judge
Modesto, California

March 6, 2014 at 2:30 p.m.

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1. [11-94410-E-11](#) SAWTANTRA/ARUNA CHOPRA STATUS CONFERENCE RE: COMPLAINT
[13-9042](#) 12-27-13 [[1](#)]
FARRAR V. TRIUNFO ONE
ACQUISITION LLC ET AL

Plaintiff's Atty: Aaron A. Avery
Defendant's Atty: unknown

Adv. Filed: 12/27/13
Answer: none

Final Ruling: The Plaintiff-Trustee having filed a Status Report recounting the active settlement discussions and no answer or other responsive pleadings having been filed, **the Status Conference is continued to 2:30 p.m. on May 22, 2014.** No appearance at the March 6, 2014 Status Conference is required.

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

Notes:

2. [13-90219-E-7](#) DOUGLAS KENNEDY
[13-9041](#)
KENNEDY V. INTERNAL REVENUE
SERVICE

STATUS CONFERENCE RE: COMPLAINT
12-23-13 [[1](#)]

Plaintiff's Atty: Trevor J. Zink
Defendant's Atty: unknown

Adv. Filed: 12/23/13
Reissued Summons: 2/14/14

Answer: none

Nature of Action:
Dischargeability - priority tax claims

Notes:

Summons reissued 2/14/14 [Dckt 9]

SUMMARY OF COMPLAINT

The Complaint seeks a judgment determining the dischargeability of certain federal tax obligations. The Plaintiff-Debtor projected this debt to be approximately \$300,000.00 on his Schedules. On June 3, 2013 the court issue a discharge in the Plaintiff-Debtor's Chapter 7 bankruptcy case. In October 2013, the Internal Revenue Service notified the Plaintiff-Debtor that it asserted the tax obligation was not discharged.

SUMMARY OF ANSWER

The Answer, a Reissued Summons having been served, is not due until March 21, 2014. The Internal Revenue Service has appeared in this Adversary Proceeding having filed a Joint Discovery Plan with the Plaintiff-Debtor. Dckt. 11.

FINAL BANKRUPTCY COURT JUDGMENT

The Complaint alleges that is a core proceeding pursuant to 28 U.S.C. § 157(b) to determine the dischargeability of a debt. Complaint ¶ 3, Dckt. 1. While not explicitly stated, federal court jurisdiction exists for a core Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b) (2).

No Answer has been filed. At the Status Conference the Internal Revenue Service ~~xxxxxxx~~ that federal jurisdiction exists for this Adversary Proceeding and that this is a core matter. To the extent that any issues 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 a Pre-Trial Scheduling Order setting the following dates and deadlines:

- a. The Complaint alleges that is a core proceeding pursuant to 28 U.S.C. § 157(b) to determine the dischargeability of a debt. Complaint ¶ 3, Dckt. 1. While not explicitly stated, federal court jurisdiction exists for a core Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b)(2). No Answer has been filed. At the Status Conference the Internal Revenue Service xxxxxxxx that federal jurisdiction exists for this Adversary Proceeding and that this is a core matter. To the extent that any issues 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 March ----, **2014**.
- c. Discovery closes, including the hearing of all discovery motions, on July 7, 2014.
- d. Dispositive Motions shall be heard before August 22, 2014.
- e. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at ----- p.m. on -----, 2014.

3. [12-93049](#)-E-11 MARK/ANGELA GARCIA
[13-9029](#)
UNITED STATES FIRE INSURANCE
COMPANY V. GARCIA ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
8-23-13 [[1](#)]

Plaintiff's Atty: Gregory M. Salvato
Defendant's Atty: Mark J. Hannon

Adv. Filed: 8/23/13
Answer: 10/4/13

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

Final Ruling: The Status Conference has been continued to 2:30 p.m. on May 22, 2014, pursuant to a prior order of the court. No appearance at the March 6, 2014 Status Conference is required.

Notes:

Continued from 10/31/13 to allow for the U.S. Trustee to prosecute a motion for appointment of a Trustee and determine the real party in interest for this Adversary Proceeding.

[MJH-1] Stipulation re Extension of Time for Initial Disclosures filed 1/13/14 [Dckt 20]; Order approving stipulation filed 1/20/14 [Dckt 22]

[MJH-3] Stipulation re Continuance of Status Conference filed 2/25/14 [Dckt 25]; Order granting continuance filed 2/27/14 [Dckt 28], set for 5/22/14 at 2:30 p.m.

4. [13-90150-E-7](#) PAUL/SHELBY ADAMS
[13-9032](#)
ADAMS ET AL V. U.S. DEPARTMENT
OF EDUCATION

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
9-26-13 [[1](#)]

Plaintiff's Atty: Pro Se
Defendant's Atty: unknown
Adv. Filed: 9/26/13
Reissued Summons: 2/7/14

Answer: none

Nature of Action:
Dischargeability - student loan
Notes:
Continued from 1/30/14
Reissued summons dated 2/7/14 [Dckt 10]

November 21, 2013 Status Conference

SUMMARY OF COMPLAINT

The Complaint names the U.S. Department of Education as the Defendant. It is alleged that the Plaintiffs suffered serious medical and criminal events which required them to postpone their education. They were unsuccessful in obtaining assistance from the school and were forced to exit the education program. No "viable" education was received from the school for the monies obtained by Plaintiffs through student loans. Though they have tried, due to unemployment and having two children, no agreement has been reached concerning the student loan debt. The Plaintiffs seek to have their student loan debt discharged.

The certificate of service shows that the pleadings were served on the U.S. Department of Education at 400 Maryland Ave, SW, Washington, D.C. The U.S. Attorney General was not served.

January 30, 2014 Status Conference

No certificate of service having been properly made on the United States has been filed. The only certificate of service is the original one filed on September 30, 2013. Dckt. 7. Status Conference continued to allow Plaintiffs to seek counsel and get the pleadings properly served.

March 6, 2014 Status Conference

Certificates of Service were filed on February 12, 2014, attesting to service of the summons and reissued complaint as follows:

Dckt. 12

Office of the Attorney General
455 Golden Gate Suite 11000
San Francisco, California 94102

Dckt. 11

US Department of Education
400 Maryland Ave, SW
Washington, DC 20202

5. [09-94177-E-7](#) [10-9036](#) JAMES/SALLI DANIELS
SPYRES WAY GROUP V. DANIELS

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
5-13-10 [[1](#)]

Plaintiff's Atty: Bart Barringer
Defendant's Atty: David C. Johnston

Adv. Filed: 5/13/10
Answer: 6/12/10

Nature of Action:
Dischargeability - priority tax claims

Final Ruling: The Adversary Proceeding having been dismissed, **the Status Conference is removed from the Calendar.** No appearance at the March 6, 2014 Status Conference is required.

Notes:

Continued from 8/22/13. Plaintiff to file and serve on or before 2/24/14 an updated status report if the Adversary Proceeding has not been dismissed. Not filed as of 2/25/14.