

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

April 23, 2014 at 9:30 A.M.

1. [13-33506](#)-B-7 HAROLD/CATHERINE KAY CONTINUED STATUS CONFERENCE RE:
[14-2010](#) COMPLAINT
EMERTON V. KAY ET AL 1-9-14 [[1](#)]
ADV. CASE DISMISSED 4/3/14

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is dropped from the calendar. The adversary proceeding was dismissed by order entered April 4, 2014 (Dkt. 20).

2. [12-35709](#)-B-7 ARTURO SANCHEZ CONTINUED STATUS CONFERENCE RE:
[12-2666](#) AMENDED COMPLAINT
TRAVELERS EXPRESS COMPANY, 1-28-14 [[96](#)]
INC. V. SANCHEZ

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is concluded. The court will issue a scheduling order based on the schedule set forth in the joint discovery plan filed on April 17, 2014 (Dkt. 104).

The court also notes that in the discovery plan the parties indicated a willingness to participate in the Bankruptcy Dispute Resolution Program ("BDRP"). It is not this Department's practice to order parties to participate in BDRP. However, if the parties wish to participate voluntarily in BDRP, they may jointly submit an Order Appointing Dispute Resolution Advocate and Assignment to the Bankruptcy Dispute Resolution Program, EDC Form 6-610.

3. [13-33039](#)-B-7 HABIBULLAH MOHAMMADI CONTINUED STATUS CONFERENCE RE:
[14-2014](#) COMPLAINT
ROLFE ET AL V. MOHAMMADI 1-13-14 [[1](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is concluded. The court will issue a scheduling order based on the joint discovery plan filed on April 15, 2014 (Dkt. 14).

4. [13-34044](#)-B-7 DANIEL JEBELEAN STATUS CONFERENCE RE: COMPLAINT
[14-2050](#) 2-10-14 [[1](#)]
AFC CAL, LLC V. JEBELEAN

Disposition Without Oral Argument: The status conference is continued to June 18, 2014, at 9:30 a.m.. If the adversary proceeding is not resolved by May 20, 2014, the parties shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or striking defendant's answer and entering defendant's default for defendant's failure to comply.

The status conference is continued because there is no evidence on the court's docket of compliance with the OTC. The status conference is also continued to allow the defendant to file an answer to the complaint, pursuant to the approved stipulation of the parties filed on March 28, 2014 (Dkt. 9).

The court will issue a minute order.

5. [13-20645](#)-B-7 ROBERT/TRISTINA KITAY CONTINUED STATUS CONFERENCE RE:
[13-2126](#) AMENDED COMPLAINT
GONZALEZ V. KITAY ET AL 11-19-13 [[45](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to July 30, 2014 at 9:30 a.m.

By order entered April 11, 2014 (Dkt. 131) the court dismissed all of the plaintiff's claims for relief with the exception of the plaintiff's claim under 11 U.S.C. § 523(a)(4), on which the court previously granted the plaintiff default judgment. The court entered a judgment on the plaintiff's claim under 11 U.S.C. § 523(a)(4) on April 18, 2014 (Dkt. 132). The court has resolved all of the plaintiff's claims for relief. The court acknowledges that the plaintiff has appealed the court's decision, but there is nothing for a status conference to accomplish pending the outcome of the appeal.

The court also notes that with his notice of appeal filed on April

17, 2014 (Dkt. 135) the plaintiff moved for leave to appeal pursuant to Fed. R. Bankr. P. 8003(a). If the plaintiff wishes to make a motion for leave to appeal the plaintiff should set such a request for hearing, with notice to the defendants, on one of the court's regularly scheduled law and motion calendars.

The court will issue a minute order.

6. [09-21751](#)-B-13 KRISTINE BOWEN STATUS CONFERENCE RE: COMPLAINT
[14-2057](#) 2-17-14 [[1](#)]
BOWEN V. FEUTZ ET AL

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to June 18, 2014, at 9:30 a.m. for resolution of the defendants' motion to dismiss taken under submission on April 22, 2014.

The court will issue a minute order.

7. [12-29353](#)-B-11 DANIEL EDSTROM CONTINUED STATUS CONFERENCE RE:
[13-2132](#) AMENDED COMPLAINT
EDSTROM V. AUBURN LAKE TRAILS 8-25-13 [[58](#)]
PROPERTY OWNERS ASSOCIATION

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to June 18, 2014, at 9:30 a.m.

The court is aware that on 4/4/14 the remaining parties to the adversary proceeding filed a stipulation (the "Stipulation") (Dkt. 111) to dismiss the adversary proceeding pursuant to a settlement agreement attached to the Stipulation. The Stipulation was filed as a combined a stipulation and order. The court has stricken the order-related language from the Stipulation and has directed the court clerk to enter the Stipulation on the docket. Before the adversary proceeding can be dismissed, the debtor must file a motion for approval of stipulation as a compromise of a claim of the bankruptcy estate pursuant to Fed. R. Bankr. P. 9019 and set it for hearing on one of the court's regularly scheduled law and motion calendars. The status conference is continued to allow the debtor to file such a motion.

The court will issue a minute order.

8. [11-46760](#)-B-7 BRIAN/RANDI THIEL CONTINUED STATUS CONFERENCE RE:
[12-2073](#) COMPLAINT
TIBBETTS ET AL V. THIEL ET AL 2-15-12 [[1](#)]
ADV. CASE DISMISSED 4/1/14

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is removed from the calendar. The adversary proceeding was dismissed pursuant to Fed. R. Bankr. P. 7041(a)(1)(A)(ii) by stipulation of the parties filed April 1, 2014 (Dkt. 104). The adversary proceeding is closed.

9. [13-30690](#)-B-11 WILLIAM PRIOR STATUS CONFERENCE RE:
[13-2288](#) INTERVENOR'S COMPLAINT
PRIOR V. TRI COUNTIES BANK ET AL 2-14-14 [[181](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is removed from the calendar. The next status conference in this adversary proceeding will be held on June 4, 2014, at 9:30 a.m.

This status conference was set pursuant to a summons issued on February 18, 2014 (Dkt. 183), following the filing of the Federal Deposit Insurance Corporation's ("FDIC") first amended complaint in intervention on February 14, 2014. As there is already a pending status conference which involves all parties in this adversary proceeding, this status conference is unnecessary. Therefore, it is removed from the calendar.