

Eastern District of California

Modesto, California

2. [13-91938-E-7](#) OSCAR CARDENAS
[14-9001](#)
TURLOCK IRRIGATION DISTRICT V.
CARDENAS, JR.

STATUS CONFERENCE RE: COMPLAINT
1-22-14 [[1](#)]

Plaintiff's Atty: Walter R. Dahl
Defendant's Atty: Thomas O. Gillis

Adv. Filed: 1/22/14
Answer: 2/14/14

Nature of Action:
Dischargeability - fraud as fiduciary, embezzlement, larceny

The Status Conference is XXXXXXXXXXXXXXXXXXXX .
--

Notes:
Set by order filed 3/21/16 [Dckt 73] re settlement papers not having been
filed.

Substitution of Attorneys filed 4/19/16 [Dckt 76]; Order approving filed
4/20/16 [Dckt 78]

APRIL 28, 2016 STATUS CONFERENCE

3. [14-91565-E-7](#) RICHARD SINCLAIR
[15-9007](#)
KATAKIS ET AL V. SINCLAIR

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
2-20-15 [[1](#)]

Plaintiff's Atty: Kimberley V. Deede
Defendant's Atty: Pro Se
Chapter 7 Trustee Atty: Aaron A. Avery

The Status Conference is ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.

Adv. Filed: 2/20/15
Answer: 3/30/15; 11/25/15

Nature of Action:
Dischargeability - willful and malicious injury

Notes:
Continued from 1/14/16 to allow the newly appointed Trustee to investigate the issues relating to the State Court Action, this Adversary Proceeding, and the Bankruptcy Case.

Plaintiffs' Unilateral Status Report filed 4/14/16 [Dckt 38]

APRIL 28, 2016 STATUS CONFERENCE

At the Status conference ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.

Plaintiffs' Unilateral Status Report

On April 14, 2016, Plaintiffs filed their Unilateral Status Report. Dckt. 38. Plaintiffs report that the Chapter 7 Trustee is reviewing the pending State Court Action. Plaintiffs believe that this Adversary Proceeding should be continued to afford more time to address these issues with the Chapter 7 Trustee and determine how the Trustee's decision to prosecute or not prosecute the State Court Action impacts the litigation in this Adversary Proceeding.

JANUARY 14, 2016 STATUS CONFERENCE

The Plaintiff appeared and requested that the Status Conference be continued while the Trustee investigated the case. Richard Sinclair did not appear at the Status Conference.

Plaintiffs filed a Unilateral Status Report on January 6, 2016. Dckt. 36. The court has stayed further proceedings in this Adversary Proceeding, having modified the automatic stay to allow the Parties to litigate the pending State Court Action. Plaintiffs report the following updated information:

- A. On July 22, 2015, filed a notice of conditional settlement with one of the non-debtor defendants, Stanley Flake and dismissed Mr. Flake from the State Court Action on September 10, 2015.
- B. Richard Sinclair filed a Third Amended Cross-Complaint in June 2015 against Plaintiffs.
- C. In July 2015, Plaintiffs filed a demurrer to the Third-Amended Complaint and a motion to strike.
- D. In August 2015, Mr. Sinclair filed a notice of disability, which asserted substantially the same disability as presented to this court in August 2015.
- E. The State Court granted an extension to Mr. Sinclair to September 29, 2015, to file an opposition to the demurrer.
- F. Mr. Sinclair filed an opposition to the demurrer and the hearing on the demurrer was set for November 10, 2015.
- G. Prior to the November 10, 2015 hearing, the U.S. Trustee filed a motion to covert Mr. Sinclair's bankruptcy case to one under Chapter 7.
- H. Upon being provided notice of the pending motion to convert the bankruptcy case, the State Court dropped the demurrer and other pending motions, believing that if the case was converted and a trustee was appointed, it would not have "jurisdiction" over the cross-claim.
- I. Mr. Sinclair's bankruptcy case was converted to one under Chapter 7 in December 2015. The State Court Action has been "put on hold" to allow the Chapter 7 Trustee to investigate the cross-claim.

The Chapter 7 Trustee having been recently appointed, Plaintiffs request that this Status Conference be continued until after mid-March, 2016, to allow the newly appointed Trustee to investigate the issues relating to the State Court Action, this Adversary Proceeding, and the Bankruptcy Case.