

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**

**Honorable Ronald H. Sargis**  
**Bankruptcy Judge**  
**Modesto, California**

**May 16, 2024 at 2:00 p.m.**

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1.	<a href="#"><u>23-90574-E-7</u></a> <b>ADENA DUTTER</b> <a href="#"><u>24-9003</u></a> <b>RHS-1</b> <b>DUTTER V. DUTTER</b>	<b>ORDER TO SHOW CAUSE</b> <b>4-11-24 [7]</b>
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**Tentative Ruling:** Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter. If the court’s tentative ruling becomes its final ruling, then the court will make the following findings of fact and conclusions of law:

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The Order to Show Cause was served by the Clerk of the Court on Plaintiff, Defendant-Debtor, Defendant-Debtor’s Attorney, Chapter 7 Trustee, and Office of the U.S. Trustee as stated on the Certificate of Service on April 11, 2024. The court computes that 35 days’ notice has been provided.

The court issued an Order to Show Cause why this adversary proceeding should not be dismissed based on Timothy J. Dutter’s (“Plaintiff”) failure to file an amended complaint, Adversary Proceeding Cover Sheet, and filing fee for the commencement of the adversary proceeding.

**The Order to Show Cause is sustained, and the case is dismissed.**

The court’s docket reflects that the error that is the subject of the Order to Show Cause has not been cured. The following filing fees are delinquent and unpaid by Plaintiff: \$350. The docket also reveals there has been no amended complaint or Adversary Proceeding Cover Sheet filed.

The court noted in its Order at Docket 7 that the March 26, 2024 letter, which the Clerk of the Court deemed to be a complaint pursuant to the standard procedure of the court, could be read as an “informational letter” that Mr. Dutter wanted filed in the Chapter 7 case file for the Chapter 7 Trustee and other parties in interest to read. The judge does not engage in such ex parte communications (direct, outside of the pleadings filed and proceedings in open court) with parties.

Upon receiving the Order Regarding Letter/Pleading Filed, Mr. Dutter may have concluded that he was not intending to commence such litigation and has not timely responded with the filing of an amended complaint and Adversary Proceeding Cover Sheet, and has not paid the filing fee.

At the hearing, **XXXXXXX**

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 Order to Show Cause 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 Order to Show Cause is sustained, no other sanctions are issued pursuant thereto, and the case is dismissed.

# FINAL RULINGS

2. [19-90003-E-7](#)      NATHAN DAMIGO      CONTINUED STATUS CONFERENCE RE:  
[19-9006](#)      CAE-1      COMPLAINT  
SINES ET AL V. DAMIGO      1-30-19 [[1](#)]

Plaintiff's Atty: Robert L. Eisenbach, III  
Defendant's Atty: *Pro Se*

Adv. Filed: 1/30/19  
Answer: none

Nature of Action:  
Dischargeability - willful and malicious injury

Notes:  
Continued to 10/10/24 at 2:00 p.m. by order dated May 9, 2024 [Dckt 61]

[CAE-1] Motion to Continue Status Conference [by Defendant] filed 5/1/24 [Dckt 59]

[CAE-1] Status Report [by Plaintiff] filed 5/2/24 [Dckt 60]

<p><b>The Status Conference has been continued to 2:00 p.m. on October 10, 2024, by prior Order (Dckt. 61) of the Court.</b></p>
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**Final Ruling: No appearance at the May 16, 2024 Status Conference is required.**

Debtor's Atty: Brian S. Haddix

Notes:

Continued from 2/22/24. Final motions may be specially set to be heard with the Status Conference on 5/16/24 at 2:00 p.m.

Post-Confirmation Debtor's and Subchapter V Trustee's Joint Status Conference Report Re: Final Motions filed 5/8/24 [Dckt 232]

**The Status Conference is continued to 2:00 p.m. on June 20, 2024.**

**MAY 16, 2024 STATUS CONFERENCE**

On May 8, 2024, the Debtor/Debtor in Possession and the Subchapter V Trustee filed their Joint Post-Confirmation Status Report. Dckt. 232. They report that post-confirmation motions are being drafted and request that the Status Conference be continued to 2:00 p.m. on June 20, 2024. Additionally, that parties be authorized to set the hearings on the post-confirmation motions for 2:00 p.m. on June 20, 2024.

The Status Conference is so continued and the special setting of post-confirmation motions authorized.

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 court having reviewed the Post-Confirmation Status Report, and upon review of the pleadings, and good cause appearing,

**IT IS ORDERED** that the Status Conference is continued to 2:00 p.m. on June 20, 2024.

**IT IS FURTHER ORDERED** that the parties to this Bankruptcy Case may set for hearing post-confirmation motions at 2:00 p.m. on June 20, 2024, so that they may be heard in conjunction with the continued Post-Confirmation Status Conference.

4. [21-90584-E-7](#)      MARIA CUEVAS LEMUS  
[22-9004](#)              CAE-1  
CUEVAS LEMUS V. MARTINEZ,

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
10-6-22 [[1](#)]

ADVERSARY PROCEEDING  
DISMISSED: 04/26/24

**Final Ruling: No appearance at the May 16 2024 Status Conference is required.**

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Plaintiff's Atty: Marc Voisenat  
Defendant's Atty: Arnold L. Graff

Adv. Filed: 10/6/22  
Answer: 11/28/22

Nature of Action:  
Validity, priority or extent of lien or other interest in property  
Injunctive relief - imposition of stay  
Declaratory judgment

Notes:  
Continued from 2/22/24

[ALG-1] Notice of Motion and Motion to Dismiss Adversary Complaint [by Defendant] filed 3/26/24 [Dckt 27]; Order granting filed 4/26/24 [Dckt 34]

<p>This Adversary Proceeding having been dismissed by prior Order of the court (Dckt. 34), <b>the Status Conference is concluded and removed from the Calendar.</b></p>
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