

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Modesto, California

May 18, 2017, at 2:00 p.m.

1.	<u>16-90401</u> -E-11	NATIONAL EMERGENCY David Johnston	CONTINUED STATUS CONFERENCE MEDICAL SERVICESRE: VOLUNTARY PETITION 5-10-16 <u>1</u>
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Debtor's Atty: David C. Johnston

The Status Conference is XXXXXXXXXXXXXXXXXXXXXX.
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Notes:

Continued from 1/26/17

Operating Reports filed: 2/7/17, 3/9/17, 4/12/17, 5/9/17

WFH-5 Application for First Interim Allowance of Fees and Costs of Wilke, Fleury, Hoffelt, Gould & Birney, LLP filed 3/2/17 [Dckt 144]; Order granting filed 3/28/17 [Dckt 168]

WFH-6 Application for First Interim Allowance of Fees and Costs of Burr Pilger Mayer, Inc., Accountants to Chapter 11 Trustee filed 3/2/17 [Dckt 149]; Order granting filed 3/28/17 [Dckt 169]

WFH-7 First Interim Application for Allowance of Chapter 11 Trustee Compensation and Expenses for the Period August 17, 2016 through January 31, 2017 filed 3/2/17 [Dckt 154]; Order granting filed 3/28/17 [Dckt 170]

May 18, 2017, at 2:00 p.m.

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2. 13-91315-E-7 APPLGATE JOHNSTON, INC.
15-9049
MCGRANAHAN V. JOHNSON
ELECTRONICS

**PRE-TRIAL CONFERENCE RE:
COMPLAINT FOR (1) AVOIDANCE OF
PREFERENTIAL TRANSFER; AND (2)
RECOVERY OF AVOIDED TRANSFER
7-13-15 [1]**

Final Ruling: No appearance at the May 18, 2017 Status Conference is required.

Plaintiff's Atty: Daniel L. Egan
Defendant's Atty: Anne K. Secker; Lindsey Berg-James

Adv. Filed: 7/13/15
Answer: 8/17/15

Nature of Action:
Recovery of money/property - preference

The Adversary Proceeding having been dismissed by Stipulation of the Parties (Dckt. 46), **the Pre-Trial Conference is removed from the Calendar.**

3. [16-90634-E-7](#) **LESTER/ANA RODRIGUEZ**
[16-9018](#)
CHAIRES V. RODRIGUEZ ET AL

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
4-7-17 [34]

Final Ruling: No appearance at the May 18, 2017 Status Conference is required.

Plaintiff's Atty: Wilber Manuel Salgado

Defendant's Atty: Mario Blanco

Adv. Filed: 11/14/16

Answer: none

Amd. Cmplt. Filed: 4/7/17

Answer: none

Nature of Action:

Dischargeability - false pretenses, false representation, actual fraud

Dischargeability - willful and malicious injury

<p>The Status Conference is continued to 2:00 p.m. on June 29, 2017.</p>

Notes:

Continued from 3/23/17, the court having granted Defendant's Motion to Dismiss and having granted leave to file an amended complaint.

Amended Complaint filed 4/7/17 [Dckt 34]

[MB-3] Motion to Dismiss Adversary Proceeding of Margarita Chaires filed 4/19/17 [Dckt 38], set for hearing 5/18/17 at 10:30 a.m.

The court shall issue a minute 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 ruled on the Motion to Dismiss the First Amended Complaint, additional time being allowed Defendants to file their Answers, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to 2:00 p.m. on June 29, 2017. Status Conference statements shall be filed and served on or before June 20, 2017.

IT IS FURTHER ORDERED that Defendants Lester Rodriguez and Ana Rodriguez, and each of them, shall file and serve an answer, if any, to the First Amended Complaint on or before June 1, 2017.

May 18, 2017, at 2:00 p.m.

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| 4. | <u>12-90273</u> -E-12 | MATTHEW/TRICIA PELLER
David Johnston | CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
1-31-12 <u>[1]</u> |
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Debtors' Atty: David C. Johnston

Notes:

Continued from 2/9/17. No motion for entry of discharge in this Chapter 12 case being filed.

February 9, 2017 Status Conference

Debtors' Chapter 12 Plan was confirmed on September 17, 2013. On July 14, 2016, Debtor Tricia Peller sent a letter to the court requesting that the court "schedule an order of discharge" and close Debtors' case. Debtor's counsel had not responded to the Trustee's final report or requested the entry of a discharge. No motion for entry of discharge in this Chapter 12 case has been filed.

December 15, 2016 Status Conference

On September 9, 2016, the court filed its order dismissing without prejudice the Debtor's Motion for Entry of Discharge. As stated in the Civil Minutes from the hearing on the Motion for Entry of Discharge, "Debtors' Attorney has not filed the required documents for the court to rule on this Motion. The court does not have Debtors' Declaration, Notice of Hearing, and Proof of Service." Dckt. 131, p. 2. It was reported that Debtor had not contacted counsel, but attempted to obtain the discharge without the assistance of counsel. A proper motion for entry of discharge was to be filed by counsel. No motion has been filed. The court is aware from other cases that Debtor's counsel suffered from a medical incapacitation in the Fall of 2016.