



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

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: TUESDAY
DATE: JUNE 4, 2024
CALENDAR: 10:30 A.M. ADVERSARY PROCEEDINGS

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business** day prior to the hearing.

Information regarding how to sign up can be found on the **Remote Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>.

Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by **ZoomGov** may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to the trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [24-20114](#)-A-13 **IN RE: DANIEL BRAJKOVICH**
[24-2030](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
4-1-2024 [[1](#)]

HU V. BRAJKOVICH
BENFANG HU/ATTY. FOR PL.

Final Ruling

The status conference is continued to July 2, 2024, at 10:30 a.m.

2. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[21-2016](#) [GT-13](#)

STATUS CONFERENCE RE: MOTION FOR SUMMARY JUDGMENT
4-24-2024 [[377](#)]

AFRICAN METHODIST EPISCOPAL
ZION CHURCH ET AL V. AME ZION
HOWARD STEINBERG/ATTY. FOR MV.

No Ruling

3. [22-20832](#)-A-7 **IN RE: DANIEL STEWART**
[24-2017](#) [BLL-1](#)

MOTION TO SET ASIDE
5-7-2024 [[17](#)]

RICHARDS V. VLACH
UNKNOWN TIME OF FILING/ATTY. FOR MV.

Final Ruling

The motion is denied without prejudice. The Certificate of Service, ECF No. 22, is unsigned and does not include attachments 6B(1), 6B(2) and 6B(4). A civil minute order shall issue.

4. [22-20832](#)-A-7 **IN RE: DANIEL STEWART**
[24-2033](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
4-4-2024 [[1](#)]

RICHARDS V. RITCHIE BROS.
AUCTIONEERS (AMERICA) INC.
A. RAUSCH/ATTY. FOR PL.

Final Ruling

The status conference is continued to July 30, 2024, at 10:30 a.m. to allow the plaintiff to seek entry of the defendant's default and prove up the default judgment. If a judgment has not been entered, not later than 14 days prior to the continued hearing the plaintiff shall file a status report.

5. [22-20832](#)-A-7 **IN RE: DANIEL STEWART**
[24-2034](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
4-8-2024 [[1](#)]

RICHARDS V. BAKOS ET AL
A. RAUSCH/ATTY. FOR PL.

Final Ruling

The status conference is continued to July 2, 2024, at 10:30 a.m.

6. [22-21649](#)-A-7 **IN RE: MARY KATTENHORN**
[WF-3](#)

CONTINUED MOTION TO SELL
5-13-2024 [[136](#)]

RICHARD HALL/ATTY. FOR DBT.
JASON ELDRED/ATTY. FOR MV.
DEBTOR DISCHARGED: 10/11/22

No Ruling

7. [22-21649](#)-A-7 **IN RE: MARY KATTENHORN**
[23-2063](#) [WF-1](#)

MOTION FOR SUMMARY JUDGMENT
4-19-2024 [[22](#)]

FARRIS V. KATTENHORN ET AL
JASON ELDRED/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

8. [22-21649](#)-A-7 **IN RE: MARY KATTENHORN**
[23-2082](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-23-2023 [[1](#)]

KATTENHORN V. BMO HARRIS BANK,
N.A. ET AL
RICHARD HALL/ATTY. FOR PL.

No Ruling

9. [23-23376](#)-A-7 **IN RE: JOSEPH/RACHEL DIAZ**
[24-2021](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
3-6-2024 [[1](#)]

FARRIS V. DIAZ ET AL
GABRIEL HERRERA/ATTY. FOR PL.

Final Ruling

The status conference is continued to July 30, 2024, at 10:30 a.m. to allow the approval of compromise to be heard. If the adversary proceeding has not been dismissed, not later than 14 days prior to the continued status conference the plaintiff shall file a status report.

10. [23-24331](#)-A-7 **IN RE: JAYATON THOMAS**
[JKT-3](#)

CONTINUED MOTION FOR DISQUALIFICATION OF MCCARTHY & HOLTHUS
LLP AS COUNSEL FOR JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, AND ALL ASSIGNEES AND/OR SUCCESSORS; QUALITY
LOAN ASSOCIATION; MCCARTHY & HOLTHUS LLP; ALL OTHER
PROCEEDINGS PRESENT OR OTHERWISE
5-20-2024 [[102](#)]

JAYATON THOMAS/ATTY. FOR MV.
DEBTOR DISCHARGED: 03/15/24

Final Ruling

The respondents only participation in this case is defense of the
contempt motion. That motion has been dismissed. The matter is
dropped as moot. A civil minute order shall issue.

11. [23-24331](#)-A-7 **IN RE: JAYATON THOMAS**
[24-2001](#) [DQ-2](#)

MOTION FOR DISQUALIFICATION OF MCCARTHY & HOLTHUS LLP AS
COUNSEL FOR JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AND
ALL ASSIGNEES AND/OR SUCCESSORS; QUALITY LOAN ASSOCIATION;
MCCARTHY & HOLTHUS LLP; ALL OTHER PROCEEDINGS PRESENT OR
OTHERWISE O.S.T.
5-21-2024 [[153](#)]

MARY ALICE NELSON ROGERS TRUST
PRE-1933 PRIVATE AM V.
JAYATON THOMAS/ATTY. FOR MV.

Final Ruling

The adversary proceeding has been dismissed. The matter is dropped
as moot. A civil minute order shall issue.