

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

**Honorable Ronald H. Sargis**

Chief Bankruptcy Judge

Modesto, California

**July 13, 2017, at 2:00 p.m.**

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1. [12-93049](#)-E-11      **MARK/ANGELA GARCIA**      **CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
11-30-12 [1]**

Debtors' Atty: Mark J. Hannon

Trustee's Atty: Estela O. Pino

Notes:

Continued from 6/8/17. Mark Garcia, Angela Garcia, and Mark Hannon, Esq., and each of them, to appear in person. No telephonic appearances permitted for those three persons.

Operating Report filed: 6/16/17

<b>The Post-Confirmation Status Conference is <span style="color: red;">XXXXXXXXXXXXXXXXXXXXX</span>.</b>
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**JULY 13, 2017 POST-CONFIRMATION STATUS CONFERENCE**

At the July 13, 2017 Post-Confirmation Status Conference XXXXXXX.

**JUNE 8, 2017 POST-CONFIRMATION STATUS CONFERENCE**

At the Status Conference, the Plan Administrator reports that the plan is being performed.

The escrow for the sale of the house has not closed. Mr. Hannon reports that documents should be completed today. The Plan Administrator directed the court's attention to Debtor not having completed the sale resulted in Debtor failing to fund the Plan.

This case has suffered a tortured past, with Debtor's misconduct resulting in the appointment of a Chapter 11 Trustee, and then after the plan being confirmed, Debtor removed as Plan Administrator.

The court continues the Status Conference one month to afford Debtor to prosecute the sale and report at the continued status conference such efforts.

**July 13, 2017, at 2:00 p.m.**

2. [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; D. Greg Durbin  
Defendant's Atty: Pro Se  
Chapter 7 Trustee Atty: Aaron A. Avery

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

Nature of Action:  
Dischargeability - willful and malicious injury

Notes:  
Continued from 5/4/17

<b>The Status Conference is <span style="color: red;">XXXXXXXXXXXXXXXXXXXX</span>.</b>
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#### **JULY 13, 2017 STATUS CONFERENCE**

The court entered its Order denying the Motion to Reconsider the Order Approving the Settlement between the Chapter 7 Trustee and Andrew Katakis and the Katakis entities. 14-91565; Order, Dckt. 640.

At the Status Conference, XXXXXXXXXXXXXXXXXXXX.

#### **MAY 4, 2017 STATUS CONFERENCE**

Plaintiff has provided the court with a Status Report that upon the court ruling on the Motion to Reconsider the order approving the settlement between Plaintiff and the Chapter 7 Trustee, the parties will know how to proceed. If the court denies the motion to reconsider, then this adversary proceeding will be dismissed. If the court grants the motion to reconsider and vacates the order approving the settlement, then the issues for Plaintiff raised in this complaint remain open for litigation.

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

**CONTINUED STATUS CONFERENCE**  
**RE: MOTION FOR SUMMARY**  
**JUDGMENT**  
**10-28-16 [53]**

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

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

Nature of Action:  
Dischargeability - willful and malicious injury

Notes:  
Continued from 5/4/17

<b>The Status Conference is <span style="color: red;">XXXXXXXXXXXXXXXXXXXXX</span>.</b>
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#### **JULY 13, 2017 STATUS CONFERENCE**

The court entered its Order denying the Motion to Reconsider the Order Approving the Settlement between the Chapter 7 Trustee and Andrew Katakis and the Katakis entities. 14-91565; Order, Dckt. 640.

At the Status Conference, XXXXXXXXXXXXXXXXXXXXX.

#### **MAY 4, 2017 STATUS CONFERENCE**

Plaintiff has provided the court with a Status Report that upon the court ruling on the Motion to Reconsider the order approving the settlement between Plaintiff and the Chapter 7 Trustee, the parties will know how to proceed. If the court denies the motion to reconsider, then this adversary proceeding will be dismissed. If the court grants the motion to reconsider and vacates the order approving the settlement, then the issues for Plaintiff raised in this complaint remain open for litigation.

4. [14-91565-E-7](#)      **RICHARD SINCLAIR**  
[15-9008](#)  
**CALIFORNIA EQUITY MANAGEMENT**  
**GROUP, INC. ET AL V. SINCLAIR**

**CONTINUED STATUS CONFERENCE**  
**RE: COMPLAINT**  
**2-23-15 [1]**

**Final Ruling:** No appearance at the July 13, 2017 hearing is required.  
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Plaintiff's Atty: Hilton A. Ryder; D. Greg Durbin  
Defendant's Atty: Pro Se

Adv. Filed: 2/23/15  
Answer: 3/30/15; 4/8/16

Nature of Action:  
Dischargeability - false pretenses, false representation, actual fraud  
Dischargeability - fraud as fiduciary, embezzlement, larceny  
Dischargeability - willful and malicious injury

Notes:  
Continued from 5/4/17 to afford the Parties the opportunity to evaluate the district court judgment and file such motions as appropriate in this court.

[HAR-2] Plaintiff CEMG's Motion for Summary Judgment or in the Alternative for Summary Adjudication Against Defendant Richard Sinclair filed 5/22/17 [Dckt 70]; matter taken under submission

<b>The Status Conference is continued to 2:00 p.m. on September 7, 2017.</b>
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**JULY 13, 2017 STATUS CONFERENCE**

The court having taken Plaintiff's Motion for Summary Judgment under submission and the ruling thereon pending, the Status Conference is continued.

5.     [12-90273](#)-E-12     MATTHEW/TRICIA PELLER     CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
1-31-12 [\[1\]](#)

**Final Ruling:** No appearance at the July 13, 2017 hearing is required.  
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Debtors' Atty: David C. Johnston

Notes:

Continued from 5/18/17 as the Debtors continue in the prosecution of obtaining their discharge.

[DCJ-4] Debtors' Motion for Chapter 12 Discharge filed 6/29/17 [Dckt 139], set for hearing 7/13/17 at 10:30 a.m.

**The Status Conference is concluded and removed from the calendar, the court having granted Debtor's Motion for Entry of Discharge in this case.**