

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Chief Bankruptcy Judge
Modesto, California

July 16, 2020 at 2:00 p.m.

1. 19-91111-E-11	THE LIVING CENTERS OF FRESNO, INC.	CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION 12-24-19 [1]
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Debtor's Atty: David C. Johnston

Notes:
Continued from 4/2/20

Operating Reports Filed: 4/16/20 [Mar], 5/24/20 [Apr], 6/11/20 [May]

The Status Conference is XXXXXXXXXX

JULY 16, 2020 STATUS CONFERENCE

No updated Status Report has been filed by the Debtor in Possession. No motions, other than the motion to employ Debtor in Possession counsel, have been filed in this case since it was commenced on December 24, 2019. No proposed plan or disclosure statement have been filed.

At the Status Conference, XXXXXXXXXX

FEBRUARY 6, 2020 STATUS CONFERENCE

This is the second recent Chapter 11 case filed by this Debtor. The prior case, 17-90981, was dismissed on September 2, 2019. No proposed Chapter 11 plan or proposed disclosure statement was filed by the Debtor in Possession in the prior case. The dismissal was made pursuant to the motion of the Debtor in Possession, with the court finding that based on the evidence presented by the Debtor in Possession that there was no likelihood of there being a successful reorganization in Chapter 11. 17-90981; Civil Minutes, Dckt. 128.

**Debtor in Possession Status Report
(Filed February 3, 2020; Dckt. 26)**

In the Status Report, the Debtor in Possession states it is operating two locations, providing a 6 bed “in patient” behavior modification program in Fresno and a small “out-patient” support group in Turlock, California.

The Debtor in Possession reports that this bankruptcy case filing was precipitated by the Internal Revenue Service levies on the Debtor’s bank accounts and insurance company payments.

With respect to property of the bankruptcy estate, Debtor in Possession reports, “There are so few assets that the Debtor in Possession does not anticipate any disputes concerning value of assets.” Status report, p. 3:1-2; Dckt. 26.

The Debtor in Possession anticipates a Chapter 11 plan that provides for a payment plan for the Internal Revenue Service debt.

At the Status Conference, Counsel for the Debtor in Possession stated that they are now down to one location in Fresno and an out patient Turlock location, there is a license issue, insurance companies are not paying, and the principals are looking at dissolution.

Counsel for the Fresno landlord stated that the three-day notice was served on November 6, 2019. Lease expires on May 28, 2020, if not already terminated.

Debtor's Atty: David C. Johnston

Notes:

Continued from 4/2/20

Operating Reports Filed: 6/7/20 [May]

[EJR-1] Order re monthly adequate protection payments filed 5/17/20 [Dckt 64]

The Status Conference is XXXXXXXXXX

JULY 16, 2020 STATUS CONFERENCE

No updated Status Report has been filed by the Debtor in Possession. The court recently entered an adequate protection order, with a continued hearing on the Motion for Relief set for August 6, 2020. Other than seeking the employment of counsel, the Debtor in Possession has not filed any motions, proposed plan, or proposed disclosure statement.

At the Status Conference, XXXXXXXXXX

APRIL 2, 2020 STATUS CONFERENCE

On March 2, 2020, the court issued an Order to Show Cause why a Chapter 11 trustee should not be appointed in light of the Debtor's powers as a limited liability company ("LLC Powers") having been suspended by the State of California. OSC, Dckt. 24, see also discussion below from the February 27, 2020 Status Conference. The Order to Show Cause required that Responsive Pleadings be filed and served on or before March 19, 2020, and Replies, if any, on or before March 26, 2020.

The U.S. Trustee filed a Response on March 16, 2020. Dckt. 29. The U.S. Trustee supports the appointment of a Chapter 11 trustee in light of the Debtor having its LLC Powers suspended.

No Response to the Order to Show Cause was filed by the Debtor, nor a Reply to the U.S. Trustee request that a Chapter 11 trustee be appointed.

However, on March 23, 2020, the California Franchise Tax Board filed a document titled "California Franchise Tax Board's Limited Purpose Revivor." Dckt. 34. This Limited Purpose Revivor states:

PLEASE TAKE NOTICE that, pursuant to California Revenue and Taxation Code § 23305b, California Franchise Tax Board ("FTB") hereby **revives Sun-One LLC to good standing until the earlier of the following occurs: (1) this case is dismissed, or (2) this case is closed.** FTB reserves the right to revoke this Limited Purpose Revivor by filing a revocation in this case in which this Limited Purpose Revivor will have no further force or effect.

Id. (emphasis added).

With this Revivor the issue of the ability to the Debtor to exercise its LLC Powers and serve as the debtor in possession has been resolved.

Prosecution of the Case and a Chapter 11 Plan

At the Status Conference, counsel for the Debtor in Possession explained, that the joint venture partner should be able to step up with a proposal to get this matter resolved.

FEBRUARY 27, 2020 STATUS CONFERENCE

This voluntary Chapter 11 case was filed by the Debtor on January 21, 2020, with the Debtor in Possession now serving as the fiduciary of the bankruptcy estate. The Managing Member executing the bankruptcy Petition is Kathryn Machado.

On Schedule A/B the Debtor lists owning one asset, real property described as 141 acres, Sims Road, Chinese Camp, Tuolumne County, California, stated to have a value of \$4,390,000. Dckt. 1 at 5. Debtor lists owning no personal property. Id. at 4-5.

Ms. Machado's name and the property appeared familiar to the court, and reviewing the court's files appears to tie this property and Ms. Machado to the Chapter 7 case (converted from Chapter 11) filed by Richard Sinclair, who was identified as Ms. Machado's brother. 14-91565. The real property is property that Richard Sinclair asserted had been gifted to Golden Hills Chinese Camp, LLC. Id., Motion to Abandon, Dckt. 554.

On Schedule D, Debtor lists two creditors. The first is Superior Loan Servicing (which does not appear to be the actual creditor but a loan servicer for the actual creditor), with a claim of (\$662,500.00). Dckt. 13 at 8. The Debtor also lists the Tuolumne County Tax Collector as having a secured claim for (\$2,200.00) Id. For priority unsecured claims, Debtor states on Schedule E/F owing (\$2,000.00) for the "annual franchise tax." Id. at 10. No creditors with general unsecured claims are listed.

On the Statement of Financial Affairs for income in 2020, Debtor lists \$0.00. For income in 2019, Debtor lists \$0.00. For income in 2018, Debtor lists \$0.00. Id. at 14. Debtor further reports that Sun-One, LLC has been in real estate development since July 21, 2013. FN. 1.

FN. 1. The California Secretary of State reports that Sun-One, LLC's status is "FTB Suspended." The Secretary of State reports that Golden Hills Chinese Camp, LLC is also a suspended entity. The managing member of that entity is also Kathryn Machado, with the same address as the Kathryn Machado in this case.

The original Articles of Organization were filed April 29, 2003, with Richard Sinclair identified as the agent for service of process and organizer of that entity.

On February 15, 2020, the Debtor in Possession filed an initial Status Report. Dckt. 20. Counsel for the Debtor in Possession states that the property is to be developed, but the tentative entitlements have expired. However, the Debtor in Possession believes that the development can be revived “once working capital is available.” Id., Dckt. p. 1:27 -2:1.

The Debtor in Possession further reports that in March 2018, the Debtor obtained a high interest rate, high fees loan of \$600,000. The interest only payments on this loan are stated to be \$6,250.00 a month, which indicates an interest rate of 12.5% for a grossly oversecured (by the Debtor’s estimate of value) loan. Being unable to make the interest payments, the creditor proceeded with foreclosure, and this bankruptcy case was filed to stop the foreclosure (a valid use of bankruptcy – so long as it is done with the intention to prosecute the bankruptcy case and possible plan in good faith).

The Debtor in Possession states that the Debtor in Possession plans on filing a plan of reorganization (not liquidation) by April 20, 2020.

The U.S. Trustee’s report of the First Meeting of Creditors states that counsel for the Debtor in Possession appeared, but no responsible representative appeared for the Debtor or Debtor in Possession. U.S. Trustee February 19, 2020 Docket Entry Report. The first meeting was continued to February 27, 2020.

At the Status Conference counsel for the Debtor stated that the status of the Debtor would be unsuspended by the time of the continued status conference.

SUBCHAPTER V case

Debtor's Atty: David C. Johnston

Notes:

[DCJ-1] Debtor's Application for 14 Additional Days to File New Case Documents filed 5/29/20 [Dckt 18];
Order extending deadline filed 6/2/20 [Dckt 22]

[DCJ-2] Application of Debtor in Possession for Authority to Employ Attorney filed 6/13/20 [Dckt 32]; NO
ORDER DOCKETED

Trustee Report at 341 Meeting lodged 6/23/20, Debtor appeared, continued to 7/24/20 at 1:30 p.m.

[RAP-1] Motion for Relief from the Automatic Stay [creditor Sumitomo Mitsui Finance and Leasing Co.,
Ltd.] filed 7/6/20 [Dckt 40], set for hearing 8/6/20 at 10:00 a.m.

The Status Conference is XXXXXXXXXX

JULY 16, 2020 STATUS CONFERENCE

The Debtor in Possession filed a Status Report on July 10, 2020. The Report discusses the estate's trucking business and the impact caused by the COVID-19 pandemic. Dckt. 57. The Debtor in Possession projects filing a plan and disclosure statement before August 13, 2020.

At the Status Conference XXXXXXXXXX

Debtor's Atty: David C. Johnston

Notes:

Continued from 2/6/20

Operating Report Filed: 6/22/20 [May]

Trustee's Second Chapter 11 Status Report filed 7/8/20 [Dckt 101]

The Status Conference is XXXXXXXXXX

JULY 16, 2020 STATUS CONFERENCE

The Chapter 11 Trustee filed an updated Status Report on July 8, 2020. Dckt. 101. She reports continuing to operate the rental property of the bankruptcy estate and is holding \$121,186 in funds. The Debtor's managing member has not turned over payment of the fair rental value and use by her of the Fiesta Property.

At the Status Conference, XXXXXXXXXX

5. [19-90151-E-11](#) [20-9005](#) **Y&M RENTAL PROPERTY
MANAGEMENT, LLC**
EDMONDS V. WELLS FARGO BANK,
N.A.

STATUS CONFERENCE RE:
COMPLAINT
5-12-20 [1]

Plaintiff's Atty: Aaron A. Avery
Defendant's Atty: Dane W. Exnowski

Adv. Filed: 5/12/20
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Declaratory judgment

Notes:
Stipulation to Extend Defendant's Response Deadline file 6/9/20 [Dckt 9]; 6/10/20: Clerk sent request to submit order; NO ORDER DOCKETED

The Status Conference is XXXXXXXXXX.

SUMMARY OF COMPLAINT

Irma Edmonds, the Plaintiff-Trustee has filed a Complaint asserting various claims, grounds, and requests for relief as follows:

- A. Plaintiff-Trustee seeks to determine the extent, validity, and amount of a lien asserted by Wells Fargo Bank, N.A., "Defendant," on real property of the bankruptcy estate.
- B. It is alleged that the deed of trust upon which Defendant asserts its lien was reconveyed.
- C. Defendant had a second deed of trust to secure a HELOC, the obligation of which Plaintiff-Trustee asserts was paid in full.
- D. It is asserted that Defendant failed to reconvey the second deed of trust.
- E. After the predecessor in interest to the Debtor sold the property against which the second deed of trust had been recorded, the predecessor reinitiated the HELOC and obtained new advances.
- F. In the First Claim for Relief, Plaintiff-Trustee seeks a determination of whether the second deed of trust encumbers the real property.
- G. The Second Claim for Relief seeks a declaration as to whether the second deed of trust encumbers the real property (sounding in the nation of quiet title relief).

H. The Third Claim for Relief seeks the disallowance of any claim of Defendant in this case as the Debtor never borrowed money from Defendant.

SUMMARY OF ANSWER

Defendant Wells Fargo Bank, NA., has filed its answer that admits and denies specific allegations in the Complaint. Ten affirmative defenses are stated.

REQUIRED PLEADING OF CORE AND NON-CORE MATTERS, CONSENT OR NON-CONSENT TO NON-CORE MATTER

In the Complaint, Plaintiff Trustee alleges that jurisdiction exists pursuant to 28 U.S.C. § 157 and § 1334, and that this is a core matter proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (K), and (O). Complaint, ¶¶ 4, 5, and 7; Dckt. 1. In the Answer, Defendant admits the allegations of jurisdiction and that this is a core matter proceeding. Answer, ¶¶ 4, 5, and 7; Dckt. 11.

FINAL BANKRUPTCY COURT JUDGMENT

In the Complaint, Plaintiff Trustee alleges that jurisdiction exists pursuant to 28 U.S.C. § 157 and § 1334, and that this is a core matter proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (K), and (O). Complaint, ¶¶ 4, 5, and 7; Dckt. 1. In the Answer, Defendant admits the allegations of jurisdiction and that this is a core matter proceeding. Answer, ¶¶ 4, 5, and 7; Dckt. 11. **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are “related to” matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court.**

The Parties filed a Joint Discovery Plan on July 14, 2020. Dckt. 13.

ISSUANCE OF PRE-TRIAL SCHEDULING ORDER

The court shall issue a Pre-Trial Scheduling Order setting the following dates and deadlines:

- a. In the Complaint, Plaintiff Trustee alleges that jurisdiction exists pursuant to 28 U.S.C. § 157 and § 1334, and that this is a core matter proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (K), and (O). Complaint, ¶¶ 4, 5, and 7. Complaint, Dckt. 1. In the Answer, Defendant admits the allegations of jurisdiction and that this is a core matter proceeding. Answer, ¶ 4, 5, and 7; Dckt. 11. **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are “related to” matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court..**
- b. Initial Disclosures shall be made on or before **July 31, 2020**.

c. Expert Witnesses shall be disclosed on or before **November 6, 2020**, and Expert Witness Reports, if any, shall be exchanged on or before **November 20, 2020**.

d. Discovery closes, including the hearing of all discovery motions, on **January 19, 2020**.

e. Dispositive Motions shall be heard before **March 19, 2020**.

f. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at **2:00 p.m. on TBD, 2020**.

6. [19-90783-E-11](#) **BRYAN CABINET
INSTALLATION, INC.** **CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
8-27-19 [1]**

Debtor's Atty: David C. Johnston

Notes:

Continued from 4/2/20

Operating Report Filed: 6/17/20 [May]

The Status Conference is xxxxxxxxxxxx.

JULY 16, 2020 STATUS CONFERENCE

No updated Status Report has been filed by the Debtor in Possession. No motions have been filed by the Debtor in Possession, other than to employ Debtor in Possession counsel. No proposed plan or disclosure statement have been filed.

At the Status Conference **xxxxxxxxxx**

APRIL 2, 2020 STATUS CONFERENCE

The Debtor in Possession has not provided the court with an updated status report. During the seven months that the Bankruptcy Estate has been operating the Debtor's business, the Estate has seen a net increase of \$35,790 from such operations.

At the February 6, 2020 Status Conference, counsel for the Debtor in Possession reported that the exclusivity period in this small business case did not expire until February 23, 2020, and the Debtor in Possession was intending to get a plan on file by that time.

Counsel for the Debtor in Possession reported that the business is continuing to operate, but the main referral source cabinet company has closed (not an essential business).

FEBRUARY 6, 2020 STATUS CONFERENCE

On February 3, 2020, the Debtor in Possession filed an Updated Status Report. Dckt. 38. This bankruptcy case was filed on August 27, 2019, and was designated by the Debtor as a “small business debtor” as defined in 11 U.S.C. § 101(51D). One hundred and sixty-three (163) days have passed since this case was commenced by the Debtor.

The Debtor in Possession reports that it was originally going to file a plan on or before December 25, 2019, but has determined that in a small business case the exclusivity period will not end until February 23, 2020, so the Debtor in Possession elected to not file and start prosecuting a plan by December 25, 2019 as earlier represented.

Looking at the Docket, there appears that little is being done by the Debtor in Possession to prosecute this case. Other than Monthly Operating Reports being filed, no motions or other contested matters are being prosecuted by the Debtor in Possession.

The Internal Revenue Service has filed Proof of Claim No. 2 in the amount of (\$147,365.34), of which (\$21,043.00) is secured by a statutory lien and (\$126,322.34), of which (\$110,899.29) is asserted as a priority claim. Though the Internal Revenue Service asserts a secured claim in all of the Debtor’s property as of the commencement of this case, the court does not see either a stipulation to use cash collateral or an order authorizing the use of cash collateral.

At the Status Conference, counsel for the Debtor in Possession reported that this is a “tax case.” Counsel has been working with the IRS concerning the claim.

FINAL RULINGS

7. [20-90107](#)-E-7 PAUL DASILVA STATUS CONFERENCE RE: AMENDED
[20-9004](#) COMPLAINT
WRIGHT ET AL V. DASILVA 5-26-20 [[11](#)]

Plaintiffs' Atty: Donna T. Parkinson; Steve M. Defilippis
Defendant's Atty: Jessica A. Dorn

Adv. Filed: 4/28/20
Answer: 6/24/20
Amd. Cmplt. Filed: 5/26/20
Answer: 6/24/20

Nature of Action:
Dischargeability - other

Notes:
Plaintiffs' Initial Status Conference Statement and Demand for Jury Trial filed 7/7/20 [Dckt 17]

Request for Continuance and Stipulation to Continue the Status Conference Hearing filed 7/10/20 [Dckt 19]

The Status Conference is continued to 2:00 p.m. on August 6, 2020. An issue to address at the August 6, 2020, Status Conference is whether this Adversary Proceeding should be stayed pending completion of the litigation for which Plaintiff has been given relief from the stay to pursue.

The court having modified the automatic stay to allow Plaintiff to adjudicate to a final judgment the claims in the state court action *Holly Wright et al v. Paul Alexander Dasilva, et al.*, Case No. 16CF296446 [20-90107; Order, Dckt. 35], staying this adversary proceeding until the final judgment may be proper.

If the parties agree that this Adversary Proceeding should be stayed, they may file a joint ex-parte motion to stay this proceeding and continue the Status Conference to 2:00 p.m. on January 28, 2021 (the last currently scheduled status conference date), or a sooner date for review of the prosecution of the state court action and how much further this Adversary Proceeding be stayed. If such an ex-parte motion is filed, a proposed order shall also be lodged with the court.

Final Ruling: No appearance at the July 16, 2020, Status Conference is required.

Plaintiff's Atty: Clifford W. Stevens; Ricardo Z. Aranda
Defendant's Atty: James L. Brunello

Adv. Filed: 1/13/16
Answer: 2/23/16 [Robinson Enterprises Profit Sharing Plan]
2/23/16 [Johnny Massella; Mary Massella]
Counterclaim Filed: 2/23/16 [Robinson Enterprises Profit Sharing Plan]
Answer: None
Counterclaim Dismissed 5/2/16
Counterclaim Filed: 2/23/16 [Johnny Massella; Mary Massella]
Answer: None
Counterclaim Dismissed 5/2/16

Nature of Action:
Validity, priority or extent of lien or other interest in property

Notes:
Continued from 2/6/20. The appeal in the related subject matter Adversary Proceeding, No. 15-9061, now pending before the Ninth Circuit, the Status Conference continued and this Adversary Proceeding continues to be stayed pending conclusion of such appeal.

Status Conference Statement filed 6/29/20 [Dckt 94]

The Status Conference is continued to 2:00 p.m. on January 28, 2021.

JULY 16, 2020 STATUS CONFERENCE

The Plaintiff-Trustee filed an Updated Status Report on June 29, 2020. Dckt. 94. He reports that the related matter proceedings that are on appeal are set for oral argument in August 2020. The Plaintiff-Trustee requests that the Status Conference be continued to late 2020 or early 2021 to allow for a decision on the appeal to have been issued and digested.

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 Status Conference Report having been reviewed by the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Status Conference is continued to 2:00 p.m. on January 28, 2021.

Fourteen days before the continued Status Conference, the Plaintiff-Trustee shall file an updated status report.

9. [19-90159](#)-E-11 **BARRENO ENTERPRISES, LLC** **CONTINUED STATUS CONFERENCE
RE: VOLUNTARY PETITION
2-25-19 [1]**

DEBTOR DISMISSED: 6/9/20

Final Ruling: No appearance at the July 16, 2020 Status Conference is required.

Debtor's Atty: David C. Johnston

Notes:

Continued from 6/4/20 to track the dismissal of this case.

[RAC-6] Order Dismissing Chapter 11 Case filed 6/8/20 [Dckt 179]

<p>The Bankruptcy Case having been dismissed, the Status Conference is concluded and removed From the Calendar.</p>
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10. [18-90764](#)-E-7 DAWN CHRISTENSEN

[19-9005](#)

EDMONDS V. CHRISTENSEN ET AL

**PRE-TRIAL CONFERENCE RE:
COMPLAINT TO AVOID FRAUDULENT
TRANSFER AND FOR MONEY
DAMAGES
1-30-19 [\[1\]](#)**

ADVERSARY PROCEEDING

DISMISSED: 6/30/20

Final Ruling: No appearance at the July 16, 2020 Pre-Trial Conference is required.

Plaintiff's Atty: Anthony D. Johnston

Defendant's Atty: Daniel J. Griffin

Adv. Filed: 1/30/19

Notes:

Order on Request for Dismissal of Adversary Action filed 6/30/20 [Dckt 81]

<p>The Adversary Proceeding having been dismissed, the Status Conference is concluded and removed from the Calendar.</p>

11. [19-90464](#)-E-7 RICHARD RICKS
[19-9020](#)
HIRST LAW GROUP, P.C. V. RICKS

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
12-6-19 [[1](#)]

**ADVERSARY PROCEEDING CLOSED:
6/30/20**

Final Ruling: No appearance at the July 16, 2020 Status Conference is required.

Plaintiff's Atty: Mark A. Serlin
Defendant's Atty: *Pro Se*

Adv. Filed: 12/6/19

Notes:
[MAS-1] Judgment filed 6/12/20 [Dckt 58]

<p>Judgment having been entered and the Adversary Proceeding Closed, the Status Conference is concluded and removed from the Calendar.</p>

12. [17-90577-E-7](#) WILSON SARHAD
[17-9019](#)
GARCIA V. SARHAD

CONTINUED PRE-TRIAL CONFERENCE
RE: COMPLAINT TO (1) DETERMINE
DISCHARGEABILITY OF DEBT; AND
(2) DETERMINE DISCHARGEABILITY
OF ALL DEBTS
11-6-17 [\[1\]](#)

Plaintiff's Atty: Michael R. Dennis
Defendant's Atty: David C. Johnston

Adv. Filed: 11/6/17
Answer: 12/3/17

Nature of Action:
Dischargeability - willful and malicious injury
Objection/revocation of discharge

Notes:
Continued from 5/14/20 by request of the Parties. The Parties represented that this matter has been settled.

The Pre-Trial Conference is concluded, the Parties having filed a Dismissal with Prejudice (Fed. R. Civ. P. 41(a)(1)(A)(ii), Fed. R. Bankr. P. 7041), **and removed from the Calendar.**

JULY 16, 2020 PRE-TRIAL CONFERENCE

On July 15, 2020, at 11:02 A.M., the Parties filed a Stipulation for Dismissal of the Adversary Proceeding with Prejudice. Dckt. 66. The Stipulation itself, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Federal Rule of Bankruptcy Procedure 7041, being effective as the dismissal of the case, this Status Conference is concluded.