

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: MONDAY
DATE: AUGUST 7, 2017
CALENDAR: 2:00 P.M. CHAPTER 11 AND 9 ADVERSARY PROCEEDINGS

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Ruling" will be called.

ORAL ARGUMENT

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [17-11824](#)-A-11 HORISONS UNLIMITED
[17-1056](#)
HORISONS UNLIMITED V. HAAR ET
AL
CECILY DUMAS/Atty. for pl.

CONTINUED STATUS CONFERENCE RE:
NOTICE OF REMOVAL
5-30-17 [[1](#)]

Final Ruling

At the suggestion of the Chapter 11 trustee, this matter is continued to November 15, 2017, at 2:00 p.m. Not later than 21 days prior to that date, the Chapter 11 trustee shall (1) prosecute through hearing any motion necessary to substitute the trustee as the real party in interest, if the trustee intends to pursue the adversary proceeding; and (2) meet and confer with each of the named defendants or their counsel with respect to amending the pleadings and the time necessary to complete discovery. Not later than 14 days prior to the continued hearing, the trustee and all named defendants shall file a joint status report outlining the results of their meet and confer conference and the suggested schedule for resolution of pleading and discovery issues. The court will issue a civil minute order.