

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

August 27, 2014 at 9:30 A.M.

1. [11-22001](#)-B-13 SAMUEL/VIKTORIA HANDLEY STATUS CONFERENCE RE: COMPLAINT
[14-2186](#) 6-25-14 [[1](#)]
HANDLEY ET AL V. WELLS FARGO
BANK, N.A.

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is removed from the calendar. The adversary proceeding was dismissed on August 15, 2014.

2. [13-34802](#)-B-13 DARRYL CARTER STATUS CONFERENCE RE: COMPLAINT
[14-2144](#) 5-28-14 [[1](#)]
CARTER V. BARBER

Tentative Ruling: The status conference is continued to November 5, 2014, at 9:30 a.m., to allow the plaintiff to seek entry of the defendant's default and entry of default judgment. If the adversary proceeding is not resolved by October 7, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if November 5, 2014, were the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b) (2) (A) (ii)-(vii), including dismissal of the action for plaintiff's failure to comply, and/or striking defendant's answer (if one is filed) and entering defendant's default for defendant's failure to comply.

The court will issue a minute order.

3. [13-20207](#)-B-13 CORNELIA CATA
[14-2107](#)
CATA V. HAMO

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
5-1-14 [[9](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to December 10, 2014, at 9:30 a.m. to allow the parties additional time to document a pending settlement agreement. If the adversary proceeding is not resolved by November 10, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 4) (the "OTC") as if the date of the continued status conference was the status conference date set in the original summons (Dkt. 2), including, inter alia, the preparation and filing of a joint discovery plan. Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or the striking of the defendant's answer and the dismissal of the defendant's counterclaim and the entry of the defendant's default for the defendant's failure to comply.

The court will issue a minute order.

4. [11-30525](#)-B-7 LINDA BACA
[13-2241](#)
VAN PELT V. BACA

STATUS CONFERENCE RE: COMPLAINT
7-23-13 [[1](#)]

Tentative Ruling: If Defendant appears and consents to dismissal, the adversary proceeding will be dismissed.

Plaintiff filed a notice of dismissal (Dkt. 23) on July 28, 2014. Pursuant to F.R.Bankr.P. 7041, incorporating F.R.Civ.P. 41(a)(1)(A)(i), Plaintiff can only dismiss by unilateral notice of dismissal "before the opposing party serves either an answer or a motion for summary judgment." Defendant filed and served an answer on August 22, 2013 (Dkt. 7 & 8).

5. [14-21034](#)-B-7 RICHARD FECTEAU
[14-2192](#)
FECTEAU V. FIDELITY NATIONAL
LAW GROUP

STATUS CONFERENCE RE: COMPLAINT
7-1-14 [[1](#)]

Tentative Ruling: The status conference is concluded. On or before September 5, 2014, the plaintiff shall obtain a reissued summons. On or before September 5, 2014, the plaintiff shall serve the reissued summons and the complaint on the defendant in accordance with Fed. R. Bankr. P. 7004(b)(3). This adversary proceeding will next appear on the court's calendar on the date set for a status conference in the reissued summons. Failure to comply with the orders herein may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiffs' failure to comply.

There is no evidence on the court's docket that the summons and complaint were properly served. Pursuant to Fed. R. Bankr. P. 7004(b)(3), service on a corporation or unincorporated association is accomplished by serving the motion to the attention of an officer, a managing or general agent or to any other agent authorized by law to receive service of process. The plaintiff's certificate of service (Dkt. 6) does not describe what documents were served, nor does it show that the defendant was served to the attention of an officer, a managing or general agent or to any other agent authorized by law to receive service of process.

The court will issue a minute order.

6. [09-35241](#)-B-13 ANTHONY/LILIA DICUS
[14-2127](#)
DICUS ET AL V. ONEWEST BANK,
FSB ET AL

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
5-19-14 [[11](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to October 8, 2014, at 9:30 a.m., for resolution of the motion to dismiss presently set for hearing on September 23, 2014 at 9:32 a.m.

7. [13-35749](#)-B-7 ALEXANDER HOWARD
[14-2084](#)
SACRAMENTO MUNICIPAL UTILITY
DISTRICT V. HOWARD

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
3-20-14 [[1](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to November 5, 2014, at 9:30 a.m., to allow the plaintiff time to file a motion to amend the complaint and an amended complaint.

8. [09-21751](#)-B-13 KRISTINE BOWEN
[14-2057](#)
BOWEN V. FEUTZ ET AL

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
5-27-14 [[36](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to October 22, 2014, at 9:30 a.m., to be heard after resolution of a motion to incur new debt and a motion for approval of a compromise which are pending in the parent bankruptcy case. If the adversary proceeding is not resolved by October 15, 2014, then on or before October 15, 2014, the parties shall file a joint discovery plan, or shall file and serve new separate discovery plans if they are unable to agree on a joint discovery plan. Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or the striking of defendant's answer and entry of defendant's default for defendant's failure to comply.

The court will issue a minute order.

9. [12-37853](#)-B-13 CELIA NEGRON
[13-2394](#)
NEGRON V. JPMORGAN CHASE BANK,
N.A. ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
12-27-13 [[1](#)]

Tentative Ruling: The status conference is continued to November 5, 2014, at 9:30 a.m., to allow the plaintiff to seek entry of the defendant's default and entry of default judgment. If the adversary

proceeding is not resolved by October 7, 2014, all parties appearing in the adversary proceeding shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if November 5, 2014, were the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply, and/or striking defendant's answer (if one is filed) and entering defendant's default for defendant's failure to comply.

The court will issue a minute order.

10. [14-23090](#)-B-13 RUBY DULAY STATUS CONFERENCE RE: COMPLAINT
[14-2188](#) 6-30-14 [[1](#)]
GUPTA ET AL V. DULAY

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is concluded. The court will issue a scheduling order based on the schedule set forth in the joint discovery plan filed on August 19, 2014 (Dkt. 9).

11. [13-25191](#)-B-7 AJAY CHANDRA CONTINUED STATUS CONFERENCE RE:
[13-2204](#) AMENDED COMPLAINT
CENTRAL VALLEY CONCRETE, INC. 2-25-14 [[43](#)]
V. CHANDRA

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is concluded. On August 25, 2014, the court entered a default judgment in favor of the plaintiff. The adversary proceeding is resolved.