

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Chief Bankruptcy Judge
Sacramento, California

September 5, 2018 at 2:00 p.m.

1. [12-38500-E-13](#) **DARLENE GRAY**
[18-2097](#)

STATUS CONFERENCE RE:
COMPLAINT
6-20-18 [1]

**GRAY V. WELLS FARGO HOME
MORTGAGE**

Plaintiff's Atty: Connie Tche

Defendant's Atty:

Adam N. Barasch [Wells Fargo Home Mortgage]

Jennifer C. Wong [Quality Loan Services Corp.]

Adv. Filed: 6/20/18

Answer: none

Nature of Action:

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Injunctive relief - other

The Status Conference is XXXXXXXXXXXXXXXXXXXXXXX
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Notes:

Stipulation for Extension of Time to File Responsive Pleading [defendant Quality Loan Services Corp.] filed 7/25/18 [Dckt 11]; Order approving filed 7/26/18 [Dckt 12]

Stipulation to Extend Responsive Pleading Deadline for Defendant Wells Fargo Bank, N.A. filed 7/26/18 [Dckt 13]; Order approving filed 7/26/18 [Dckt 15]

Second Stipulation for Extension of Time to File Responsive Pleading [defendant Quality Loan Services Corp.] filed 8/6/18 [Dckt 16]; no order approving

Third Stipulation for Extension of Time to File Responsive Pleading [defendant Quality Loan Services Corp.] filed 8/17/18 [Dckt 18]; Order approving filed 8/17/18 [Dckt 19]

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SEPTEMBER 5, 2018 STATUS CONFERENCE

The Complaint was filed on June 20, 2018. Dckt. 1. The Complaint alleges that due to a misunderstanding, upon completion of the Chapter 13 Plan, Plaintiff-Debtor in error continued to make the plan payments, including Debtor's monthly mortgage payment, to the Chapter 13 Trustee. When the error was discovered Plaintiff-Debtor attempted to make arrangements to make the payments directly to Defendant, but Defendant refused, asserting that Plaintiff-Debtor was still in bankruptcy.

Plaintiff-Debtor asserts multiple federal and state claims for relief.

No answer or other responsive pleading have been filed by Defendant Wells Fargo Bank, N.A. The Parties have filed a series of stipulations (Dckts. 11, 13, 16, and 19) which pursuant to orders of the court have extended the deadline for the filing of responsive pleadings to August 28, 2018. Order, Dckt. 19.

At the Status Conference the Parties reported, **XXXXXXXXXXXXXXXXXXXXXXXXXXXX**

2. [10-22004-E-13](#) JUNE ANGELES
[17-2192](#)
ANGELES V. DLJ MORTGAGE
CAPITAL, INC. ET AL

PRE-TRIAL CONFERENCE RE:
COMPLAINT
10-25-17 [1](#)

ADV. PROCEEDING CLOSED: 08/20/2018

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Peter G. Macaluso
Defendant's Atty: Theron S. Covey

Adv. Filed: 10/25/17
Answer: 11/27/17

Nature of Action:
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

<p>The Adversary Proceeding having been dismissed pursuant to the Stipulation of the Parties, the Matter is removed from the calendar.</p>

Notes:
Stipulation to Dismiss Adversary Proceeding filed 8/1/18 [Dckt 17]; Order dismissing filed 8/1/18 [Dckt 18]

3. [12-37605-E-13](#) CLEA JACOBS
[18-2026](#)

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
3-21-18 [\[1\]](#)

JACOBS V. J.P. MORGAN CHASE,
N.A.

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: John G. Downing
Defendant's Atty: unknown

Adv. Filed: 3/21/18
Answer: none

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

The Status Conference is continued to 2:00 p.m. on October 10, 2018.

Notes:
Continued from 7/11/18

Entry of Default and Order re: Default Judgment Procedures [Plaintiff to apply for a default judgment within 30 days and set a "prove-up" hearing] filed 7/12/18 [Dckt 14]

Application for Judgment Voiding Lien filed 8/30/18 [Dckt 19]

SEPTEMBER 5, 2018 STATUS CONFERENCE

On July 12, 2018, the default of JP Morgan Chase Bank, N.A. was entered by the Clerk of the Court. Dckt. 14. The Default and Order specifies that the Plaintiff is to file and set a hearing on a motion for entry of a default judgment.

On August 30, 2018, Plaintiff filed a motion for entry of default judgment. On September 4, 2018, the notice of hearing on the motion was filed, which provide for the hearing to be conducted on October 4, 2018. Notice, Dckt. 22.

The court continues the Status Conference to afford Plaintiff the opportunity to prosecute the Motion for Entry of Default Judgment

4. [15-28908-E-13](#) **WILLIAM/SARAH MCGARVEY** **CONTINUED STATUS CONFERENCE**
[18-2053](#) **RE: AMENDED COMPLAINT**
7-6-18 [[18](#)]

MCGARVEY V. USAA SAVINGS BANK

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Kyle W. Schumacher

Defendant's Atty: Jaime Y. Ritton

Adv. Filed: 4/27/18

Reissued Summons: 4/30/18

Answer: none

Amd. Cmplt. Filed: 7/6/18

Reissued Summons: 7/6/18

Answer: none

Nature of Action:

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

The Status Conference is continued to 2:00 p.m. on October 10, 2018, to afford Defendant the opportunity to have an answer filed before the court sets the matter for a pre-trial conference.

Notes:

Continued from 7/11/18

[DKM-2] Defendant USAA Savings Bank's Motion for Dismissal of Plaintiff's First Amended Adversary Complaint Re: Willful Automatic Stay Violation filed 7/18/18 [Dckt 22]; Order granting with exception filed 8/17/18 [Dckt 30]

Joint Status Report and Discovery Plan filed 8/29/18 [Dckt 31]

SEPTEMBER 5, 2018 STATUS CONFERENCE

The Amended Complaint was filed on July 6, 2018. As the court reads the Complaint, Plaintiff-Debtor alleges:

A. The Consumer Data Industry Association (the "CDIA") sets the industry

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standard for credit reporting. ¶ 12; Dckt. 18.

- B. A guide published by the CDIA recommends creditors not report ongoing delinquencies after a bankruptcy is filed. ¶ 15.
- C. A guide published by the CDIA recommends creditors fill out a Consumer Information Indicator (“CII”) where a consumer has a special condition such as bankruptcy. ¶ 14–19.
- D. The CDIA recommends using CII designation “D” to indicate a consumer has filed bankruptcy to indicate that creditors are not free to collect against the consumer. ¶ 20–24.
- E. Creditors use credit reporting as a means to coerce payment from debtors; “Specifically, when consumers become delinquent on their debts creditors will often warn consumers that failure to pay their delinquent balance will result in their delinquency being reported to the major credit reporting agencies.” ¶ 26–27.
- F. Defendant “as a policy to enhance collection activities will call and send letters to debtors warning that failure to pay a debt will result in a delinquency being reported to the main credit bureaus.” ¶ 35.
- G. Defendant reports delinquencies for the purpose of coercing debtors to pay. ¶ 34.
- H. Defendant knows that by failing to report the CCI “D” designation to indicate a consumer filed bankruptcy, together with continued reporting of the delinquency, that the Plaintiff-Debtor would be coerced into making payments because Defendant “knows that such reporting alerts other lenders that this debt SHOULD be paid but has not been paid.” ¶ 36.
- I. Defendant was sent actual notice of the automatic stay in Plaintiff-Debtor’s Chapter 13 bankruptcy case, filed on November 16, 2015. ¶ 9–10; Dckt. 1.
- J. Post-filing, Defendant continued to report on Plaintiff-Debtor’s credit report that her account was in collections with a past-due balance owed. ¶ 11.
- K. Defendant filed two separate claims in Plaintiff-Debtor’s Chapter 13 bankruptcy case on January 26, 2016. ¶ 15.
- L. Defendant, by failing to update its reporting on Plaintiff-Debtor’s credit report, acted with intent and Plaintiff-Debtor believes the collections notation and past-due balance related to Defendant’s claims will only be removed by paying the Defendant. ¶ 20–21.

- M. Defendant is “simultaneously attempting to receive payment from” the Plaintiff-Debtor as well as under the Chapter 13 plan. ¶ 22.
- N. Defendant’s employee Beverly Bain (“Bain”) received notice of Plaintiff-Debtor’s dispute over the credit reporting and her bankruptcy filing, but intentionally failed to update the CII and continued reporting delinquency in an attempt to coerce payment. ¶ 46–51.
- O. Plaintiff-Debtor argues Defendant willfully violated the automatic stay under 11 U.S.C. § 362(a)(6) by reporting Plaintiff-Debtor delinquent and in collections on her credit report, by failing to report that the account was included in bankruptcy, and by continuing to report that information after Plaintiff disputed it with the credit reporting agencies.

The court granted Defendant’s Motion and dismissed all claims in the Complaint, with the exception of:

1. The claim stating relief for the alleged failure of Defendant to update, correct, or include in the information reported to the consumer reporting agencies that the asserted obligation owed to Defendant is included in or subject to Plaintiff-Debtor’s bankruptcy case.

August 17, 2018 Order, Dckt. 30. The court set the time for Defendant to have an answer filed to September 7, 2018. *Id.*

As of the court’s September 4, 2018 review of the Docket, no answer has been filed.

August 29, 2018 Status Report (Dckt. 31)

The Parties have filed a Joint Status Report.

5. [17-25114-E-7](#) HSIN-SHAWN SHENG
[18-2072](#)

STATUS CONFERENCE RE:
COMPLAINT
5-21-18 [1]

NIMS V. PERALES ET AL

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: J. Russell Cunningham
Defendant's Atty: unknown

Adv. Filed: 5/21/18
Answer: none

Nature of Action:
Recovery of money/property - turnover of property

The Status Conference is continued to 2:00 p.m. on January 9, 2019, to afford the Plaintiff-Trustee the opportunity to prosecute motions for entry of default judgments.

Notes:

**SEPTEMBER 5, 2018 STATUS CONFERENCE
SUMMARY OF COMPLAINT**

Eric Nims, the Chapter 7 Trustee in the Hsin-Shawn Cyndi Sheng Chapter 7 Case, ("Plaintiff-Trustee") filed the Complaint on May 21, 2018. The Complaint seeks the turnover of real property that the Plaintiff-Trustee asserts is property of the bankruptcy estate under 11 U.S.C. § 541

SUMMARY OF ANSWER

No answers or other responsive pleadings have been filed.

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff alleges in the Complaint that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b)(2), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(E) as the Plaintiff-Trustee is seeking recovery of property of the bankruptcy estate.

Complaint ¶¶ 2, 3, Dckt. 1. Congress vests in the federal court exclusive jurisdiction over all property of the bankruptcy estate (as created by 11 U.S.C. § 541), which include the determination of what is property of the bankruptcy estate.

Entry of Defaults

The defaults of named defendants Michelle K. Reynolds, Frederick Thornborrow, and Sarina M. Perales, were entered on August 31, 2018. Dckts. 10, 12, 15.

6. [16-28316-E-13](#) SHARRY STEVENS-GOREE
[17-2070](#)

CONTINUED PRE-TRIAL
CONFERENCE RE: COMPLAINT FOR
DECLARATORY RELIEF; VIOLATION
OF THE AUTOMATIC STAY AND
RELATED STATE AND FEDERAL
CAUSES OF ACTION
4-28-17 [\[1\]](#)

STEVENS-GOREE V. CITIZENS
EQUITY FIRST CREDIT UNION

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Gary Ray Fraley; Paramprit Singh Bindra
Defendant's Atty: Mark K. Worthge; Ji Yeon Yoo

Adv. Filed: 4/28/17

Answer: 5/31/17

Nature of Action:

Declaratory judgment

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

The Parties having filed a Notice of Settlement (Dckt. 26) stating that all issues in the Adversary Proceeding have been resolved, **the Pre-Trial Conference is continued to 2:00 p.m. on October 10, 2018**, to afford the Parties sufficient time to document the settlement and have the Complaint dismissed.

Notes:

Continued from 7/11/18

Notice of Settlement filed 8/29/18 [Dckt 26]

September 5, 2018 at 2:00 p.m.

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7. [17-20220-E-7](#) **WILLIAM/FAYE THOMAS**
[18-2090](#)

STATUS CONFERENCE RE:
COMPLAINT
6-7-18 [1]

PUTNAM V. THOMAS, JR. ET AL

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Pro Se
Defendant's Atty: Lucas B. Garcia

Adv. Filed: 6/7/18
Answer: none

Amd. Cmplt Filed: 8/29/18
Answer: none

Nature of Action:
Recovery of money/property - fraudulent transfer
Validity, priority or extent of lien or other interest in property
Objection/revocation of discharge
Dischargeability - false pretenses, false representation, actual fraud
Dischargeability - fraud as fiduciary, embezzlement, larceny
Dischargeability - willful and malicious injury

The First Amended Complaint having been filed on August 29, 2018, **the Status Conference is continued to 2:00 p.m. on November 14, 2018**, to afford the Parties the opportunity to review the Amended Complaint and address the issues therein.

Notes:
[LBG-1] Motion to Strike for Lack of Standing and Failure to State a Claim Upon Which Relief Can Be Granted filed 7/7/18 [Dckt 10]; Order dismissing with leave to amend on or before 9/7/18 filed 8/17/18 [Dckt 17]

First Amended Complaint of Creditor Robert S. Putnam Challenging the Dischargeability of Claim #12 Made by Robert S. Putnam filed 8/29/18 [Dckt 18]

8. [14-20321-E-13](#) DWIGHT BROWN
[18-2081](#)

STATUS CONFERENCE RE:
COMPLAINT
5-31-18 [1](#)

**BROWN V. DREAM BUILDERS
INVESTMENTS, LLC**

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: W. Scott de Bie
Defendant's Atty: unknown

Adv. Filed: 5/31/18
Answer: none

The Status Conference is continued to 1:30 p.m. on September 18, 2018 (specially set), to be conducted in conjunction with Plaintiff's Motion for Entry of Default Judgment.

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

Notes:
[SDB-4] Plaintiff's Motion for Default Judgment filed 7/17/18 [Dckt 12]; heard 8/16/18 and continued to 9/18/18 at 1:30 p.m. [specially set]

Plaintiff's First Status Report filed 8/28/18 [Dckt 25]

9. [17-25221](#)-E-13 TOMMIE RICHARDSON
[18-2099](#)

STATUS CONFERENCE RE:
COMPLAINT
6-20-18 [1]

RICHARDSON, JR. V. SENECA
LEANDRO VIEW, LLC.

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Peter G. Macaluso
Defendant's Atty: unknown

Adv. Filed: 6/20/18
Answer: none

Nature of Action:
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

The Status Conference is continued to 2:00 p.m. on November 14, 2018.
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Notes:
Plaintiff's Status Statement filed 8/27/18 [Dckt 6]

SEPTEMBER 5, 2018 STATUS CONFERENCE

The Plaintiff reports that the need to prosecute this Adversary Proceeding may be moot in light of a new Chapter 13 Plan being prosecuted. The court continues the Status Conference in light of there being no responsive pleading filed (nor certificate of service)

10. [11-44540-E-13](#) **MERCEDES PEREZ**
[18-2041](#)

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
4-5-18 [\[1\]](#)

PEREZ V. STOCKTON MORTGAGE

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Peter L. Cianchetta

Defendant's Atty: unknown

Adv. Filed: 4/5/18

Answer: none

Nature of Action:

Declaratory judgment

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

<p>The Status Conference is continued to 2:00 p.m. on November 14, 2018.</p>

Notes:

Continued from 7/11/18 per Plaintiff's request so that he could address service issues concerning the Complaint.

SEPTEMBER 5, 2018 STATUS CONFERENCE

The Default of Defendant Stockton Mortgage having been entered, the Status Conference is continued to afford Plaintiff-Debtor the opportunity to prosecute a motion for entry of default judgment.

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11. [11-44540-E-13](#) **MERCEDES PEREZ**
[18-2042](#)

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
4-5-18 [\[1\]](#)

PEREZ V. CAMP

Plaintiff's Atty: Peter L. Cianchetta
Defendant's Atty: unknown

Adv. Filed: 4/5/18
Answer: none

Nature of Action:
Declaratory judgment
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Notes:
Continued from 7/11/18

SEPTEMBER 5, 2018 STATUS CONFERENCE

Nothing further has been filed by Plaintiff-Debtor since the July 11, 2018 Status Conference. Counsel for the Plaintiff-Debtor explained, **XXXXXXXXXXXXXXXXXXXXXXXXXXXX**

JULY 11, 2018 STATUS CONFERENCE

Counsel for Plaintiff reports that the address they had for Defendant may not be accurate and he has an investigator reviewing the matter. Plaintiff requested a continuance.

SUMMARY OF COMPLAINT

Mercedes Perez ("Plaintiff-Debtor") filed her twenty-three (23) page Complaint on April 5, 2018. Dckt. 1. The twenty-three page Complaint is titled: "Complaint for Declaratory Relief to Void Liens Pursuant to 11 U.S.C. § 506(a); Related Stated Causes of Action; Determination of Dischargeability of Debt Under FRBP § [sic] 4007."

In the Complaint, Plaintiff-Debtor alleges that in her related Chapter 13 case she completed her Plan and obtained her discharge. In her Chapter 13 Case, Plaintiff-Debtor obtained an order pursuant to 11 U.S.C. § 506(a) that Defendant William Camps's secured claim had a value of \$0.00 as a secured claim.

The First Cause of Action is titled as one for "Declaratory Relief," that being one in which no immediately effective judgment effecting the rights of the parties, but merely a "declaration" of their respective rights so that their future conduct can be conducted accordingly and they can avoid creating damage to the other. FN.1.

FN.1. Declaratory relief is an equitable remedy distinctive in that it allows adjudication of rights and obligations on disputes regardless of whether claims for damages or injunction have arisen. *See* Declaratory Relief Act, 28 U.S.C. § 2201. “In effect, it brings to the present a litigable controversy, which otherwise might only be tried in the future.” *Societe de Conditionnement v. Hunter Eng. Co., Inc.*, 655 F.2d 938, 943 (9th Cir. 1981). The party seeking declaratory relief must show (1) an actual controversy and (2) a matter within federal court subject matter jurisdiction. *Calderon v. Ashmus*, 523 U.S. 740, 745 (1998). There is an implicit requirement that the actual controversy relate to a claim upon which relief can be granted. *Earnest v. Lowentritt*, 690 F.2d 1198, 1203 (5th Cir. 1982).

The court may only grant declaratory relief where there is an actual controversy within its jurisdiction. *Am. States Ins. Co. v. Kearns*, 15 F.3d 142, 143 (9th Cir. 1994). The controversy must be definite and concrete. *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 240–41 (1937). However, it is a controversy in which the litigation may not yet require the award of damages. *Id.*

Plaintiff-Debtor states that she seeks a declaratory judgment that voids the second and third deeds of trust securing Defendant’s claim, and “thereby quieting title” to the real property.

Plaintiff-Debtor then requests that the declaratory judgment “contain language” equivalent to a deed of reconveyance for the second deed of trust. Such language are pleaded to “in effect, ‘quiet title’ of Plaintiff[-Debtor].”

Then, buried in paragraph 37 of the Complaint, Plaintiff-Debtor further requests the following “declaratory relief” as part of the First Cause of Action:

“37. Pleading alternative theories, that if Defendant contends that only the in personam liability has been discharged, Plaintiff seeks, pursuant to FRBP §4007(a)-(b), a determination that both the in personam and in rem liability of the debt has been fully discharged and any security interest voided.”

Though Plaintiff-Debtor does not have to provide a points and authorities with the Complaint, the court is unsure as to what legal authority there is for a “discharge” of “in rem liability” or the legal concept of “in rem liability.”

For a Second Cause of Action, Plaintiff-Debtor seeks relief pursuant to California Civil Code § 2941(d) based on Defendant’s failure to reconvey the second and third deeds of trust after the Plaintiff-Debtor’s Chapter 13 Plan was completed, the valuation of Defendant’s secured claim pursuant to 11 U.S.C. § 506(a) having become the final “contract” by completion of the Plan, there being no obligation left owing to Defendant being secured by the second and third deeds of trust, and Defendant then failing to reconvey the second and third deed of trust as required by California law. Plaintiff-Debtor seeks actual and statutory damages pursuant to California Civil Code § 2941 and on other state law grounds. FN.2.

FN.2. This court, now more than several years ago, addressed the interplay between state and federal bankruptcy law concerning deeds of trust for which the secured claim is valued pursuant to 11 U.S.C. § 506(a) and the effect of completion of the bankruptcy plan. *Martin v. CitiFinancial Services, Inc. (In re Martin)*, 491 B.R. 122 (Bankr. E.D. Cal. 2013); *In re Frazier*, 448 B.R. 803 (Bankr. E.D. Cal. 2011), *aff'd*, 469 B.R. 803 (E.D. Cal. 2012).

Plaintiff-Debtor also requests statutory and contractual attorney's fees and costs, in addition to actual, statutory, and punitive damages.

SUMMARY OF ANSWER

No answer has been filed by William Camp, the named Defendant.

NO CERTIFICATE OF SERVICE

The Complaint was filed and the Summons was issued on April 5, 2018. No certificate of service of the Summons and Complaint has been filed by Plaintiff-Debtor.

12. [16-20743-E-7](#) ANNA PETERSON
[17-2234](#)
THOMPSON V. PETERSON

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
12-8-17 [1](#)

Continued by order of the court to 10/2/18 at 1:30 p.m.

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Pro Se
Defendant's Atty: unknown

Adv. Filed: 12/8/17
Summons Reissued: 3/2/18
Answer: none

Nature of Action:
Dischargeability - willful and malicious injury
Dischargeability - other
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

<p>By Prior Order of the court, the Status Conference has been continued to 1:30 p.m. on October 2, 2018.</p>
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Notes:

13. [11-41055-E-13](#) NOEL DAVIES
[18-2070](#)

STATUS CONFERENCE RE:
COMPLAINT
5-18-18 [\[1\]](#)

DAVIES V. SMALL BUSINESS LOAN
SOURCE, LLC

ADVERSARY PROCEEDING CLOSED:
08/14/2018

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: W. Scott de Bie
Defendant's Atty: unknown

Adv. Filed: 5/18/18
Answer: none

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

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

Notes:
[SDB-5] Ex Parte Motion to Dismiss Adversary Proceeding filed 7/27/18 [Dckt 21]; Order granting filed 7/27/18 [Dckt 22]

14. [18-20456](#)-E-13 MARIA ANDRICHUK
[18-2044](#)

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
4-9-18 [1](#)

U.S. TRUSTEE V. ANDRICHUK

ADVERSARY PROCEEDING CLOSED:
08/17/2018

Plaintiff's Atty: Jason M. Blumberg
Defendant's Atty: unknown

Adv. Filed: 4/9/18
Answer: none

Nature of Action:
Injunctive relief - other

Judgment having been entered and this Adversary Proceeding concluded, the Status Conference is concluded and removed from the calendar.
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Notes:
[UST-1] Default Judgment filed 7/24/18 [Dckt 26]

15. [13-24657](#)-E-13 MICHAEL FARRACE
[17-2040](#)

FARRACE V. NEW PENN FINANCIAL,
LLC

CONTINUED PRE-TRIAL
CONFERENCE RE: COMPLAINT
FOR DECLARATORY
RELIEF, VIOLATION OF THE
AUTOMATIC STAY AND RELATED
STATE AND FEDERAL CAUSES OF
ACTION
3-20-17 [\[1\]](#)

Final Ruling: No appearance at the September 5, 2018 Pre-Trial Conference is required.

Plaintiff's Atty: Peter L. Cianchetta

Defendant's Atty: Erin M. McCartney

Adv. Filed: 3/20/17

Answer: 5/10/17

Nature of Action:

Declaratory Judgment

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

The Pre-Trial Conference is continued to 2:00 p.m. on October 10, 2018.
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Notes:

Continued from 7/11/18

SEPTEMBER 5, 2018 STATUS CONFERENCE

The Parties Joint Status Report (Dckt. 44) advising the court that Defendant's accounting appears to have resolved the issues in this Adversary Proceeding, the court continues the pre-trial conference.

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16. [09-22188-E-13](#) RICK SILLMAN
[18-2063](#)

CONTINUED STATUS CONFERENCE
RE: COMPLAINT
5-7-18 [1](#)

SILLMAN V. TALCOTT ET AL

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Pro Se

Defendant's Atty:

Nicholas Lazzarini [Lisa Talcott]

Jayne A. Peeters [Mid Valley Title and Escrow Company; Dan Hunt; Tami Barlow; Heidi Gomez]

Glenn H. Wechsler [Quincy L. Jackson]

Howard S. Nevins [Coldwell Banker Ponderosa Real Estate; Troy Davis]

unknown [John Walker]

Adv. Filed: 5/7/18

Answer:

7/10/18 [Coldwell Banker Ponderosa Real Estate; Troy Davis]

Nature of Action:

Recovery of money/property - turnover of property

Recovery of money/property - preference

Recovery of money/property - fraudulent transfer

Declaratory judgment

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

The court having announced its ruling to dismiss the Complaint as to all parties without prejudice and close the file for this Adversary Proceeding at the August 30, 2018 hearings, **the Status Conference is concluded and the matter is removed from the Calendar.**

Notes:

Continued from 7/11/18

[DMA-2] Amended Motion to Dismiss [by Mid Valley Title and Escrow Company; Dan Hunt; Tami Barlow; Heidi Gomez] filed 7/13/18 [Dckt 67]; set for hearing 8/30/18 at 11:00 a.m.

[NBL-1] Motion to Dismiss [by Lisa Talcott] continued to 8/30/18 at 11:00 a.m. by order filed 7/20/18 [Dckt 96]

[GHW-1] Motion to Dismiss [by Quincy L. Jackson] filed 7/30/18 [Dckt 100]; set for hearing 8/30/18 at 11:00 a.m.

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17. [12-24491](#)-E-13 SCOTT/KIMBERLY TRICOMO CONTINUED STATUS CONFERENCE
[18-2025](#) RE: COMPLAINT
3-15-18 [\[1\]](#)

TRICOMO ET AL V. JPMORGAN
CHASE BANK, N.A.

Final Ruling: No appearance at the September 5, 2018 Status Conference is required.

Plaintiff's Atty: Peter G. Macaluso
Defendant's Atty: Matthew S. Henderson

Adv. Filed: 3/15/18
Answer: 5/16/18

Nature of Action:
Validity, priority or extent of lien or other interest in property
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
Dischargeability - willful and malicious injury

The parties having stipulated to the dismissal of this Adversary Proceeding, **the Status Conference is continued to 2:00 p.m. on October 10, 2018**, as a calendaring reminder to insure that the order dismissing the Complaint is entered by the court.

Notes:
Continued from 7/11/18 by request of the Parties. Settlement has been reached and when its terms are performed, the Parties will file a stipulation to dismiss this adversary proceeding.

Joint Stipulation of Dismissal with Prejudice filed 8/24/18 [Dckt 40]

18. [10-26293-E-13](#) **LIDOINE/GUADALUPE PEREZ** **CONTINUED STATUS CONFERENCE**
[18-2018](#) **RE: AMENDED COMPLAINT**
6-28-18 [19]

**PEREZ ET AL V. GREEN TREE
SERVICING, LLC ET AL**

**ADVERSARY PROCEEDING DISMISSED:
08/24/2018**

Plaintiff's Atty: Peter G. Macaluso

Defendant's Atty:

Christopher O. Rivas [Green Tree Servicing, LLC]

Unknown [Bank of America, N.A.; Real Time Resolutions, Inc.]

Adv. Filed: 2/26/18

Answer: none

Amd. Cmplt Filed: 6/28/18

Answer: none

Nature of Action:

Validity, priority or extent of lien or other interest in property

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Dischargeability - willful and malicious injury

<p>The Adversary Proceeding having been dismissed, the Status Conference is Concluded and Removed From the Calendar.</p>

Notes:

Order Dismissing Adversary Proceeding filed 8/24/18 [Dckt 37\