

**Honorable Ronald H. Sargis**  
Chief Bankruptcy Judge  
Modesto, California

1. [16-90401](#)-E-7      NATIONAL EMERGENCY  
MEDICAL SERVICES      CONTINUED STATUS CONFERENCE  
RE: VOLUNTARY PETITION  
5-10-16 [[1](#)]

**REMOVED FROM CALENDAR - Case converted to Chapter 7**

2. [16-90002](#)-E-11 1263 INVESTORS LLC

**CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
1-5-16 [1]**

Debtor's Atty: Stephen M. Reynolds

Notes:

Continued from 6/29/17

### **SEPTEMBER 7, 2017 STATUS CONFERENCE**

At the September 7, 2017 Status Conference, counsel for the Plan Administrator/Debtor reported  
**XXXXXXXXXXXXXXXXXX.**

### **JUNE 29, 2017 STATUS CONFERENCE**

The Chapter 11 Plan in this case was confirmed on February 24, 2017. No post-confirmation motions are pending. The U.S. Trustee has given notice that while the Plan Administrator is current on post-confirmation Quarterly Payments, no post-confirmation Quarterly Operating Reports have been filed.

Counsel for the Debtor/Plan Administrator reported at the Status Conference that the plan provides for a short sale and he has been working with Nationstar's counsel.

3. [16-90603-E-7](#)      **MARK ONE CORPORATION**  
[17-9007](#)  
**EDMONDS V. SIMS**

**STATUS CONFERENCE RE:**  
**COMPLAINT**  
**6-30-17 [1]**

Plaintiff's Atty: Howard S. Nevins  
Defendant's Atty: Walter J. Schmidt

Adv. Filed: 6/30/17  
Answer: 7/26/17

Nature of Action:  
Recovery of money/property - preference  
Recovery of money/property - other

Notes:

Joint Discovery Plan filed 8/31/17 [Dckt 11]  
**SUMMARY OF COMPLAINT**

Irma Edmonds, the Plaintiff-Trustee alleges in the Complaint that Defendant Jim Sims, Trustee of the G&M Baker 1994 Trust, received a \$100,000.00 payment on an antecedent debt on July 17, 2015, from Mark One Corporation (Debtor), which payment was within one-year of the commencement of the July 8, 2016 filing of Chapter 7 bankruptcy case by Mark One Corporation. Plaintiff-Trustee alleges that Defendant is an "insider" of the Debtor. The Plaintiff-Trustee seeks to avoid the transfer or be awarded a judgment for said transferred amount. Further, the Complaint seeks to disallow the claim of Defendant as provided in 11 U.S.C. § 502(d) until the avoidable transfer amount is paid to the Plaintiff-Trustee.

## **SUMMARY OF ANSWER**

John Sims, as Successor Trustee of the G&M Baker 1994 Trust, has filed an Answer with admits and denies specific allegations in the Complaint. Answer, Dckt. 9. Defendant specifically states that he is being sued in his capacity as Trustee of the Trust and not personally. The Answer assert five affirmative Defenses.

## **FINAL BANKRUPTCY COURT JUDGMENT**

The Plaintiff-Trustee alleges that jurisdiction exists for this Adversary Proceeding pursuant to 28 U.S.C. § 1334 and 157; 11 U.S.C. § 502, 547, and 505; and the referral to this bankruptcy court from the United States District Court for the Eastern District of California. Further, that this is a core proceeding before this bankruptcy court pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (F), and (O). Complaint, ¶¶ 4, 5, Dckt. 1. The Plaintiff-Trustee further affirmatively states her consent to the bankruptcy judge issuing all orders and the final judgment in this Adversary Proceeding for any non-core matters. *Id.*, ¶ 5.

The Defendant admits the allegations of jurisdiction and that this is a core proceeding. Answer, ¶ 1; Dckt. 9. The Answer does not affirmatively state Defendant's consent or non-consent to the bankruptcy judge issuing all orders and the financial judgement for any non-core matters in this Adversary Proceeding. Fed. R. Bankr. P. 7008. **At the hearing, Defendant stated on the record his consent the bankruptcy judge entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all claims and issues, including non-core, in this Adversary Proceeding referred to the bankruptcy court.**

## **ISSUANCE OF PRE-TRIAL SCHEDULING ORDER**

The parties filed a joint discovery plan for the Status Conference. Dckt. 11. The court shall issue a Pre-Trial Scheduling Order setting the following dates and deadlines:

a. The Plaintiff-Trustee alleges that jurisdiction exists for this Adversary Proceeding pursuant to 28 U.S.C. § 1334 and 157; 11 U.S.C. § 502, 547, and 505; and the referral to this bankruptcy court from the United States District Court for the Eastern District of California. Further, that this is a core proceeding before this bankruptcy court pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (F), and (O). Complaint, ¶¶ 4, 5, Dckt. 1. The Plaintiff-Trustee further affirmatively states her consent to the bankruptcy judge issuing all orders and the final judgment in this Adversary Proceeding for any non-core matters. *Id.*, ¶ 5.

The Defendant admits the allegations of jurisdiction and that this is a core proceeding. Answer, ¶ 1; Dckt. 9. The Answer does not affirmatively state Defendant's consent or non-consent to the bankruptcy judge issuing all orders and the financial judgement for any non-core matters in this Adversary Proceeding. Fed. R. Bankr. P. 7008. **At the hearing, Defendant stated on the record his consent the bankruptcy judge entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all claims and issues, including non-core, in this Adversary Proceeding referred to the bankruptcy court.**

- b. Initial Disclosures shall be made on or before **September 21, 2017**.
- c. Expert Witnesses shall be disclosed on or before -----, **2017**, and Expert Witness Reports, if any, shall be exchanged on or before -----, **2017**.
- d. Discovery closes, including the hearing of all discovery motions, on **March 9, 2018**.
- e. Dispositive Motions shall be heard before **April 30, 2018**.
- f. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at **2:00 p.m. on TBD, 2018**.

4. [16-90736](#)-E-11      **RONALD/SUSAN SUNDBURG**      **CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
8-11-16 [1](#)**

Debtors' Atty: Edward A. Smith

Notes:  
Continued from 6/8/17

Operating Report filed: 6/14/17, 7/14/17

[TBG-5] Order granting motion to use cash collateral for the period of 8/1/17 through 9/30/17 filed 7/17/17 [Dckt 98], continued hearing set for 9/28/17 at 10:30 a.m.

[TBG-5] Motion for Approval of Compromise and Plan Treatment filed 8/24/17 [Dckt 102], set for hearing 9/7/17 at 10:30 a.m.

**SEPTEMBER 7, 2017 STATUS CONFERENCE**

No updated Status Report was filed by the Debtor in Possession for the September 7, 2017 Status Conference. No operating report for July 2017, has been filed by the Debtor in Possession.

At the Status Conference Counsel for the Debtor in Possession reported **xxxxxxxxxxxx**.

**JUNE 8, 2017 STATUS CONFERENCE**

At the Status Conference, counsel for Bank of America reported that Debtor in Possession and Bank have reached an agreed value of the collateral and treatment of the Bank's claim.

**MARCH 23, 2017 STATUS CONFERENCE**

A review of the Monthly Operating Report for February 2017 discloses that the total cash receipts in this case since the August 2016 filing have been \$88,534. No Chapter 11 Plan has been filed by the Debtor in Possession.

At the Status Conference, the Debtor in Possession reported that they are now reviewing the appraisals with Bank of America, N.A. to determine the secured claim to be provided for in the Plan.

5. [10-94960-E-7](#)      **GUADALUPE CAMPOS**  
[17-9003](#)  
**FARRAR V. JIMENEZ**

**CONTINUED STATUS CONFERENCE**  
**RE: COMPLAINT**  
**2-1-17 [1](#)**

**DISMISSED 8/31/17**

**Final Ruling: No appearance at the September 7, 2017 Status Conference is required.**

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Plaintiff's Atty: Dana A. Suntag  
Defendant's Atty: Steven S. Altman

Adv. Filed: 2/1/17  
Answer: none

Nature of Action:  
Recovery of money/property - fraudulent transfer  
Recovery of money/property - turnover of property  
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

<p><b>The Adversary Proceeding having been dismissed, the Status Conference is removed from the Calendar.</b></p>
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Notes:  
Continued from 8/10/17 to allow the Parties to file a dismissal of this Adversary Proceeding.

Stipulation for Dismissal of Entire Adversary Proceeding with Prejudice filed 8/31/17 [Dckt 22]

6. [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 September 7, 2017 Status Conference 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 7/13/17, the court having taken the Plaintiff's Motion for Summary Judgment under submission.

Status Report by Plaintiffs filed 8/31/17 [Dckt 97]

<b>The Status Conference is continued to 2:00 p.m. on November 9, 2017.</b>
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**SEPTEMBER 7, 2017 STATUS CONFERENCE**

The court having taken the motion for summary judgment under submission in this Adversary Proceeding, the Status Conference is continued.

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 in this Adversary Proceeding having been scheduled for September 7, 2017, the court having under submission a motion for summary judgment, and upon review of the pleadings, and files in this Adversary Proceeding, and good cause appearing,

**IT IS ORDERED** that the Status Conference is continued to 2:00 p.m. on November 9, 2017.