



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: TUESDAY
DATE: OCTOBER 17, 2023
CALENDAR: 10:30 A.M. ADVERSARY PROCEEDINGS

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be heard simultaneously: (1) **IN PERSON** in Courtroom 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered.

Parties in interest and members of the public may connect to the ZoomGov video and audio feeds, free of charge, using the connection information provided:

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Meeting ID: 161 796 9544

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To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
3. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

Please join at least 10 minutes prior to the start of the calendar. You are required to give the court 24 hours advance notice on the [Court Calendar](#).

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [23-20305](#)-A-7 **IN RE: LAKHWINDER VIRK AND RAJINDER KAUR**
[23-2040](#) [PGM-1](#)

MOTION TO SET ASIDE AND/OR MOTION TO VACATE
9-19-2023 [\[56\]](#)

WELLS FARGO EQUIPMENT FINANCE,
INC. V. VIRK ET AL
PETER MACALUSO/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

2. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[21-2005](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT FOR PRELIMINARY
AND PERMANENT INJUNCTIVE RELIEF, DECLARATORY JUDGMENT, QUIET
TITLE, RESCISSION, CONCEALMENT FRAUD AND UNJUST ENRICHMENT
1-14-2021 [\[1\]](#)

AME ZION CHURCH OF PALO ALTO,
INC. V. AME ZION WESTERN
EDWARD JOHNSON/ATTY. FOR PL.

Final Ruling

This Pre-Trial Conference is continued to January 17, 2024, at 10:30
a.m. Not less than 14 days prior to the continued Pre-Trial
Conference, the parties shall file a Joint Status Report. Ms.
Mulcare shall coordinate the meet and confer and preparation of the
Status Conference Report.

3. [22-20832](#)-A-7 **IN RE: DANIEL STEWART**
[22-2046](#)

CONTINUING MOTION TO CORRECT AND ADD DECLARATIONS REGARDING
DEFENDANT'S DISCLOSURES PURSUANT TO PRETRIAL ORDER
9-25-2023 [\[57\]](#)

DECKER ET AL V. STEWART, JR.
DANIEL STEWART/ATTY. FOR MV.

Final Ruling

This matter is continued to November 21, 2023, at 10:30 a.m. At
that time, the court will entertain argument with respect to the two
newly filed declarations. The terms of the scheduling order, ECF
No. 65 otherwise control. A civil minute order shall issue.

4. [22-20832](#)-A-7 **IN RE: DANIEL STEWART**
[22-2046](#) [CLH-2](#)

CONTINUED MOTION IN LIMINE ON THE BASIS OF ISSUE PRECLUSION
8-16-2023 [\[43\]](#)

DECKER ET AL V. STEWART, JR.
CHARLES HASTINGS/ATTY. FOR MV.

Final Ruling

This matter is continued to November 21, 2023, at 10:30 a.m. At that time, the court will entertain argument with respect to the two newly filed declarations. A civil minute order shall issue.

5. [22-20832](#)-A-7 **IN RE: DANIEL STEWART**
[22-2046](#) [FEC-3](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT TO DETERMINE
DISCHARGEABILITY OF DEBT
7-14-2022 [\[1\]](#)

DECKER ET AL V. STEWART, JR.
CHARLES HASTINGS/ATTY. FOR PL.

Final Ruling

The pretrial conference is continued to November 21, 2023, at 10:30 a.m. to coincide with the motion in limine (preclusive effect) and the evidentiary objections. After the court rules on those matters, the court will hold a final pretrial conference to set trial. A civil minute order shall issue.

6. [21-22976](#)-A-7 **IN RE: THE DESIGN BUILD COMPANY, LLC**
[23-2061](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
8-18-2023 [\[1\]](#)

HOPPER V. CURRIER ET AL
J. CUNNINGHAM/ATTY. FOR PL.

Final Ruling

The status conference is continued to January 17, 2024, at 10:30 a.m. to allow the plaintiff to seek and prove up the defendants' default. If a judgment or dismissal is not in the file, not later than 14 days prior to the continued hearing, the plaintiff shall file a status report. A civil minute order shall issue.