

**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: NOVEMBER 1, 2022
CALENDAR: 1:30 P.M. ADVERSARY PROCEEDINGS

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. 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. [22-20808](#)-A-7 **IN RE: BILLY TILLET**
[22-2040](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-29-2022 [[1](#)]

KEEFER V. TILLET
JENNIFER PRUSKI/ATTY. FOR PL.

Final Ruling

That status conference is continued to January 24, 2023, at 1:30 p.m. Not later than 30 days from entry of this order, the plaintiff shall cause a reissued summons and the complaint to be served on the defendant. If the defendant fails to answer the complaint or otherwise file a responsive motion, the plaintiff shall seek entry of his default and move to prove it up. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055. A civil minute order shall issue.

2. [22-20808](#)-A-7 **IN RE: BILLY TILLET**
[22-2040](#) [JLP-2](#)

MOTION FOR SUMMARY JUDGMENT
9-9-2022 [[18](#)]

KEEFER V. TILLET
JENNIFER PRUSKI/ATTY. FOR MV.

Final Ruling

Motion: Summary Judgment

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Denied without prejudice

Order: Civil minute order

This court lacks personal jurisdiction over defendant Billy Tillett. Service of the summons in accordance with the rules establishes personal jurisdiction over the defendant. Rule 7004(f) provides:

Personal jurisdiction. If the exercise of jurisdiction is consistent with the Constitution and laws of the United States, *serving a summons* or filing a waiver of service in accordance with this rule or the subdivisions of Rule 4 F.R.Civ.P. made applicable by these rules *is effective to establish personal jurisdiction over the person of any defendant with respect to a case under the Code or a civil proceeding arising under the Code, or arising in or related to a case under the Code.*

Fed. R. Civ. P. 7004(f) (emphasis added).

Moreover, the rules provide a strict time limitation for serving the summons.

Summons: time limit for service within the United States. *Service made under Rule 4(e), (g), (h)(1), (i), or (j)(2) F.R.Civ.P. shall be by delivery of the summons and complaint within 7 days after the summons is issued.* If service is by any authorized form of mail, the summons and complaint shall be deposited in the mail within 7 days after the summons is issued. If a summons is not timely delivered or mailed, another summons will be issued for service. This subdivision does not apply to service in a foreign country.

Fed. R. Civ. P. 7004(e) (emphasis added).

The 7-day time limitation is jurisdictional. *In re Guzman*, No. ADV.09-01549, 2010 WL 6259994, at *4 (B.A.P. 9th Cir. Sept. 20, 2010).

Here, the summons was issued June 29, 2022. Summons, ECF No. 3. It was served July 20, 2022. Certificate of Service, ECF No. 6. Defendant Tillett has not answered or otherwise appeared. As a result, the plaintiff has not yet established personal jurisdiction over the defendant and the motion will be denied.

Moreover, in the future, should this scenario, i.e., defendant's failure to answer, arise in the future, the correct procedure for resolving the adversary proceeding is to seek entry of the defendant's default and then proving it up. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Ted Keefer's motion has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied without prejudice.

3. [13-24415](#)-A-13 **IN RE: ANTONIO/MARIA HERNANDEZ**
[21-2082](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
11-15-2021 [[1](#)]

HERNANDEZ ET AL V. JONES ET AL
PETER MACALUSO/ATTY. FOR PL.

No Ruling

4. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[21-2005](#) [FEC-4](#)

ORDER TO SHOW CAUSE
9-22-2022 [[253](#)]

AME ZION CHURCH OF PALO ALTO,
INC. V. AME ZION WESTERN

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

5. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[21-2077](#) [FEC-2](#)

ORDER TO SHOW CAUSE
9-22-2022 [[40](#)]

GREATER COOPER A.M.E. ZION
CHURCH, OAKLAND, CALIFO V. AME

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

6. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[22-2051](#) [FEC-1](#)

ORDER TO SHOW CAUSE
9-29-2022 [\[12\]](#)

GOLDEN V. FAIRWAY AMERICA, LLC

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

7. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[22-2053](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
7-28-2022 [\[1\]](#)

GOLDEN V. N.L. INVESTOR L.L.C.
DAVID GOODRICH/ATTY. FOR PL.

Final Ruling

The status conference is continued to November 22, 2022, at 1:30 p.m. A civil minute order will issue.

8. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[22-2060](#) [FEC-1](#)

ORDER TO SHOW CAUSE
9-19-2022 [\[9\]](#)

GOLDEN V. KIDZ 4 CHRIST EARLY
LEARNING CENTERS, INC.

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

9. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[22-2061](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
7-28-2022 [\[1\]](#)

GOLDEN V. OMEGA GOLD
DEVELOPMENT GROUP, INC.
DAVID GOODRICH/ATTY. FOR PL.
ADVERSARY PROCEEDING DISMISSED: 10/05/2022

Final Ruling

This case was dismissed on October 5, 2022. The Status Conference is concluded.

10. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[22-2063](#) [FEC-1](#)

ORDER TO SHOW CAUSE
9-19-2022 [\[8\]](#)

GOLDEN V. VYRAL POST LLC

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

11. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[22-2070](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
9-15-2022 [\[6\]](#)

GOLDEN V. QUINTANA
DAVID GOODRICH/ATTY. FOR PL.

Final Ruling

The status conference is continued to January 4, 2023, at 1:30 p.m. The plaintiff shall forthwith and without delay effect service of the First Amended Complaint. Not later than 14 days before the continued status conference, the parties will file a joint status report. A Civil minute order will issue.

12. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[22-2077](#) [FEC-1](#)

ORDER TO SHOW CAUSE
9-19-2022 [[9](#)]

GOLDEN V. BANK OF BARODA, NEW
YORK BRANCH

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

13. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[22-2078](#) [FEC-1](#)

ORDER TO SHOW CAUSE
9-19-2022 [[9](#)]

GOLDEN V. BANK OF AMERICA,
NATIONAL ASSOCIATION

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

14. [14-31850](#)-A-13 **IN RE: TUA/SHING VANG**
[21-2079](#) [FEC-2](#)

ORDER TO SHOW CAUSE
9-22-2022 [[35](#)]

VANG ET AL V. FAY SERVICING,
LLC

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

15. [21-22759](#)-A-7 **IN RE: NADIA ZHIRY**
[22-2011](#) [FEC-1](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT TO DETERMINE DEBT
NON-DISCHARGEABLE
2-9-2022 [[1](#)]

KEENA, II V. ZHIRY
KIRK RIMMER/ATTY. FOR PL.

No Ruling

16. [21-22759](#)-A-7 **IN RE: NADIA ZHIRY**
[22-2013](#) [FEC-1](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT FOR DETERMINATION OF
NON-DISCHARGEABILITY OF DEBT
2-16-2022 [[1](#)]

THE CITY OF SACRAMENTO V.
ZHIRY
CHRISTOPHER HUGHES/ATTY. FOR PL.

Final Ruling

The status conference is continued to December 6, 2022, at 1:30 p.m.
Not later than 7 days before the continued status conference, the
parties will file a joint status report. A Civil minute order will
issue.

17. [19-26964](#)-A-7 **IN RE: LYNN HARRINGTON**
[20-2017](#) [DB-2](#)

STATUS CONFERENCE RE: COMPLAINT
2-18-2020 [[1](#)]

EL DORADO COUNTY V. HARRINGTON
JAMIE DREHER/ATTY. FOR PL.

Final Ruling

The status conference is continued to January 10, 2023, at 1:30 p.m.
at 1:30 p.m. A civil minute order will issue.

18. [19-26964](#)-A-7 **IN RE: LYNN HARRINGTON**
[20-2017](#) [DB-3](#)

MOTION FOR SUMMARY JUDGMENT
9-20-2022 [\[55\]](#)

EL DORADO COUNTY V. HARRINGTON
JAMIE DREHER/ATTY. FOR MV.
RESPONSIVE PLEADING

Final Ruling

The motion for summary judgment is continued to January 10, 2023, at 1:30 p.m. The record is closed and, absent order from this court, no further submissions will be considered. A civil minute order shall issue.

19. [19-26964](#)-A-7 **IN RE: LYNN HARRINGTON**
[20-2017](#) [DB-4](#)

MOTION TO DISMISS DEFENDANT'S AFFIRMATIVE DEFENSE AND/OR
MOTION FOR ABSTENTION REGARDING DEFENDANT'S INVERSE
CONDEMNATION CLAIM
10-4-2022 [\[61\]](#)

EL DORADO COUNTY V. HARRINGTON
JAMIE DREHER/ATTY. FOR MV.
RESPONSIVE PLEADING

Final Ruling

The motion to abstain is continued to January 10, 2023, at 1:30 p.m. The record is closed and, absent order from this court, no further submissions will be considered. A civil minute order shall issue.

20. [19-26964](#)-A-7 **IN RE: LYNN HARRINGTON**
[20-2017](#) [KP-1](#)

MOTION FOR SUMMARY JUDGMENT
9-20-2022 [\[48\]](#)

EL DORADO COUNTY V. HARRINGTON
KAREN PINE/ATTY. FOR MV.
RESPONSIVE PLEADING

Final Ruling

The motion for summary judgment is continued to January 10, 2023, at 1:30 p.m. The record is closed and, absent order from this court, no further submissions will be considered. A civil minute order shall issue.

21. [22-21277](#)-A-7 **IN RE: YOUSEF HADDAD**
[22-2091](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
9-6-2022 [[1](#)]

EBF HOLDINGS, LLC V. HADDAD
THOMAS PHINNEY/ATTY. FOR PL.

Final Ruling

The status conference is continued to January 4, 2023, at 1:30 p.m. No further enlargements of time to answer will be granted without leave of court. Not later than 14 days prior to the continued status conference, the parties will file a joint status report. A civil minute order shall issue.

22. [15-29890](#)-A-7 **IN RE: GRAIL SEMICONDUCTOR**
[18-2180](#) [FEC-5](#)

ORDER TO SHOW CAUSE
9-20-2022 [[376](#)]

SEDGWICK FUNDINGCO, LLC ET AL
V. NEWDELMAN ET AL

Final Ruling

The court's Order to Show Cause is discharged as the required corporate disclosure statement under Fed. R. Bankr. P. 7007.1 has been filed. No appearances are required. The court will issue a civil minute order.

23. [22-22393](#)-A-7 **IN RE: HOME SHIELD INVESTMENT GROUP, LLC**
[FEC-1](#)

ORDER TO SHOW CAUSE
9-28-2022 [[14](#)]

DEBTOR DISMISSED: 10/12/22

Final Ruling

This case was dismissed on October 12, 2022. This Order to Show Cause is removed from the calendar as moot. No appearances are required.

24. [22-22393](#)-A-7 **IN RE: HOME SHIELD INVESTMENT GROUP, LLC**
[FEC-2](#)

ORDER TO SHOW CAUSE
9-29-2022 [\[15\]](#)

DEBTOR DISMISSED: 10/12/22

Final Ruling

This case was dismissed on October 12, 2022. This Order to Show Cause is removed from the calendar as moot. No appearances are required.