

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

November 5, 2014 at 9:30 A.M.

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| 1. <u>13-34802</u> -B-13 DARRYL CARTER
<u>14-2144</u>
CARTER V. BARBER | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
5-28-14 [<u>1</u>] |
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Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to January 7, 2015, to be held after the prove-up hearing on the issue of plaintiff's damages relating to his claim for violation of the automatic stay presently set for hearing on December 5, 2014. If the adversary proceeding is not resolved by December 9, 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 January 7, 2015, 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.

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| 2. <u>09-36633</u> -B-13 ROBERT/PAMALA PAULSON
<u>14-2149</u>
PAULSON ET AL V. BANK OF
AMERICA, N.A.
ADV. CASE DISMISSED 10/15/14 | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
6-2-14 [<u>1</u>] |
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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 by order entered October 15, 2014 (Dkt. 26). The adversary proceeding is closed.

3. [11-26042](#)-B-7 TIMOTHY/TANGERIE SHELLS STATUS CONFERENCE RE: AMENDED
[14-2111](#) COMPLAINT
SHELLS V. US DEPARTMENT OF 9-2-14 [[29](#)]
EDUCATION ET AL

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

The status conference is continued to January 7, 2015, at 9:30 a.m. If the adversary proceeding is not resolved by December 9, 2014, the parties shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the status conference set in the reissued summons were the status conference date set in the original summons (Dkt. 3), including, inter alia, the participation of both parties in a discovery conference and formulation 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 striking defendant's answer and entering defendant's default for defendant's failure to comply.

The status conference is continued because although the filing of an answer by the defendant has put the complaint at issue there is no evidence that the parties have complied with the OTC. Specifically, there is no evidence that the parties have met and conferred at a discovery conference as required by the OTC. As outlined in the OTC, the participation of both parties in a discovery conference is important to the progress of the adversary proceeding in that it requires the parties to 1.) consider the possibility of an early settlement, 2.) arrange to make the initial disclosures required by Fed. R. Civ. P. 26(a), and 3.) to formulate a joint discovery plan. Although the status report filed by the plaintiff on October 24, 2014 (Dkt. 33) is purportedly a joint status report, there is no evidence that the defendant participated in making the report or in formulating the proposed discovery cut-off of November 14, 2014, which is only nine days after the date of the status conference and would result in an atypically short discovery period. The status report is also not signed by the plaintiff. As there is no evidence on the court's docket that the discovery schedule proposed in the status report is the result of a discovery conference in which both parties participated.

The court will issue a minute order.

4. [13-20645](#)-B-7 ROBERT/TRISTINA KITAY CONTINUED STATUS CONFERENCE RE:
[13-2126](#) AMENDED COMPLAINT
GONZALEZ V. KITAY ET AL 11-19-13 [[45](#)]

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

The status conference is continued to March 4, 2015, at 9:30 a.m., for resolution of the plaintiff's pending appeal of the court's order entered April 11, 2014 (Dkt. 130).

The court will issue a minute order.

5. [13-35749](#)-B-7 ALEXANDER HOWARD CONTINUED STATUS CONFERENCE RE:
[14-2084](#) COMPLAINT
SACRAMENTO MUNICIPAL UTILITY 3-20-14 [[1](#)]
DISTRICT V. HOWARD
REISSUED SUMMONS TO 1/7/15

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. On November 4, 2014, the court signed a default judgment in favor of the plaintiff which resolves the adversary proceeding.

6. [14-28249](#)-B-7 JACIE RAGLAND STATUS CONFERENCE RE: COMPLAINT
[14-2252](#) 8-28-14 [[1](#)]
RAGLAND V. RAGLAND

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

The status conference is continued to January 21, 2015, at 9:30 a.m., to allow the parties time to complete a settlement of the adversary proceeding. If the adversary proceeding is not resolved by January 14, 2015, the parties appearing in the adversary proceeding shall file a status report regarding the status of the adversary proceeding. 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 striking defendant's answer (if any is filed) and entering defendant's default for defendant's failure to comply.

The court will issue a minute order.

7. [13-31277](#)-B-13 MICHAEL/PAULA RHOADES
[14-2256](#)
RHOADES ET AL V. GUARDIAN HOME
BROKERS, INC. ET AL

STATUS CONFERENCE RE: COMPLAINT
8-29-14 [[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 January 21, 2015, at 9:30 a.m., for resolution of the motions filed by the defendants under docket control numbers MHK-1 and MHK-2, presently set for hearing on December 16, 2014, at 9:32 a.m.