

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge

Modesto, California

November 9, 2023 at 2:00 p.m.

FINAL RULINGS

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| 1. <u>23-90103-E-7</u> PORSCHA LEWALLEN
<u>23-9009</u> CAE-1
LEWALLEN V. UNITED STATES
DEPARTMENT OF EDUCATION ET AL | CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
9-14-23 [<u>12</u>] |
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Final Ruling: No appearance at the November 9, 2023 Status Conference is required.

<p>The Status Conference is continued to 2:00 p.m. on January 4, 2024.</p>

On October 27, 2023, the Porscha Lewallen, the Plaintiff-Debtor and Defendant the United States Department of Education filed a Stipulation for an extension of time for Defendant to file an answer. Dckt. 18. The extension has been granted to allow the Parties to focus on a “New Process for Student Loan Bankruptcy Discharge Cases.” The process is stated to be one in which the parties are provided with an expedited analysis of the factors determining dischargeability under 11 U.S.C. § 523(a)(8).

The Amended Complaint in this Adversary Proceeding was filed on September 14, 2023. The extension of time to file an answer is for an additional 30 days.

The Status Conference is continued to 2:00 p.m. on January 4, 2024.

The court shall issue an 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 Continued Status Conference having been scheduled, the Parties having agreed to a 30 day extension of time for Defendant to file a responsive pleading, the Parties reporting that they are utilizing a newly established process to focus on actual issues of dispute regarding dischargeability of student loan debt, and good cause appearing,

November 9, 2023 at 2:00 p.m.

IT IS ORDERED that the Status Conference is continued to **2:00 p.m. on January 4, 2023.**

2.	<u>12-92013-E-7</u> <u>23-9014</u> AMIN V. PAINTER ET AL	KAYVAN AMIN CAE-1	STATUS CONFERENCE RE: COMPLAINT 9-3-23 <u>[1]</u>
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Final Ruling: No appearance at the November 7, 2023 Status Conference is required.

The Status Conference is concluded and removed from the Calendar, the Plaintiff-Debtor having dismissed without prejudice this Adversary Proceeding (Notice of Dismissal; Dckt. 7).

DISMISSAL OF ADVERSARY PROCEEDING.

On November 7, 2023, the Plaintiff-Debtor filed a Notice of Dismissal of this Adversary Proceeding without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rule of Bankruptcy Procedure 7041. Dckt. 7.

SUMMARY OF COMPLAINT

The Complaint filed by Kayvan Amin (“Plaintiff-Debtor”), Dckt. 1, asserts causes of action for determination that asserted debts have been discharged. It is alleged that Plaintiff-Debtor filed his Chapter 7 bankruptcy case on July 20, 2012, and was granted his discharge on October 26, 2012. Defendants asserted claims against Plaintiff-Debtor and his brother in a State Court Action filed in January 2018, asserting damages arising from an alleged injury to have been incurred in November 2017 on real property in which Plaintiff-Debtor formerly owned an interest, having divested himself of the interest in July 2013.

That State Court Action was dismissed and Defendant filed a second State Court Action on February 28, 2019, asserting that the injuries related to a ladder installed on the property in 2003. Though Defendant has been provided a copy of Plaintiff-Debtor’s discharge on March 6, 2020, and has been notified it was a no asset bankruptcy case, Defendant has continued to pursue the second State Court Action.

The Complaint seeks a determination that the debt being asserted has been discharged, to the extent that it may exist. Additionally, that any judgment or order obtained in any State Court Action thereon is void.

SUMMARY OF ANSWER

No Answer has been filed by John Painter and Sandy Painter, or either of them, the Defendants.

3. [23-90129-E-11](#) **G ARATA & SON INC.**
[23-9015](#) **CAE-1**
G ARATA & SON INC. V. ARATA,
JR. ET AL

STATUS CONFERENCE RE:
COMPLAINT
9-5-23 [1]

Final Ruling: No appearance at the November 7 Status Conference is required.

The Status Conference is concluded and removed from the Calendar, the Plaintiff-Debtor having dismissed without prejudice this Adversary Proceeding (Notice of Dismissal; Dckt. 7).

DISMISSAL OF ADVERSARY PROCEEDING.

On November 7, 2023, the Plaintiff-Debtor in Possession filed a Notice of Dismissal without prejudice of this Adversary Proceeding pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rule of Bankruptcy Procedure 7041. Dckt. 7.

SUMMARY OF COMPLAINT

The Complaint filed by G Arata & Son, Inc. (“Plaintiff-Debtor in Possession”), Dckt.1, asserts claims for the turnover of assets, accounting, and damages for conversion of property. Plaintiff-Debtor in Possession asserts that Defendant George S. Arata, Jr. and A5 Ag Service, Inc.:

- (1) Arata, Jr. and A5 were in possession of assets of the bankruptcy estate as of the filing of the Debtor in the related Bankruptcy Case filing a voluntary Chapter 11 case.
- (2) The two Defendants have refused to turnover the assets of the Bankruptcy Estate.
- (3) The Defendants have interfered with the Plaintiff-Debtor in Possession in administer property of the Bankruptcy Estate.
- (4) The Defendants have sold property of the bankruptcy estate and “traded” property of the Bankruptcy Estate for satisfaction of Defendants personal liabilities.

SUMMARY OF ANSWER

Defendants have not filed an answer or other responsive pleading.

4. [22-90296-E-11](#) **PROVIDENT CARE, INC.** **CONTINUED STATUS CONFERENCE RE:**
[CAE-1](#) **VOLUNTARY PETITION**
8-29-22 [\[1\]](#)

Final Ruling: No appearance at the November 9, 2023 Status Conference is required.

<p>The Post Confirmation Status Conference is continued to 2:00 p.m. on January 25, 2024</p>

NOVEMBER 9, 2023 POST-CONFIRMATION STATUS CONFERENCE

On October 1, 2023, the court entered its order confirming the Subchapter V Plan of Reorganization in this Bankruptcy Case. Order; Dckt. 131.

On November 7, 2023, the Debtor/Debtor in Possession filed a Notice of Substantial Consummation as provided in 11 U.S.C. § 1183(c)(2).

Counsel for the Debtor/Debtor in Possession has notified the courtroom deputy for Department E of being unable to attend the November 9, 2023 Post-Confirmation Status Conference due and requested the court continue the Status Conference approximately 60 days.

From the court's review of the file, and no other pleadings for the Status Conference having been filed, the Order confirming the Plan, as Amended, having been entered on October 1, 2023, and this confirmed Plan appearing to be prosecuted, the Status Conference is continued to 2:00 p.m. on January

The court shall issue an 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 Case having been Scheduled from the prior August 14, 2023 Status conference in light of the Subchapter V Plan having been confirmed, modification of the SubChapter V Plan having been ordered October 1, 2023, the Debtor/Debtor in Possession having filed a Notice of Substantial Consummation of the Subchapter V Plan (Dckt. 134), and good cause appearing,

IT IS ORDERED that the Post-Confirmation Status Conference is continued to **2:00 p.m. on January 25, 2024.**