

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

November 15, 2017 at 9:30 a.m.

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1. 17-24100-A-7 HOWARD DAY AND PHANTIP STATUS CONFERENCE
17-2177 BOUCHER 9-18-17 [1]
WOODMAN V. DAY, JR.

Final Ruling: No appearances.

The complaint was filed on September 18, 2017. A summons was issued on December 29. There is no certificate of service indicating that the complaint and original summons were served.

There is no responsive pleading on file.

Therefore, the status conference is continued to January 17, 2018 at 9:30 a.m. If a summons and the complaint have not been served by that date, the plaintiff shall show cause at the status conference why the complaint should not be dismissed pursuant to Fed. R. Bankr. P. 7004(a)(1) and Fed. R. Civ. P. 4(m).

2. 13-35308-A-7 DOROTHY PARENT CONTINUED STATUS CONFERENCE
15-2229 2-13-17 [120]
FUKUSHIMA V. SWENDEMAN

Final Ruling: No appearances. There will be a hearing on November 20 at 10:00 AM to consider a motion to vacate the court's order granting a motion for summary judgment. The conference is continued to the same date and time.

3. 17-23129-A-13 TIMOTHY NEHER STATUS CONFERENCE
17-2175 9-18-17 [1]
JOINER V. NEHER

Final Ruling: According to the docket, this proceeding was served on September 18. The summons and complaint have been served and the time to file and serve a response has expired. The court has not granted any extension of time to respond to the complaint. Therefore, the plaintiff shall file an application for entry of a default within 30 days.

4. 17-23732-A-13 GREGORY/CHRISTINE ALLEN STATUS CONFERENCE
17-2170 9-5-17 [1]
WORDELL V. ALLEN ET AL

Final Ruling: According to the docket, this proceeding was served on September 5. The summons and complaint have been served and the time to file and serve a response has expired. The court has not granted any extension of time to respond to the complaint. Therefore, the plaintiff shall file an application for entry of a default within 30 days.

November 15, 2017 at 9:30 a.m.

5. 17-26036-A-7 PAMELA FREDRICK STATUS CONFERENCE
17-2176 9-18-17 [1]
FREDRICK V. NAVIENT ET AL

Final Ruling: No appearances. An amended complaint was filed on November 9. A summons was issued on that date. There is responsive pleading on file and no certificate of service indicating that the amended complaint has been served. Therefore, the conference is continued to January 17, 2018 at 9:30 AM. The plaintiff shall serve the amended complaint and reissued summons no later than November 16. Between November 16 and January 10, the parties shall confer regarding their initial disclosures, make their initial disclosures, confer regarding a discovery plan, and file their discovery plan(s).

6. 10-32656-A-13 MICHAEL/CHERYL CARTER CONTINUED STATUS CONFERENCE
16-2258 12-21-16 [1]
CARTER ET AL V. OCWEN LOAN
SERVICING, LLC ET AL

Tentative Ruling: Appearances required for trial setting.

7. 17-24461-A-13 SERGEY YANOVSKIY STATUS CONFERENCE
17-2164 8-28-17 [1]
U.S. TRUSTEE V. YANOVSKIY

Final Ruling: No appearances. A judgment was entered on November 13.

8. 15-27579-A-7 SITHON CHAN CONTINUED STATUS CONFERENCE
16-2203 9-27-16 [1]
CHAN V. STATE OF CALIFORNIA
FRANCHISE TAX BOARD

Final Ruling: No appearances. The plaintiff's motion for summary judgment is set for hearing on December 11, 2017 at 10:00 a.m. The conference is continued to the same date and time.

9. 17-25481-A-7 JOHN ROSE STATUS CONFERENCE
17-2169 9-1-17 [1]
ROSE, III V. TAGGARD, M.D. ET AL

Tentative Ruling: Appearances required.

This action was removed from Sacramento County Superior Court. The debtor is the plaintiff and alleges a variety of intentional torts including infliction of emotional distress, invasion of privacy, and false light/defamation, as well as negligence. All claims arise out of the alleged disclosure of private medical records and information by the defendants.

Inasmuch as the claim concerns personal injuries, a term that is broader than physical injury and includes any invasion of personal rights, this is neither a core proceeding nor an action in which the bankruptcy court has jurisdiction to try. See 28 U.S.C. § 157(b)(5). It appears, then, that this action must either be remanded or the parties need to remove it to the district court.

10. 17-24788-A-13 TROY FINLEY
17-2145
SWAY 2014-1 BORROWER, L.L.C. V.
FINLEY, SR. ET AL

CONTINUED STATUS CONFERENCE
8-2-17 [1]

Tentative Ruling: Appearances required. The complaint has been served and an answer has been filed. The parties, however, failed to file a joint discovery plan and confer regarding initial disclosures as ordered by the court. Therefore, the parties shall appear and explain this failure and the court will determine if any sanction is appropriate or required.