

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Thomas Holman  
Bankruptcy Judge  
Sacramento, California

**November 27, 2013 at 9:30 A.M.**

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1.     [11-43629](#)-B-7     ROBERT/JANICE HESS                     STATUS CONFERENCE RE: COMPLAINT  
          [11-2793](#)   12-30-11 [[1](#)]  
          PEAKE V. HESS ET AL

**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 November 18, 2013 (Dkt. 36).

2.     [13-20645](#)-B-7     ROBERT/TRISTINA KITAY                     CONTINUED STATUS CONFERENCE RE:  
          [13-2126](#)   COMPLAINT  
          GONZALEZ V. KITAY ET AL                             4-15-13 [[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 15, 2014, at 9:30 a.m. If the adversary proceeding is not resolved by December 17, 2013, 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). 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.

In ruling on the plaintiff's recent motion for entry of default judgment, the court ordered the plaintiff to file and serve on the defendants to the adversary proceeding an amended complaint alleging claims for relief pursuant to 11 U.S.C. §§ 523(a)(2)(A), (a)(6), 727(a)(3) and (a)(4), by November 19, 2013, if the plaintiff wished to amend the complaint. The plaintiff filed an amended complaint on November 19, 2013 (Dkt. 45), but there is no evidence of service of the amended complaint on the court's docket. The status conference is continued to allow the plaintiff to file a proof of service of the amended complaint and to allow time for a response, if any, by the defendants. Nothing in this ruling shall

The court will issue a minute order.

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
7-11-13 [[1](#)]

The status conference is concluded. On November 25, 2013, the court signed the scheduling order proposed by the parties.