

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement  
Fresno Federal Courthouse  
2500 Tulare Street, 5<sup>th</sup> Floor  
Courtroom 11, Department A  
Fresno, California

**PRE-HEARING DISPOSITIONS**

**DAY: TUESDAY**  
**DATE: DECEMBER 8, 2015**  
**CALENDAR: 10:00 A.M. CHAPTER 7 ADVERSARY PROCEEDINGS**

**GENERAL DESIGNATIONS**

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

**COURT'S ERRORS IN FINAL RULINGS**

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [12-12304](#)-A-7 MARTHA FAIR CONTINUED STATUS CONFERENCE RE:  
[15-1053](#) COMPLAINT  
FAIR V. BANK OF AMERICA, N.A. 4-22-15 [[1](#)]  
ET AL  
THOMAS ARMSTRONG/Atty. for pl.  
RESPONSIVE PLEADING

**Final Ruling**

The matter is continued to February 24, 2016, at 10:00 a.m. Not later than February 10, 2016, parties who remain in the adversary proceeding and whose default has not been entered will file a joint status report.

2. [14-11429](#)-A-7 STEPHEN DAKE MOTION FOR COMPENSATION BY THE  
[14-1068](#) TSB-3 LAW OFFICE OF BELDEN BLAINE  
GBC INTERNATIONAL BANK V. DAKE RAYTIS, LLP FOR T. SCOTT  
BELDEN, DEFENDANTS ATTORNEY(S)  
11-10-15 [[91](#)]

**Final Ruling**

The matter resolved by stipulation and order, the motion is dropped as moot.

3. [15-12630](#)-A-7 THEODORE/NAOMI FOSTER STATUS CONFERENCE RE: COMPLAINT  
[15-1117](#) 10-1-15 [[1](#)]  
FIRST NATIONAL BANK OF OMAHA  
V. FOSTER  
CORY ROONEY/Atty. for pl.

**Final Ruling**

The matter is continued to February 24, 2016, at 10:00 a.m. to allow the plaintiff to seek the default of the defendant. If a default judgment is not in the file, not later than February 10, 2016, the plaintiff shall file a status report.

4. [11-17165](#)-A-7 OAKHURST LODGE, INC., A CONTINUED STATUS CONFERENCE RE:  
[15-1017](#) CALIFORNIA CORPORATION COMPLAINT  
OAKHURST LODGE, INC. V. 2-11-15 [[1](#)]  
FIRST-CITIZENS BANK & TRUST  
DONNA STANDARD/Atty. for pl.

**Final Ruling**

The status conference is continued to January 27, 2015, at 10:00 a.m. to coincide with the hearing on defendant First-Citizens Bank and Trust's motion to dismiss.

5. [11-17165](#)-A-7 OAKHURST LODGE, INC., A CONTINUED MOTION TO DISMISS  
[15-1017](#) CALIFORNIA CORPORATION FCB-1 FIRST-CITIZENS BANK & TRUST  
OAKHURST LODGE, INC. V. COMPANY  
FIRST-CITIZENS BANK & TRUST 8-6-15 [[24](#)]  
AARON MALO/Atty. for mv.  
RESPONSIVE PLEADING

**Final Ruling**

Pending the plaintiff's anticipated motion to vacate dismissal and to provide the court further opportunity to study the issues raised by defendant First-Citizens Bank and Trust's motion to dismiss, this matter is continued to January 27, 2015, at 10:00 a.m. Absent further order of this court, as it pertains to the motion to dismiss, the record is closed, see Civil Minute Order, filed September 21, 2015, ECF # 47, and neither party may file any further documents in support of or opposition to the motion. A civil minute order will issue.

6. [15-11593](#)-A-7 BRIAN LUONG CONTINUED STATUS CONFERENCE RE:  
[15-1095](#) COMPLAINT  
AMERICAN EXPRESS BANK, FSB V. 7-23-15 [[1](#)]  
LUONG  
KEN WHITTALL-SCHERFEE/Atty. for pl.

**Final Ruling**

This matter is continued to January 27, 2015, at 10: a.m. A separate order will issue from chambers regarding further handling of this case.