

# Eastern District of California

Honorable Thomas C. Holman  
Bankruptcy Judge  
Sacramento, California

**December 10, 2014 at 9:30 A.M.**

1. [14-20707](#)-B-7 JOSEPH LANGI CONTINUED STATUS CONFERENCE RE:  
[14-2135](#) AMENDED COMPLAINT  
 SPRINGLEAF FINANCIAL SERVICES, 5-30-14 [[6](#)]  
 INC. V. LANGI

**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. to allow the plaintiff time to submit and the court to sign a form of judgment resolving the adversary proceeding.

The court will issue a minute order.

2. [13-30420](#)-B-7 STEPAN KIRCHU CONTINUED STATUS CONFERENCE RE:  
[13-2348](#) COMPLAINT  
 LEE V. KIRCHU 11-4-13 [1]

**Tentative Ruling:** The status conference is continued to March 18, 2015, at 1:30 p.m. If the adversary proceeding is not resolved by March 11, 2015, the plaintiff shall file a status report on or before March 11, 2015, which apprises the court of the status of the adversary proceeding. Failure to comply with the orders herein 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.

The status conference is continued to allow the plaintiff to continue to prosecute a state court action for the purpose of liquidating the plaintiff's claim.

The court will issue a minute order.

3. [11-26023](#)-B-13 ELAINE THOMPSON  
[14-2285](#)  
THOMPSON V. U.S. BANK NATIONAL  
ASSOCIATION ET AL

STATUS CONFERENCE RE: COMPLAINT  
10-3-14 [[1](#)]

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The status conference is continued to January 21, 2015, at 9:30 a.m. If the adversary proceeding is not resolved by December 23, 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 continued status conference was the status conference date set in the original summons (Dkt. 3), including, inter alia, development of a joint proposed 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 the striking of defendant's answer and the entry of defendant's default for defendant's failure to comply.

The status conference is continued because there is no evidence of compliance with the OTC on the court's docket.

The court will issue a minute order.

4. [14-24824](#)-B-7 JOHN/JEANNETTE NOTMAN  
[14-2230](#)  
PENSION BENEFIT GUARANTY  
CORPORATION V. NOTMAN

STATUS CONFERENCE RE: COMPLAINT  
8-7-14 [[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 February 18, 2015, at 1:30 p.m., to allow the plaintiff time to seek entry of the defendant's default and entry of default judgment. If the adversary proceeding is not resolved by February 11, 2015, the plaintiff shall file a status report on or before February 11, 2015, which appraises the court of the status of the adversary proceeding. Failure to comply with the orders herein 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.

The court will issue a minute order.

5. [14-24824](#)-B-7 JOHN/JEANNETTE NOTMAN STATUS CONFERENCE RE: COMPLAINT  
[14-2296](#) 10-14-14 [[1](#)]  
MCGRANAHAN V. NOTMAN ET AL

**Tentative Ruling:** The status conference is continued to February 18, 2015, at 1:30 p.m., to allow the plaintiff time to seek entry of the defendant's default and entry of default judgment. If the adversary proceeding is not resolved by February 11, 2015, the plaintiff shall file a status report on or before February 11, 2015, which apprises the court of the status of the adversary proceeding. Failure to comply with the orders herein 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.

The court acknowledges the joint status report and discovery plan filed by the plaintiff and the defendants on December 8, 2014, but notes that the defendants have not filed an answer or other response to the complaint and therefore the complaint is not at issue.

The court will issue a minute order.

6. [14-25725](#)-B-7 DAVID/KRISTIN VILLASENOR CONTINUED STATUS CONFERENCE RE:  
[14-2251](#) COMPLAINT  
SHEN ET AL V. VILLASENOR 8-27-14 [[1](#)]

**Tentative Ruling:** None.

7. [11-25431](#)-B-13 TIFFANY PEREZ CONTINUED STATUS CONFERENCE RE:  
[14-2229](#) COMPLAINT  
PEREZ V. U.S. BANK NATIONAL 8-6-14 [[1](#)]  
ASSOCIATION 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 February 18, 2015, at 1:30 p.m., to allow the parties time to negotiate the specific details of a settlement of this matter. If the adversary proceeding is not resolved by February 11, 2015, the parties shall file a status report on or before February 11, 2015, which apprises the court of the status of the adversary proceeding. Failure to comply with the orders herein 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.

The court will issue a minute order.

8. [14-21034](#)-B-7 RICHARD FECTION NGUYEN V. FECTION ET AL STATUS CONFERENCE RE: AMENDED COMPLAINT 7-24-14 [[7](#)]

**Tentative Ruling:** The status conference is concluded. This adversary proceeding will next appear on the court's calendar on February 4, 2015, the date set for a status conference in the reissued summons issued on December 1, 2014 (Dkt. 29). If the adversary proceeding is not resolved by January 6, 2015, 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 next status conference was the status conference date set in the original summons (Dkt. 3), including, inter alia, development of a joint proposed discovery plan. Failure to comply with the orders herein 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 plaintiffs' failure to comply.

The court will issue a minute order.

9. [14-21946](#)-B-7 DESIREE LEWIS BROWN ET AL V. LEWIS CONTINUED STATUS CONFERENCE RE: COMPLAINT 5-9-14 [[1](#)]

**Tentative Ruling:** None.

10. [10-24351](#)-B-13 ROBERT/MICHELLE REID REID ET AL V. BANK OF AMERICA, N.A. ET AL STATUS CONFERENCE RE: AMENDED COMPLAINT 9-29-14 [[84](#)]

**Tentative Ruling:** None.

11. [09-21751](#)-B-13 KRISTINE BOWEN  
[14-2057](#)  
BOWEN V. FEUTZ ET AL  
ADV. CASE DISMISSED 11/14/14

CONTINUED STATUS CONFERENCE RE:  
AMENDED COMPLAINT  
5-27-14 [[36](#)]

**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 14, 2014 (Dkt. 63). The adversary proceeding is closed.

12. [14-22276](#)-B-7 SHAWNA EMERY  
[14-2169](#)  
BEARDMORE COMPANY, LLC V.  
EMERY  
ADV. CASE DISMISSED 11/21/14

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
6-16-14 [[1](#)]

**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 21, 2014 (Dkt. 43). The adversary proceeding is closed.

13. [14-27285](#)-B-7 CHRISTOPHER STATHIS  
[14-2289](#)  
NIGRO ET AL V. STATHIS

STATUS CONFERENCE RE: COMPLAINT  
10-7-14 [[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. If the adversary proceeding is not resolved by December 23, 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 continued status conference was the status conference date set in the original summons (Dkt. 3), including, inter alia, development of a joint proposed 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 the striking of defendant's answer and the entry of defendant's default for defendant's failure to comply.

The status conference is continued because there is no evidence of compliance with the OTC on the court's docket. Although the status report filed by the plaintiffs on December 3, 2014, references

anticipated discovery, it does not provide a specific schedule for conducting discovery and related deadlines, including, inter alia, deadlines for the hearing of motions to amend the pleadings, deadlines for the hearing of dispositive motions, and a dates for the close of non-expert and expert discovery (if applicable). The OTC specifically requires development of a written discovery plan.

The court will issue a minute order.