

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

December 13, 2017 at 9:30 a.m.

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1. 17-21035-A-7 MICHAEL/STACEY SIMONS STATUS CONFERENCE
17-2083 10-17-17 [51]
KOOSHKEBAGHI V. SIMONS ET AL

Tentative Ruling: Appearances required.

First, the jury demand by the debtors/defendants will be disallowed. This is a complaint concerning the debtors' discharge. See 11 U.S.C. §§ 523(a)(6) and 727(a)(4). There is no jury trial right in connection with such claims. See Am. Express Travel Related Servs. Co. Inc. v. Hashemi (In re Hashemi), 104 F.3d 1122, 1124 (9th Cir. 1996); Sasson v. Sokoloff (In re Sasson), 424 F.3d 864, 870 (9th Cir. 2005), *cert. denied*, 547 U.S. 1206 (2006); N.I.S. Corp. v. Hallahan (In re Hallahan), 936 F.2d 1496 (7th Cir. 1991) (holding that a debtor waives a jury throughout a bankruptcy case by voluntarily filing the bankruptcy petition).

Second, the defendants failed to file a discovery plan as ordered by the court and required by the rules. They shall show cause at the conference why sanctions should not issue.

2. 15-27448-A-7 JOHN/SHAWNTA ODUM STATUS CONFERENCE
16-2036 2-23-16 [1]
TOWNEPLACE MANAGEMENT, L.L.C. ET
AL V. ODUM ET AL

Final Ruling: No appearances. The court continues the conference to January 8, 2018 at 10:00 a.m. to be conducted in connection with the hearing on a motion to dismiss the case.

3. 16-25749-A-7 ROBERT GARZA AND MARIA STATUS CONFERENCE
17-2147 HERRERA 8-2-17 [1]
SMITH V. GARZA ET AL

Final Ruling: No appearances. The court will approve the joint discovery plan filed by the parties and it continues the conference to April 18, 2018 at 9:30 AM for trial setting.

4. 16-22654-A-7 MARC LIM STATUS CONFERENCE
16-2202 10-10-16 [8]
CHICK'S PRODUCE, INC. ET AL V. LIM

Final Ruling: No appearances. The court has ordered the conference continued to January 8, 2018 at 10:00 a.m. to be conducted in connection with the hearing on a motion to dismiss the case.

December 13, 2017 at 9:30 a.m.

5. 16-22163-A-7 SYLVIA KINERSON STATUS CONFERENCE
16-2137 7-5-16 [1]
KINERSON V. KINERSON

Tentative Ruling: None. Appearances required unless proceeding is dismissed before date and time of the conference.

6. 17-23968-A-7 PATRICK/MICHELE PITTS STATUS CONFERENCE
17-2135 8-3-17 [7]
ENGLAND ET AL V. PITTS ET AL

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.

7. 17-23968-A-7 PATRICK/MICHELE PITTS STATUS CONFERENCE
17-2161 8-22-17 [1]
LAKOTA V. PITTS ET AL

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.