



## **DECEMBER 14, 2023 STATUS CONFERENCE**

On December 7, 2024, the Defendants filed their Status Conference Report (Dckt. 81) advising the court that the BDRP Mediation is to be conducted on January 26, 2024, with Jamie Dreher, Esq., serving as the mediator. The Parties are working to resolve this Adversary Proceeding through the Mediation Process.

Previously the Parties have Stipulated to have the Status Conference continued in light of their desire to proceed with mediation.

The court continues the Status Conference until after the scheduled Mediation.

## **SUMMARY OF COMPLAINT**

The Amended Complaint filed by Geoffrey Richard, the “Plaintiff-Trustee”), Dckt. 49, asserts claims for Avoidance of Transfers as fraudulent conveyances pursuant to 11 U.S.C. §§ 544(b) and 548(a)(1), and recovering the transferred property, or economic value thereof, for Bankruptcy Estate (11 U.S.C. § 551(a)(1). The Plaintiff-Trustee is further seeking the turnover of alleged community property pursuant to 11 U.S.C. § 542(b) for the Bankruptcy Estate. The Plaintiff-Trustee further seeks a monetary judgment against the non-debtor spouse for contribution to pay community debts. Cal. C.C.P. 883.

## **SUMMARY OF ANSWER**

Thomas Spaulding, individually and as trustee of the Spaulding Family Trust, and the Debtor Caren Renee Shinar Spaulding, filed their Amended Answer on April 6, 2023. Dckt. 66. In the Answer Defendants Thomas Spaulding, individually and as Trustee, and Caren Spaulding admit and deny specific allegations in the Amended Complaint. In addition, several affirmative defenses are asserted, including that property at issue is Thomas Spaulding’s separate property and that in 2013 an Interspousal Transfer Grant Deed to Thomas Spaulding and Caren Spaulding, as husband and wife as joint tenants, “was done only to be in compliance with a stated ‘requirement’ that his wife was required to sign to permit refinancing the subject real property and supported by a recorded Deed of Trust dated 5/31/2013.” Ansr., ¶ 22.

## **JOINT STATUS REPORT**

Plaintiff-Trustee and Defendants filed a Joint Status Report and Discovery Plan on April 20, 2023. Dckt. 68. In it they state they agreed deadlines for discovery, expert disclosures, and pretrial motions. The court incorporates those dates and deadlines into the court’s Pretrial Scheduling Order.

## **FINAL BANKRUPTCY COURT JUDGMENT**

Plaintiff-Trustee Geoffrey Richards alleges in the Amended Complaint that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157, and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(F), (H). Amended Complaint ¶¶ 4, 6, 7; Dckt. 49. Plaintiff-Trustee further consents to the Bankruptcy Judge entering all final orders and judgment in this Adversary Proceeding. Id., ¶ 8. In the Amended Answer, Defendants Richard Spaulding, individually and as Trustee, and Caren Spaulding admit the allegations of jurisdiction and that this is a core proceeding. Amd. Answer ¶¶ 4,6,7;

Dckt. 66. Defendants also consent to the entry of final orders and judgment by the Bankruptcy Judge. Id., ¶ 8.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Status Conference having been scheduled by the Court, the Parties having their BDRP Mediation scheduled for January 26, 2024, and upon review of the pleadings, and good cause appearing,

**IT IS ORDERED** that the Status Conference is continued to **11:30 a.m. on February 29, 2024** (Specially set day and time due to court's calendars).