

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Modesto, California

December 20, 2018 at 2:00 p.m.

1. <u>16-90513-E-7</u>	TIRZAH HAMILTON	SETTLEMENT STATUS CONFERENCE
<u>16-9012</u>		RE: COMPLAINT
		8-24-16 [1]
EDMONDS V. HAYES ET AL		

Final Ruling: No appearance at the December 20, 2018 Status Conference is required.

Plaintiff's Atty: Steven S. Altman

Defendants' Atty: Pro Se

Adv. Filed: 8/24/16

Answer: 9/22/16

Nature of Action: Recovery of Money/Property

There being a Settlement in this matter that is being perform, the Plaintiff Trustee Status Report advising the court of the payments being made as provided therein (Dckt. 87), **the Status Conference is continued to 2:00 p.m. on December 5, 2019.**

Notes:

Set by court order dated 12/18/17 [Dckt 84]. Plaintiff-Trustee to file and serve a Settlement Conference Status Report on or before 12/6/18.

Status Report filed 11/16/18 [Dckt 87]

December 20, 2018 at 2:00 p.m.

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JOHN/KRISTINE ROBINSON

SETTLEMENT STATUS CONFERENCE

RE: COMPLAINT

1-17-13 [[1](#)]

GRANT BISHOP MOTORS, INC. V.

ROBINSON, IV ET AL

Final Ruling: No appearance at the December 20, 2018 Status Conference is required.

Plaintiff's Atty: Steven S. Altman

Defendant's Atty: John Kelly Robinson

Adv. Filed: 1/17/13

Answer: 2/15/13

Nature of Action:

Objection /Revocation of Discharge, Dischargeability

The Status Conference is continued to 2:00 p.m. on December, 2019.

Notes:

Set by court order dated 12/18/17 [Dckt 130]. Plaintiff to file and serve a Settlement Conference Status Report on or before 12/6/18.

Joint Status Conference Statement of Plaintiff and Defendants filed 11/28/18 [Dckt 131]

DECEMBER 14, 2017 STATUS CONFERENCE

The parties are performing a confidential settlement pending dismissal of this Adversary Proceeding. In the Status Conference Statement filed by the parties on November 22, 2017 (Dckt. 131), they report that the settlement is being performed.

The court continues the Status Conference.

3. [13-90643](#)-E-12 GARY/CHRISTINE TAYLOR

CONTINUED STATUS CONFERENCE RE:
CHAPTER 12 PLAN
4-4-13 [\[1\]](#)

Case Closed 12/11/18

Final Ruling: No appearance at the December 20, 2018 Status Conference is required.

Debtors' Atty: Anthony D. Johnston

<p>The Chapter 12 case having been closed on December 11, 2018, the Status Conference is concluded and removed from the Calendar.</p>
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Notes:

Debtor received a discharged 12/5/18 [Dckt 199]

Bankruptcy case closed 12/11/18 [Dckt 201]

4. [16-90157-E-7](#) **DARYL FITZGERALD**
[18-9011](#)

**CONTINUED STATUS CONFERENCE RE:
COMPLAINT
6-25-18 [1]**

FITZGERALD V. TRELLIS COMPANY

Plaintiff's Atty: Pro Se
Defendant's Atty: Robert Scott Kennard

Adv. Filed: 6/25/18
Answer: 7/26/18

Nature of Action:
Dischargeability - student loan
Dischargeability - other

The Status Conference is XXXXXXXXXXXXXXXXXXXX

Notes:
Continued from 8/23/18

Motion to Discharge Student Loan at Upcoming Hearing Due to Transferring/Selling Loan During Bankruptcy filed 10/3/18 [Dckt 34]; Notice to Withdraw Motion filed 10/17/18 [Dckt 43]

[RSL-1] Order Granting Motion to Dismiss Navient as a Defendant filed 12/5/18 [Dckt 47]

AUGUST 23, 2018 STATUS CONFERENCE

Navient Solutions, Inc. is in the process of filing documentation of the transfer of the debt at issue to Trellis Company. The court requested, and Movant agreed to provide, documentation of the assignment of the obligation at issue to the remaining defendant. The transfer of the note or sale of the underlying contract has to be a documented transaction to be effective, and as such, can be "documented" for the court.

At the Adversary Proceeding Status Conference held on the afternoon of August 23, 2018, the Plaintiff-Debtor reported that he will contact counsel for Defendant Trellis Company, fka Texas Guaranteed Student Loan for its documentation of how it purports to own the debt and be Plaintiff-Debtor's creditor.

The action by Movant and Trellis Company in reasonably responding should quickly and inexpensively get the rights parties in interest before this court.

SUMMARY OF COMPLAINT

Daryl Fitzgerald, the Plaintiff-Debtor, has filed a Complaint to have his student loan obligation determined dischargeable. The named defendants are Navient Solutions, Inc., Wilkes-Barre, and Trellis Company. The court has dismissed Navient Solutions, Inc. from this Adversary Proceeding.

SUMMARY OF ANSWER

Trellis Company, fka Texas Guarateed [sic] Student Loan filed an Answer (Dckt 18) that admits and denies specific allegations in the Complaint.

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff seeks in the complaint a determination of the dischargeability of specified student loan debt pursuant to 11 U.S.C. § 523(a)(8). This is a core proceeding arising under the Bankruptcy Code, which has been assigned to this Bankruptcy Court by the District Court. **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are “related to” matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court.**

ISSUANCE OF PRE-TRIAL SCHEDULING ORDER

The court shall issue a Pre-Trial Scheduling Order setting the following dates and deadlines:

- a. Plaintiff seeks in the complaint a determination of the dischargeability of specified student loan debt pursuant to 11 U.S.C. § 523(a)(8). This is a core proceeding arising under the Bankruptcy Code, which has been assigned to this Bankruptcy Court by the District Court. **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are “related to” matters, the parties consented on the record to this bankruptcy court entering the final orders and judgement in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all issues and claims in this Adversary Proceeding referred to the bankruptcy court..**
- b. Initial Disclosures shall be made on or before -----, **2019**.
- c. Expert Witnesses shall be disclosed on or before -----, **2019**, and Expert Witness Reports, if any, shall be exchanged on or before -----, **2019**.
- d. Discovery closes, including the hearing of all discovery motions, on -----, **2019**.
- e. Dispositive Motions shall be heard before -----, **2019**.
- f. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at ----- **p.m. on -----**
-----, **2019**.

5. [17-90492-E-7](#) **JED GLADSTEIN**
[17-9020](#)
**GLADSTEIN V. EDUCATIONAL
CREDIT MANAGEMENT CORPORATION**

**PRE-TRIAL CONFERENCE RE:
AMENDED COMPLAINT TO
DETERMINE DISCHARGEABILITY OF
STUDENT LOAN DEBT
1-10-18 [[15](#)]**

Final Ruling: No appearance at the December 20, 2018 Status Conference is required.

Plaintiff's Atty: Randall K. Walton
Defendant's Atty: Miriam E. Hiser

Adv. Filed: 11/12/17
Answer: 12/6/17
Amd. Cmplt Filed: 1/10/18
Answer: 1/25/18

Nature of Action:
Dischargeability - student loan

The Pretrial Conference is continued to 2:00 p.m. on February 14, 2019.
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Notes:
Scheduling Order-
Last day to make initial disclosures 5/1/18
Close of discovery 9/28/18
Dispositive motions by 11/9/18

Joint Pre-Trial Conference Statement and Request for Continuance filed 11/30/18 [Dckt 38]

DECEMBER 20, 2018 PRETRIAL CONFERENCE

In their Joint Status Conference Report, Plaintiff-Debtor and Defendant notify the court that they are "very close" to settlement in this matter. Due to unavailability of counsel, the settlement has not yet been completed. The parties request a two month continuance to afford them the opportunity to try and reach a complete settlement.

The court grants the request in light of the good faith efforts of the parties to resolve these issues.

6. [18-90494-E-7](#) MELINDA BROOME
[18-9015](#)

STATUS CONFERENCE RE:
COMPLAINT
10-22-18 [[1](#)]

**BILLINGTON WELDING & MFG.,
INC. V. BROOME**

Final Ruling: No appearance at the December 20, 2018 Status Conference is required.

Plaintiff's Atty: Anthony D. Johnston
Defendant's Atty: unknown

Adv. Filed: 10/22/18
Answer: none

Nature of Action:
Objection/revocation of discharge
Dischargeability - false pretenses, false representation, actual fraud
Dischargeability - priority tax claims
Dischargeability - fraud as fiduciary, embezzlement, larceny
Dischargeability - willful and malicious injury

The Status Conference is Continued to 2:00 p.m. on February 14, 2019, to afford Plaintiff the opportunity to file and prosecute a motion for entry of default judgment.

Notes:
Request for Entry of Default by Plaintiff filed 11/26/18 [Dckt 7]

Entry of Default and Order re: Default Judgment Procedures filed 11/27/18 [Dckt 9]