

Judge Starzynski's cases under advisement as of: February 17, 2012

Note: please call if you see anything that seems incorrect or if you have questions.

Debtor	Case	Hearing Date	Issues	Date 1	Date 2	Date 3	Status
SUBMITTED AWAITING DECISION							
Gonzales v. Sun Life Furrs	03-1072	status conf 4/13/10	msj - m/strike affdt of Jean Denison denied, but will be applied to decis. of msj msj 11/16/09 by pltf	50, 52-66 12/27/05 xmsj	2/6/06 _____	6/30/06 _____	draft
Kit Pack v. Friedman et al. (In re Kit Pack)	08-1031 08-10206	11/24/09	joint msj #88	11/24/09	thru 128 2/8/10		submitted 2/8/10 asap
Herrera v. Gonzales, Trustee (In re Herrera)	11-1011 05-15578	3/14/11	mtd 3	resp 7	reply 8 2/23/11		submitted 3/14/11
Gonzales v. Saul Ewing LLP, Robert Turner & Judith Wagner (In re Douglas Vaughan) &	10-1107 10-10763	1/24/11	who owns the money	turner msj 41,42 1/21/11	2/28/11 45, 46 resp wagner/;; 47, 48 resp gonz 2/28	turner reply 54, 55, 57 58,59?? 61??62?? 65	65, 66, 67, 68 5/19 and 5/20 69 & 70 8/19/11 submitted

SUBMITTED

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John Michael Heizer	7-08-12810	final ptc 1/31/11 (order 246)	objection to Clancy POC	dtr msj & memo & affidavit 255,256, 257 1/4/2011	1/31/11 doc 263, 260, 261,262,263, 271 264 msj by dent 265 affid 266 affid	277 reply 2/24/11 2/24/11 DTR reply #277	submitted
AG New Mexico, FCS, AGA v. Borges (In re Borges)	10-1170 10-12800		3 msj on dtrs msj denying AG NM's affirmative defenses	53, 55, 57 briefs 54, 56, 58 (8/10/11)	72, 73 brief; 74, 75 brief; 76, 77 brief (9/6/11)	89, 90, 91 replies	submitted (notices complet 96, 97, 98 (9/23/11)
Montoya v. Pacheco (In re Anthony C Salcido)	09-12279 10-1166	trial set for 6/8/11 vacated	defendants msj & affidavit xmsj (17&18)5/9/11	response #20 6/10 21 xmsj 6/10	7/1/11 resp #22	no replies filed	submitted -deemed
Wiley	07-13053	7/14/11	m/a/c/c trial minutes 105				submitted 7/14/11

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Gonzales v. Beery, Beery, Countrywide, IRS, FNB Santa Fe (In re Beery)	09-1191 94-10504		2 nd msj by FNB Santa Fe resp by plaintiff reply by fnb msj 10/21/11 by Cliff 66 & 67	(8/16/11) 58, 59 63 8/31 65 9/20			denied by order on 12/6/11
Gonzales v. Friedlander et al. (In re Jeffery Watson Potter)	11-1042 05-14071		Sterns v. Marshall mtd by Friedlander				submitted 10/31/11
Scarborough v. Angel Fire Resort Operations, LLC and Assoc. of Angel Fire Property Owners, Inc. (In re Angel Fire Corp.)		11-1110 93-12176 iptc 8/22/11 fptc 12/19/11	12(b)(1) and (6) re: 1334(c)(2) & res judicata. Also need to decide if core/noncore & who decides. MOTION TO ABSTAIN 1/31/12 & Brief (44/45)	xmsj 9/23/11 20&21	10/14 10/31		submitted mtd surreply due 3/15/12
Delgado	11-13465	2-6-12	Davis fee app in 13 case				submitted
Sandoval v. Century Bank	11-1137		is it too late for debtor to sue for exempt pref after case closes	do stip facts, then simult then 30 + 14 resp.			

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Brutsche v. Bank of America	11-1189		mtd counts 2&3 - doc4 answer -5 msj on claim 1 - doc6 12-15-11	brief-7 obj-mtd 10 objmsj 11 exh 12	reply-mtd 1/10/12- 14 reply msj 1/30 #17	18 pl sur 2/2/12 19 def resp to sur 2/14	Submitted
Luna v. Coombs	10-1099	1/5/12	Amount of Judg.	brief 1/12/12			submitted
Adamar of New Jersey Inc. v. Innerbichler (In re Innerbichler)	09-12437 09-1126	trial 4/27&28 2011	trial made finding of no intent to deceive. Jbehles may obtain transcript and file brief within 15 days thereafter .	JDB brief doc 42 6/24/11	46		submitted
Baker v. Bank of NY	11-1131	trial set for 1/11/12 & 1/12/12 was vacated	m/judg. on pldgs 11/3/11 #9	1/2 response #12	1/11/12 reply		submitted
Ammons v. Eddy FCU (In re Ammons)	11-1082 08-11290	10/31/11	msj by pl 17, 12/1/11	21 resp 12/27/11	22 reply 1/11/12		submitted

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NOT FULLY SUBMITTED							
Montano v. First Light FCU (In re Montano)	07-1026 04-17866		mo reconsider briefs on why case not disclosed	126 3/11/11 8/15/11 135,136, 138	responses due?		
Hassell v USDE (In re Hassell)	09-1054 08-10572	4/18/11 status/ final 7/6/11 @ 3:00 pm	rehabilitation & americans with disabilities acts RE: <u>student loan hardship</u> #30	hassell to do legal memo by 2/3/12	responses 3/5/12	reply 4/9/12	
Garret v. Cook (In re Cook)	08-1074	5/16	demand for jury trial doc 75	brief due 7/5/11	if court requests		at USDC on mo w/d reference
Montano v. First Light FCU	07-1026 04-17866	3/7/2011	decertification of class (raised in d'f brief)(96 & 101) and MSJ by PL's filed 10-1-10,	10/1/10 pl msj 103, 104 memo	resp. #108 11/3/10 reply #111 11.29.10/sur replydue 1/21 and 1/31/11	submitted 3/7/2011; ordered new briefs 8.15.11 & 8.29.11	
Narro v. Ford Motor Credit (In re Narro)	11-1070 10-15859	8/22/11 ctd to 9/26/11	mtd	surreply 1/13/12	resp. Due 2/3/12		

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Kit Pack Co. v. Western Heritage (In re Kit Pack Co.)	11-1111 08-10206	iptc 8/22/11 fptc 12/19/11	msj Stern issue? mtd filed by def 4 7/15/11	kit pack respond due by 9/23/11 not filed	respond in 21 days	reply in 21	stip. Order dism 12/21/11
Gila Regional Medical Center v. Lobera (In re Alex Lobera)	11-1112 10-13203	iptc 8/22/11 fptc 1/30/12	Stearn v Marshall issue & collateral estoppel msj	10/3/11 def msj 8, brief 9	10/31	11/21 reply	
Market Center East Retail Property, Inc.	09-11696	ph 9/20/11	motion to reconsider denial of mtd #272	8/24/11	obj 274 obj 725 both 9/19/11		
Wagner v. Pickett, PR of Estate of Lowell Williams (In re Vaughan Co. Realtors)	10-10759 11-1126	9/26/11	mtd jurisdiction 4 plaintiff response 5 (9/22/11)	Reply due 10/17/11			
Bloom v. Taos (In re Plaza de Retiro)	11-1133		mtd jurisdiction 5 (9/27/11)	+21	+14		
Higadera	11-11315	10/31/11	msj on obj poc vanderbilt 12/15/11 #55	resp 57 aff 58 ex 59	reply 60 1/26/12		submitted

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In re Raul Davila and Michelle Davila	10-10435	11/8/11	Motion to allow claim by IRS 59 9/9/11, obj tt 61. Dtr deadline dismiss or convert OR file list of cases 12/5/11	irs response 12/16/11	tt and/or dtr reply 1/17/12	irs and or dtr reply 1/27/12	
Yarvbn-Parks Trust v. Martinez	11-1163		msj by pl #6 msj by deft #12	6,7 11/7/11			
Wagner v. Cunningham	11-1227	2/6/12	Iqbal; Stearn	4/16	5/14	5/28	
Wagner v. Everhardt	11-1226	2/6/12	Stearn	3/26	4/16	4/30	
Phoenix v. Johnson	12-1007	2/6/12	Pucinni will file mo remand	3/12	4/2	4/16	
Furrs	01-10779		msj on am. Threshold obj. to reclam. 11/28/11 (#3429)	Pepsi 3438,3439 12/19; DeanFood 3441 1/27/12 Bunzl ext. to 2/29/12	reply to pepsi 3440		

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UST v. Cortez	10-1149	12/7 & 12/8/11	Trial on the Merits - 727		resp. brief due 2/7/12- not filed	reply 2/21/12	
Brutsche	11-13326 11-1178	trial 1/24/12	m impose stay m remand	simult 3/7	3/28		

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MATTERS ON HOLD OR BEING WATCHED							
Aerospace Consulting Corporation (Spain) SA v. Winsome Investment Trust	09-1130 05-14244		motion for summary judgment m/dsm by deft #59, resp. #62	4/5/10 45	on hold see below		stayed
Aerospace Consulting Spain SA Debtor v. Winsome Trust	05-14244 09-1130	1/18/11	Def has until 6/14 to file motion re: jurisdiction. (If none filed, file response to MSJ above by 7/14. - na)	6/14 in main case, 6/16 here	order #60 extends resp to 7/28 then ask for hearing	order submitted 8/18 extends brief dl to 8/23	stayed by receiver-ship in calif.
Darling v. Ed Cred Mgt Corp In re Darling	10-1185	status set 3/5/12	st loan sent to settlement order 7/1				