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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PEOPLE’S UNITED EQUIPMENT FINANCE CORP,)	Case No.: 1:16-cv-00207 DAD JLT
)	
Plaintiff,)	ORDER CONTINUING MANDATORY
)	SCHEDULING CONFERENCE
v.)	
)	
RST CRANES, INC., et al.,)	
)	
Defendants.)	

In this case, Plaintiff claims that it leased vehicles and other equipment to Defendant RST Cranes Inc. and that the lease was personally guaranteed by Defendants Richard and Sonya Torres. (Doc. 13-1 at 2) Plaintiff filed proofs of service of the summons and complaint on each defendant (Docs. 8-10). However, neither Torres defendant has appeared and RST has filed a Notice of Filing Bankruptcy.¹ (Doc. 12)

Plaintiff indicates a reluctance to seek entry of default against the Torres’ “because of issues relative to the writ of possession.” (Doc. 13-1 at 3) Plaintiff’s attorney continues, “If Plaintiff defaults Torres then they would not be able to respond with respect to any contempt or other proceeding brought against them should they not comply with any orders or any other proceedings and, as a result, I have not defaulted him.” *Id.* Likewise, counsel reports that RST’s Chapter 11 bankruptcy petition may be dismissed which would lift the automatic stay. *Id.* Notably, Plaintiff’s hearing on its petition

¹ Richard Torres, Jr., as the President of RST, signed the bankruptcy petition. (Doc. 12 at 5)

1 for writ of possession has been continued to on May 17, 2016, to allow time to determine the status of
2 the bankruptcy petition. *Id.* at 2. Therefore, the Court **ORDERS:**

3 1. The initial scheduling conference is **CONTINUED** to **July 1, 2016** at 9:30 a.m. In the
4 event RST's bankruptcy petition has been dismissed or the Torres parties have appeared, the parties
5 **SHALL** file a joint scheduling conference report **no later than June 24, 2016;**

6 2. If the RST bankruptcy petition has not been dismissed or the Torres defendants have
7 not appeared in this action, **no later than June 24, 2016**, Plaintiff **SHALL** file a status report that sets
8 forth the status of the bankruptcy proceedings and Plaintiff's intentions related to the Torres
9 defendants.

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11 IT IS SO ORDERED.

12 Dated: April 8, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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