

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

In Re:

G. WENDELL ULBERG, JR. AND
KATHLEEN M. ULBERG,

Debtor(s),

G. WENDELL ULBERG, JR. AND
KATHLEEN M. ULBERG,

Plaintiffs,

v.

Bank of America, N.A. et al.,

Defendants.

No. 2:13-cv-02219 JAM

Bankruptcy No. 10-53637-E-13
Adv. No. 11-2122

**ORDER ADOPTING THE BANKRUPTCY
JUDGE'S PROPOSED FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

On March 15, 2011, Plaintiffs G. Wendell Ulberg, Jr. and Kathleen M. Ulberg (collectively "Plaintiffs"), who are also Chapter 13 Debtors in a bankruptcy case pending before the Bankruptcy Court, filed a First Amended Complaint ("FAC"). Two defendants, Defendants Bank of America, N.A. and ReconTrust Company, N.A. (collectively the "BANA Defendants"), moved for summary judgment on all causes of action stated against them in the FAC. Plaintiffs filed an opposition to the motion. Defendants Pacific Crest Partners, Inc. ("Pacific Crest"), and

1 John Mudgett ("Mudgett"), who are not parties to BANA Defendants'
2 motion, filed a response without any evidence, arguing that the
3 Bankruptcy Court should grant them summary judgment as well.
4 Pursuant to 28 U.S.C. § 157(c)(1), on October 22, 2013, the
5 Bankruptcy Court submitted its proposed findings of fact and
6 conclusions of law to this Court for review, in which it granted
7 BANA Defendants' motion for summary judgment in its entirety and
8 denied Defendants Pacific Crest and Mudgett's request for summary
9 judgment (Doc. #1).

10 The district court reviews de novo a bankruptcy judge's
11 proposed findings of fact and conclusions of law as to "those
12 matters to which any party has timely and specifically objected."
13 28 U.S.C. § 157(c)(1); see also Fed. R. Bankr. P. 9033(d).
14 Objections are due within 14 days after being served with a copy
15 of the proposed findings of fact. Fed. R. Bankr. P. 9033(b). No
16 objections have been filed in this case.

17 Upon de novo review, the Court finds the proposed findings
18 of fact and conclusions of law to be supported by the record and
19 by proper analysis. Therefore, the Court ADOPTS the Bankruptcy
20 Judge's proposed findings of fact and conclusions of law (Doc.
21 #1) and, accordingly, GRANTS BANA Defendants' motion for summary
22 judgment and DENIES Defendants Pacific Crest and Mudgett's
23 request for summary judgment.

24 IT IS SO ORDERED.

25
26 Dated: February 7, 2014

27
28 
JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE