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5 Attorneys for Plaintiffs
RICHARD BAEK, an individual, BAEK 153, LLC,
6 an Oregon Limited Liability Company, and
PACIFIC COMMERCIAL GROUP, LLC, an
7 Oregon Limited Liability Company

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 RICHARD BAEK, an individual, BAEK
153, LLC, an Oregon Limited Liability
12 Company, and PACIFIC COMMERCIAL
GROUP, LLC, an Oregon Limited
13 Liability Company,

14 Plaintiff,

15 v.

16 JOHN O. HALVORSON, an individual,
DAN L. HALVORSON, an individual, and
17 JERRY ANN RANDALL, individually and
as trustee of the JERRY ANN RANDALL
18 TRUST dated July 30, 2007, PCC FUND
1, LLC, a California Limited Liability
19 Company, GRANITE BAY PARTNERS
II, LLC, a Delaware Limited Liability
20 Company, JH RE HOLDINGS, LLC, a
Delaware Limited Liability Company,
21 COMMERCIAL INCOME ADVISORS,
INC., a California Corporation, JOHN
22 DOES 1 THROUGH 5,

23 Defendants.

Case No. 2:15-CV-01425-WBS-DAD

**JOINT STIPULATION AND [PROPOSED]
ORDER TO STAY PENDING
RESOLUTION OF BANKRUPTCY
PROCEEDINGS**

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25 Plaintiffs Richard Baek, Baek 153, LLC, and Pacific Commercial Group, LLC and
26 Defendants Dan L. Halvorson and Jerry Ann Randall hereby stipulate, through their respective
27 counsel, as follows:
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1 WHEREAS, on July 2, 2015, Plaintiffs Richard Baek, Baek 153, LLC, and Pacific
2 Commercial Group, LLC (collectively referred to herein as “Plaintiffs”) filed a Complaint against
3 defendants John O. Halvorson (referred to herein as “Defendant J. Halvorson”), Dan L.
4 Halvorson (referred to herein as “Defendant D. Halvorson”), and Jerry Ann Randall (referred to
5 herein as “Defendant Randall”) alleging causes of action for intentional fraudulent transfer,
6 constructive fraudulent transfer, common law fraudulent conveyance, conspiracy to commit
7 fraudulent conveyance, aiding and abetting fraudulent conveyance, constructive trust, and
8 resulting trust;

9 WHEREAS, Defendant J. Halvorson was served with the Complaint on July 7, 2015;

10 WHEREAS, Plaintiffs filed a First Amended Complaint as a matter of right on July 13,
11 2015 naming Defendant J. Halvorson’s companies as defendants, PCC Fund 1, LLC, Granite Bay
12 Partners II, LLC, JH Re Holdings, LLC, and Commercial Income Advisors, Inc., and alleging
13 causes of action against said defendants;

14 WHEREAS, on July 16, 2015 Defendant J. Halvorson filed a Voluntary Petition under
15 Chapter 7 of the United States Bankruptcy Code (referred to herein as the “Bankruptcy
16 Proceedings”). Defendant J. Halvorson subsequently filed in the above-entitled Court a Notice of
17 Bankruptcy Filing and Notice of Automatic Stay (Dkt. #7), and consequently, all of Plaintiff’s
18 claims against Defendant J. Halvorson are stayed pursuant to 11 U.S.C. § 362(a);

19 WHEREAS, Defendants D. Halvorson and Randall were served with the First Amended
20 Complaint on July 20, 2015;

21 WHEREAS Defendants D. Halvorson and Randall are the only parties who have appeared
22 in the instant action (Dkt. #8, Answer);

23 WHEREAS, Plaintiffs and Defendants D. Halvorson and Randall were required to meet
24 and confer pursuant to Federal Rule of Civil Procedure 26 prior to the Status (Pretrial Scheduling)
25 Conference set by the above-entitled Court;

26 WHEREAS, during the meet and confer process, it became clear that a stay of this action
27 in its entirety is appropriate because Plaintiffs’ claims against Defendants D. Halvorson and
28

1 Randall are closely related to the stayed claims against Defendant J. Halvorson, and it is possible
2 that many of Plaintiffs' claims against Defendants D. Halvorson and Randall will be resolved in
3 the Bankruptcy Proceedings, and the form of any remaining claims will depend heavily upon the
4 resolution of the Bankruptcy Proceedings;

5 WHEREAS, the parties recognize that, in the interest of judicial economy and to avoid
6 potential inconsistent results between the Bankruptcy Proceedings and the instant action as to the
7 interrelated claims, a stay of this action pending the Bankruptcy Proceedings is appropriate.

8 NOW, THEREFORE, IT IS HEREBY STIPULATED BY THE UNDERSIGNED THAT:

9 1. All proceedings in this action in the above-entitled Court are stayed effective
10 immediately, pending resolution of the Bankruptcy Proceedings or until any party successfully
11 moves the above-entitled Court to lift the stay, whichever occurs first.

12 2. All pending hearing dates and deadlines, including those set forth in the Order Re:
13 Status (Pretrial Scheduling) Conference, are vacated.

14 3. The parties shall file a joint report setting forth a new proposed schedule for this
15 action within fourteen (14) days after the Bankruptcy Proceedings are resolved or until any party
16 obtains a lift of the stay from the above-entitled Court.

17 **IT IS SO STIPULATED.**

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19 *[Signatures on following page]*
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Dated: October 9, 2015

MILLER NASH GRAHAM & DUNN LLP

By: /s/ Phillip Allan Trajan Perez, Esquire
Phillip Allan Trajan Perez
Attorneys for Plaintiffs
RICHARD BAEK, an individual, BAEK
153, LLC, an Oregon Limited Liability
Company, and PACIFIC COMMERCIAL
GROUP, LLC, an Oregon Limited
Liability Company

Dated: October 9, 2015

THE CABRERA FIRM, APC

By: /s/ Guillermo Cabrera, Esquire
Guillermo Cabrera
Attorneys for Defendants
DAN L. HALVORSON and JERRY ANN
RANDALL

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ORDER

Based upon the foregoing stipulation of the parties to stay this action, and good cause appearing,

IT IS ORDERED THAT:

1. All proceedings in this action are hereby **STAYED** completely and in their entirety pending the resolution of the Bankruptcy Proceedings, or until the Court lifts the stay upon motion by any party, whichever occurs first; and

2. All dates and deadlines currently pending in the action, including but not limited to those set forth in the Order Re: Status (Pretrial Scheduling) Conference, are hereby **VACATED**; and

3. The Court will hold a new Status (Pretrial Scheduling) Conference after resolution of the Bankruptcy Proceedings or until the Court lifts the stay upon motion by any party, whichever occurs first, at which time a new schedule of dates and deadlines will be formulated.

IT IS SO ORDERED.

Dated: October 9, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE