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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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In re INTERNATIONAL
MANUFACTURING GROUP, INC.,
Debtor.

CIV. NO. 2:16-2873 WBS
BANKR. ADV. NO. 16-2090-D
BANKR. NO. 14-25820-D-11

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

BEVERLY N. McFARLAND, Chapter
11 Trustee,
Plaintiff,

v.

CALIFORNIA BANK & TRUST, a
California corporation; BANK
OF AMERICA, N.A., a Delaware
corporation; and JAMESTOWN
S'KLALLAM TRIBE,
Defendants.

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Plaintiff Beverly N. McFarland's adversary proceeding
against ZB, N.A. (the "Bank"), doing business as California Bank
& Trust, is currently pending in the bankruptcy court in

1 connection with International Manufacturing Group, Inc.'s ("IMG")
2 Chapter 11 case. In the bankruptcy court, the Bank filed a
3 motion to dismiss plaintiff's first amended complaint. (Adv. No.
4 16-2090-D, Docket No. 85.) Pursuant to 28 U.S.C. § 157(c)(1), In
5 re Bellingham Insurance Agency, Inc., 702 F.3d 553, 565 (9th Cir.
6 2012), and Executive Benefits Insurance Agency v. Arkison, 134 S.
7 Ct. 2165, 2175 (2014), on December 6, 2016, the Bankruptcy Court
8 submitted its proposed findings of fact and conclusions of law to
9 this Court for review.

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). Here,
14 the parties have filed a stipulation, adopted by the bankruptcy
15 court, which states that neither party would file objections to
16 the bankruptcy court's decision and that they would consent to an
17 order by the district court approving the findings of fact and
18 conclusions of law pursuant to Federal Rule of Bankruptcy
19 Procedure 9033(b).

20 Upon de novo review, the court finds the proposed
21 findings of fact and conclusions of law to be supported by the
22 record and by proper analysis. Therefore, the court ADOPTS the
23 Bankruptcy Judge's proposed findings of fact and conclusions of
24 law (Docket No. 1) and, accordingly HEREBY ORDERS as follows:

- 25 1. Count 10 of the Amended Complaint is DISMISSED.
- 26 2. Count 9 is DISMISSED as to the five obligations
27 incurred by IMG in favor of the Bank more than seven years before
28 the commencement of IMG's chapter 11 case.

1 3. Counts 1, 2, and 4 are DISMISSED with respect to
2 repayments made to the Bank on loans made to IMG outside the
3 seven-year period.

4 Dated: December 21, 2016



5 WILLIAM B. SHUBB
6 UNITED STATES DISTRICT JUDGE
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