

Jury Trial, ord

**United States Bankruptcy Court
District of Hawaii (Honolulu)
Adversary Proceeding #: 14-90052**

Assigned to: Bankruptcy Judge Robert J. Faris

Date Filed: 08/25/14

Lead BK Case: 11-01915

Lead BK Title: Joseph Dullas Sumbillo

Lead BK Chapter: 7

Demand:

Nature[s] of Suit: 02 Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)

Plaintiff

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Plaintiff

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represented by **James J. Bickerton**
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Brandee J. Faria
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John Francis Perkin
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Van-Alan H. Shima
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V.

Defendant

Deutsche Bank National Trust Company
 1761 E. Saint Andrew Place
 Santa Ana, CA 92705

represented by **Blaine Rogers**
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Filing Date	#	Docket Text
	<p>① <u>1</u> (5 pgs; 3 docs)</p>	<p>Adversary case 14-90052. ADVERSARY PROCEEDING OPENED. 02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)): Complaint by Joseph Dullas Sumbillo, Dane Field, Lucia Malit Sumbillo against Deutsche Bank National Trust Company. (Attachments: # <u>1</u> Summons # <u>2</u> Adversary Proceeding Cover Sheet) (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))(Bickerton, James)</p>

08/25/2014		Modified on 8/26/2014 [Clerks Note: It appears an incomplete document image is attached; filer advised to refile complete document image; filer is also advised to refile summons as separate docket entry] (LL). (Entered: 08/25/2014)
08/25/2014		Receipt of filing fee for <u>1</u> Complaint(14-90052) [cmp,cmp] (350.00). Receipt No. 1809334. Fee amount \$ 350.00. (U.S. Treasury) (Entered: 08/25/2014)
08/26/2014	2	<i>Advisory Entry: Document no. <u>1</u> is an incomplete document image; Filer advised to refile complete document image as an amended complaint; Filer is also advised to refile summons as separate docket entry.. (related document(s)<u>1</u>).</i> (LL) (Entered: 08/26/2014)
08/26/2014	3 (35 pgs; 2 docs)	Amended Complaint by Dane Field, Lucia Malit Sumbillo against Deutsche Bank National Trust Company (related document(s) <u>1</u>). (Attachments: # <u>1</u> Adversary Proceeding Cover Ssheet) (Bickerton, James) (Entered: 08/26/2014)
08/26/2014	4 (2 pgs)	Amended Summons and Notice of Scheduling Conference in an Adversary Proceeding - Summons Issued on: Deutsche Bank National Trust Company. Scheduling Conference set for 10/21/2014 at 02:00 PM at Courtroom, 1132 Bishop Street, Suite 250, Honolulu, HI 96813. (Bickerton, James) (Entered: 08/26/2014)
09/26/2014	6 (3 pgs)	Certificate of Service of Summons and Copy of Complaint on Deutsche Bank National Trust Company 9/8/2014 .. (Bickerton, James) (Entered: 09/26/2014)
10/15/2014	7 (5 pgs)	Scheduling Conference Statement . Filed by Van-Alan H. Shima on behalf of Dane Field, Lucia Malit Sumbillo.. (Shima, Van-Alan) (Entered: 10/15/2014)
10/20/2014	8 (1 pg)	Amended Summons and Notice of Scheduling Conference in an Adversary Proceeding - Summons Issued on: Deutsche Bank National Trust Company. Scheduling Conference set for 12/12/2014 at 02:00 PM at Courtroom, 1132 Bishop Street, Suite 250, Honolulu, HI 96813. (Shima, Van-Alan) (Entered: 10/20/2014)

10/28/2014	<p>9 (3 pgs)</p>	Certificate of Service of Summons and Copy of Complaint on Deutsche Bank National Trust Company 10/23/2014 .. (Shima, Van-Alan) (Entered: 10/28/2014)
11/18/2014	<p>10 (1 pg)</p>	AMENDED NOTICE OF SCHEDULING CONFERENCE Set in Adversary Proceeding (BNC).. The Scheduling Conference presently scheduled for 12/12/2014 is now RESCHEDULED to 12/16/2014 at 02:00 PM at the USBC Courtroom, 1132 Bishop Street, Suite 250, Honolulu, HI 96813. (OV) (Entered: 11/18/2014)
11/20/2014	<p>11 (2 pgs)</p>	BNC Certificate of Service: Notice of Hearing in Adversary Proceeding. (related document(s): 10) Notice Date 11/20/2014. (Admin.) (Entered: 11/20/2014)
11/21/2014	<p>12 (3 pgs)</p>	Stipulation By and Between Deutsche Bank National Trust Company and Plaintiffs Dane S. Field and Lucia Malit Sumbillo <i>for Extension of Time to Respond to First Amended Complaint Filed August 26, 2014</i> . Filed by Blaine Rogers. (related document(s): 3). (Rogers, Blaine) (Entered: 11/21/2014)
11/21/2014	<p>13 (5 pgs)</p>	Corporate Ownership Statement. Corporate affiliates added to case:, Deutsche Bank AG, Deutsche Bank Holdings, Inc., Deutsche Bank Trust Corporation; Certificate of Service. Filed by Blaine Rogers on behalf of Deutsche Bank National Trust Company.. (Rogers, Blaine) **Modified on 11/22/2014 to add COS to text**(JN). (Entered: 11/21/2014)
12/02/2014	<p>14 (7 pgs; 3 docs)</p>	Order Granting Stipulation for Extension of Time to Respond to First Amended Complaint; Exhibit A (related document(s) 3 Amended Complaint, 12 Stipulation). (Attachments: # 1 Exhibit(s) A) Date of Entry: 12/2/2014. (JN) (Entered: 12/02/2014)
12/04/2014	<p>15 (2 pgs)</p>	BNC Certificate of Service - Notice of Entry of Order or Judgment (related document(s): 14) Notice Date 12/04/2014. (Admin.) (Entered: 12/04/2014)
12/09/2014	<p>16 (7 pgs)</p>	Scheduling Conference Statement ; <i>Certificate of Service</i> . Filed by Blaine Rogers on behalf of Deutsche Bank National Trust Company.. (Rogers, Blaine) (Entered: 12/09/2014)

12/09/2014	● <u>17</u> (5 pgs)	Amended Scheduling Conference Statement . Filed by Van-Alan H. Shima on behalf of Dane Field, Lucia Malit Sumbillo.. (Shima, Van-Alan) (Entered: 12/09/2014)
12/09/2014	● <u>18</u> (1 pg)	Certificate of Service . Filed by Van-Alan H. Shima. (related document(s): <u>17</u>). (Shima, Van-Alan) (Entered: 12/09/2014)
12/10/2014	● <u>19</u> (6 pgs)	Report of Parties' Conference; Certificate of Service . Filed by James J. Bickerton on behalf of Dane Field, Lucia Malit Sumbillo. (Bickerton, James) **Modified on 12/10/2014 to add COS to text**(JN). (Entered: 12/10/2014)
12/16/2014	● <u>20</u>	Minutes of Scheduling Conference held on: 12/16/2014. (RF). Appearances: Blaine Rogers (defendant); Van Shima (plaintiff). This Scheduling Conference is continued to 3/19/2015 at 10:00 AM. USBC Courtroom, 1132 Bishop Street, Suite 250, Honolulu, HI 96813 to accommodate a motion to dismiss and determination of the jury demand (OV) (Entered: 12/16/2014)
12/16/2014	● <u>21</u> (1 pg)	"***) PDF with attached Audio File. Court Date & Time [12/16/2014 2:02:02 PM]. File Size [584 KB]. Run Time [00:02:26]. (admin). (Entered: 12/16/2014)
12/18/2014	● <u>22</u> (55 pgs; 7 docs)	Motion to Dismiss Complaint / Claim (Adversary Proceeding) [<i>Defendant's Motion to Dismiss Claim (s) for Alleged Violations of HRS Chapter 480</i>]. Filed by Blaine Rogers on behalf of Deutsche Bank National Trust Company. (Attachments: # <u>1</u> Memorandum in Support of Motion # <u>2</u> Declaration of J. Blaine Rogers # <u>3</u> Exhibit(s) "A" - Mortgage # <u>4</u> Exhibit(s) "B" - Notice of Mortgagee's Intention to Foreclose Under Power of Sale # <u>5</u> Exhibit(s) "C" - Mortgagee's Affid of Foreclosure Under Power of Sale # <u>6</u> Certificate of Service) (Rogers, Blaine) (Entered: 12/18/2014)
	● <u>23</u> (2 pgs)	Notice of Hearing [<i>Re Defendant's Motion to Dismiss Claim(s) for Alleged Violations of HRS Chapter 480</i>]. Filed by Blaine Rogers. Hearing for: <u>22</u> Motion to Dismiss Complaint / Claim. Hearing scheduled for 3/19/2015 at 10:00 AM at Courtroom, 1132 Bishop Street, Suite 250, Honolulu, HI 96813.

12/18/2014		(Rogers, Blaine) (Entered: 12/18/2014)
12/19/2014	<u>24</u> (1 pg)	Certificate of Service [Re Notice of Hearing on Defendant's Motion to Dismiss Claim(s) for Alleged Violations of HRS Chapter 480]. Filed by Blaine Rogers. (related document(s): <u>23</u>). (Rogers, Blaine) (Entered: 12/19/2014)
03/05/2015	<u>25</u> (26 pgs)	Plaintiffs' Opposition to Defendant's Motion to Dismiss Claim(s) for Alleged Violations of HRS Chapter 480; Certificate of Service . Filed by Plaintiffs Dane Field, Lucia Malit Sumbillo. (Related document(s): <u>22</u> Motion to Dismiss Complaint / Claim filed by Deutsche Bank National Trust Company). (Shima, Van-Alan) Modified on 3/5/2015 (DM). (Entered: 03/05/2015)
03/12/2015	<u>26</u> (15 pgs)	Defendant's Reply in Support of [Dkt. #22] Motion to Dismiss Claim(s) for Alleged Violations of HRS Chapter 480; Certificate of Service . Filed by Defendant Deutsche Bank National Trust Company. (Related document(s): <u>22</u> Motion to Dismiss Complaint / Claim filed by Deutsche Bank National Trust Company). (Rogers, Blaine). **Modified on 3/12/2015 to add relation to document no. <u>25</u> ** (JN). (Entered: 03/12/2015)
03/19/2015	<u>27</u> (1 pg)	PDF with attached Audio File. Court Date & Time [3/19/2015 10:14:55 AM]. File Size [5520 KB]. Run Time [00:23:00]. (admin). (Entered: 03/19/2015)
03/19/2015	<u>28</u>	Minutes of Hearing held on: 3/19/2015. (RF). Disposition: 1)M/Dismiss Complaint is denied for reasons stated for the record. Mr. Bickerton will submit the order. 2)Scheduling Conference - a jury demand has been filed, therefore the Court will issue a recommendation to the U.S. District Court to withdraw reference. Appearances: Blaine Rogers (defendant/movant); James Bickerton/Bridget Morgan/John Perkins/Van Shima (plaintiff). <i>Court to prepare order.</i> (related document(s): <u>22</u> Motion to Dismiss Complaint / Claim) (courtm,ov). ***Modified on 3/20/2015 to correct plaintiff counsel name from Richard to Bridget Morgan*** (OV). (Entered: 03/19/2015)
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03/19/2015	(1 pg)	PDF with attached Audio File. Court Date & Time [3/19/2015 10:14:55 AM]. File Size [5520 KB]. Run Time [00:23:00]. (admin). (Entered: 03/19/2015)
03/20/2015	30 (2 pgs)	Transcript Request . Filed by Bridget G. Morgan on behalf of Dane Field, Lucia Malit Sumbillo. (related document(s): 28). (Morgan, Bridget) (Entered: 03/20/2015)
03/20/2015	31 (2 pgs)	Transcript Request <i>re hearing of March 19, 2015</i> . Filed by Blaine Rogers on behalf of Deutsche Bank National Trust Company. (related document(s): 28). (Rogers, Blaine) (Entered: 03/20/2015)
03/23/2015	32	Transcriber's Acknowledgement of Transcript Request. Transcriber hereby acknowledges receipt on March 20, 2015 of a transcript request for trial/hearing on March 19, 2015 and expects to have the transcript completed by March 23, 2015. Satisfactory arrangements for paying the cost of the transcript have been made. /s/ Maukele Transcribers LLC (RE: related document(s) 30 Transcript Request, 31 Transcript Request). (Cahill, Jessica) (Entered: 03/23/2015)
03/23/2015	33 (21 pgs; 2 docs)	Transcript for Trial/Hearing on March 19, 2015. Transcriber: Jessica B. Cahill, Maukele Transcribers, LLC, Phone Number 808-244-0776. <i>Remote electronic access to the transcript is restricted for 90 days after the date the transcript is filed.</i> Redaction Request due 04/13/2015. Redacted Transcript due 04/20/2015. Transcript Access Restriction Period ends 06/22/2015. (RE: related document(s) 28 Minutes - Virtual). (Cahill, Jessica) **Modified on 3/23/2015 [Clerk's Note: Corrected Hearing date from March 29, 2015 to March 19, 2015]**(LL). (Entered: 03/23/2015)
03/26/2015	34 (2 pgs)	BNC Certificate of Service - Notice of Filing of Transcript (related document(s): 33) Notice Date 03/26/2015. (Admin.) (Entered: 03/26/2015)
03/30/2015	35 (5 pgs; 2 docs)	Order Denying Motion to Dismiss Adversary Proceeding / Claim(s) for Alleged Violations of HRS Chapter 480 (Related Doc # 22) Date of Entry: 3/30/2015. (JN) (Entered: 03/30/2015)

03/31/2015	● <u>36</u> (2 pgs)	Recommendation to District Court to Withdraw Reference to Conduct Jury Trial. Date of Entry: 3/31/2015. (JN) (Entered: 03/31/2015)
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