

## LINCOLN CASES UNDER ADVISEMENT

This is the Bankruptcy Court's record of matters under advisement which are ready for decision as of **October 6, 2003**. This document will be updated regularly. If this list fails to include any matters which a party believes to be "under advisement," please contact the Court.

### **I. RELIEF FROM STAY & PRIORITY MATTERS**

<b>Name, Case No., Chapter</b>	<b>Date Ready</b>	<b>Attorneys</b>
BK03-42788 <u>Kenneth &amp; Barbara Stevens</u> <b>motion for relief by Farmers State Bank of Wallace (#10); debtors' obj. (#19)</b> exhibits (parties given until 9/22 to object to admissibility)	9/16/03	Debtors: Doyle Morse Bank: Jim McClymont
BK03-42715 <u>L.A. Investments, Inc.</u> Ch. 11 <b>West Gate Bank's motion for relief (#11, 17); debtor's resistance (#14)</b> exhibits	10/6/03	Debtor: John Hahn Bank: Britt Ehlers

### **II. UNDER ADVISEMENT, EXCLUDING PRIORITY MATTERS**

<b>Name, Case No., Chap.</b>	<b>Date Ready</b>	<b>Attorneys</b>
A00-4030 <u>Fauss v. Zwuygart</u> BK99-42288 Rodney & Marilyn Zwuygart Ch. 11 <b>trial on dischargeability under § 523(a)(4) &amp; (6)</b> exhibits. Written final arguments to be submitted – plaintiffs' is at #174, and debtors' at #177.	7/8/03 (trial dates 5/5-6/03 in Omaha)	Debtors: pro se Plaintiffs: Tom DeLay & Kate Derr
BK02-40210 <u>State Title Services, Inc.</u> Ch. 7 <b>Sutton Bay Golf's motion for summary judgment (#404); opposition by Ale Inv. (#421); resistance by Trustee (#425); opposition by "Various Creditors" (#437)</b> exhibits, briefs (#409, #421, #426, #437), audiotape of hearing	7/31/03	Trustee: Ann Grottveit, Robt. Becker Sutton Bay: Trev Peterson Ale Inv.: Audrea Kappert Various Creds: Dave Thompson
BK02-42294 <u>Esther Wilshusen</u> Ch. 12 <b>Order Deferring Motion to Dismiss Case filed by Rambour (Related Doc # [36]), AND Order Deferring Motion to Dismiss Case filed by Richard Lydick, Ch. 12 Trustee (Related Doc # [37]). Ruling on the motions to dismiss is deferred until September 19, 2003, due to the pending closing of a sale of real estate in the companion case of Pine Tree Farms, BK02-41657</b>	9/19/03	Debtor: James Stecker Rambour: Trev Peterson

### **III. MATTERS NOT READY FOR DECISION**

Name, Case No., Chap.	Date Ready	Attorneys
BK03-41842 <u>Roger &amp; Nancy Meints</u> Ch. 13 <b>Pinnacle Bank's motion to dismiss case (#9); debtors' resistance (#13)</b> The parties to this motion have agreed to submit the matter to the court on a stipulation of facts, briefs and affidavit evidence without oral arguments. The parties have until Sept. 22, 2003, in which to file the stipulation of facts, supporting briefs and affidavit evidence, after which time the matter will be considered under advisement. The confirmation hearing is continued by agreement of the parties and the Chp. 13 Trustee, to be rescheduled if necessary, after disposition of the Motion to Dismiss. [10/6/03 – nothing yet filed.]	9/23/03	Debtors: John Hahn Bank: David Thompson
A02-4002 <u>Brian Martin v. Tammy Martin</u> BK01-43041 Tammy Martin Ch. 7 <b>Order of 8/25/03: The Chapter 7 Trustee has informed the court he will move to reopen the bankruptcy case to administer assets. A ruling on this adversary proceeding shall be deferred to at least December 1, 2003.</b>	12/2/03 (trial 8/1/03)	Debtor: Scott Tingelhoff Plaintiff: Paul Boross
BK00-42256 <u>Gold's Ltd. Partnership</u> Ch. 11 <b>Order entered 5/15/03: The issues concerning the competing disclosure statements (SN Commercial's 3d amd. disclosure statement (#376) and Debtor's 4th amd. disclosure statement (#380)) are deferred pending resolution of A03-4007.</b>		Debtor: Vic Covalt SN Commercial: Mike Washburn & Mark Broude Equity Securityholders: Doug Quinn Gold's Mortgage Holding: Wm. Olson
A02-4074 <u>Eggerling v. WorldCom</u> (SDNY Ch. 11) <i>See Order of 7/29/03 (#20):</i> The parties are requested to file the next status report on or before March 1, 2004.	3/2/04	