

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

Christopher and Ellen Knudsen,
Debtors.

Chapter 13
Case # 08-10726

Christopher and Ellen Knudsen,
Plaintiffs,

vs.

Mortgage Electronic Registration Systems,
Inc., Bank of America, N.A.,
Litton Loan Servicing, L.P.,
U.S. Bank, N.A. as Trustee,
and Ocwen Loan Servicing, L.P.,
Defendants.

Adversary Proceeding
13-1005

Appearances: Matthew Schectman, Esq.
Schectman Halperin Savage, L.L.P.
Pawtucket, RI
For Defendants

Rebecca A. Rice, Esq.
Cohen & Rice
Rutland, VT
For Plaintiffs

ORDER

DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
AND MODIFYING SCHEDULING ORDER TO SET NEW DATES FOR FILING FINAL PRE-TRIAL STATEMENT
AND APPEARING AT FINAL PRE-TRIAL CONFERENCE

For the reasons set forth in the memorandum of decision of even date, THE COURT FINDS that the Defendants have failed to meet their burden of proving an absence of a genuine issue of material fact. Consequently, they are not entitled to judgment as a matter of law.

Accordingly, IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment (doc. # 40) is DENIED.

In light of this ruling on the Motion for Summary Judgment, and in order to expedite trial of the remaining claims, IT IS FURTHER ORDERED that the Scheduling Order entered on August 26, 2014 (doc. # 44) is hereby modified to

- (1) relieve the parties of the obligation to file the Pre-Trial Statement and Stipulation of Facts by September 30, 2014;
- (2) direct the parties to file that Pre-Trial Statement and Stipulation of Facts by October 17, 2014; and
- (3) direct the parties to appear at a final pre-trial conference, in the Rutland Visiting Judge Chambers, on October 24, 2014 at 3:30 PM, having already conferred with the Courtroom Deputy as to possible hearing dates, so a trial date and time may be set at that conference.

IT IS FURTHER ORDERED that, unless by 10 am on October 2, 2014, the parties have filed a stipulation indicating they have resolved the pending motion to compel (doc. # 33) set for hearing on October 3, 2014, that hearing will proceed as scheduled.

SO ORDERED.

September 30, 2014
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge