

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

**January 14, 2009 at 10:00 a.m.**

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**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

**1. Matters resolved without oral argument:**

Unless stated otherwise, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

- 2. The court will not continue any short cause evidentiary hearings scheduled below.**
- 3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.**
- 4. If no disposition is set forth below, the matter will be heard as scheduled.**

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1.	08-34900-D-7	GERMAN/JULIETA OCAMPO	CONT. HEARING - ORDER TO SHOW CAUSE RE DISMISSAL OF CASE OR IMPOSITION OF SANCTIONS 11-4-08 [9]
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2.	05-27802-D-7	RICHARD/KARIN PALFINI	HEARING - ORDER TO SHOW CAUSE RE DISMISSAL OF CASE OR IMPOSITION OF SANCTIONS 12-10-08 [47]
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3. 06-24904-D-7 ROSA DRIGGERS CONT. HEARING - MOTION  
FOR AN ORDER APPROVING  
COMPROMISE OF CONTROVERSY AND  
APPROVAL OF SETTLEMENT  
10-21-08 [91]

4. 08-23205-D-7 MARC/STACEY REDDING HEARING - MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
MBB #1 12-15-08 [35]  
COUNTRYWIDE HOME LOANS, INC., VS.

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The debtors received their discharge on December 4, 2008 and, as a result, the stay is no longer in effect as to the debtors (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtors as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

5. 08-36905-D-7 KATHLEEN AGUILAR HEARING - MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
SW #1 12-19-08 [11]  
GMAC, VS.

The matter is resolved without oral argument. This motion was noticed under LBR 9014-1(f)(2). However, the debtor's Statement of Intentions indicates she intends to surrender the collateral and the trustee has filed a Report of No Assets. Accordingly, the court finds a hearing is not necessary and will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

6. 08-33710-D-7 JUAN/VIANEY URIBE HEARING - MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
DMM #1 12-11-08 [16]  
WACHOVIA MORTGAGE, FSB, VS.

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtors' Statement of Intentions indicates they will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

7. 08-30812-D-7 GLENDA BAUER HEARING - MOTION FOR  
APN #1 RELIEF FROM AUTOMATIC STAY  
WELLS FARGO BANK, N.A., VS. ON REAL PROPERTY  
12-17-08 [81]

**The hearing on this motion is continued to January 28, 2008 at 10:00 a.m. per the parties' request. No appearance is necessary**

8. 08-35612-D-7 JACQUELINE ANDERSON HEARING - MOTION FOR  
LAZ #1 RELIEF FROM AUTOMATIC STAY  
CITIMORTGAGE, INC., VS. 12-11-08 [13]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtor's Statement of Intentions indicates she will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.**

9. 08-32716-D-7 STEVEN CAMMACK HEARING - UNITED  
UST #2 STATES TRUSTEE'S MOTION  
TO DISMISS CASE  
11-21-08 [24]

**Motion withdrawn by stipulation. Matter removed from calendar.**

10. 08-35919-D-7 MARGARET HORAN HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
FOR FAILURE TO TENDER FEES  
12-11-08 [17]

**The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.**

11. 05-26622-D-7 KAREN WEBB HEARING - TRUSTEE'S MOTION  
KWS #8 FOR ORDER AUTHORIZING SALE OF  
REAL PROPERTY FREE AND CLEAR  
OF LIENS AND ENCUMBRANCES  
12-17-08 [288]
12. 08-34725-D-11 LIQUOR BARN, INC. CONT. STATUS CONFERENCE  
10-14-08 [1]
13. 08-35728-D-7 CHALESTINA SACCOMANO HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
12-17-08 [18]
14. 08-24733-D-11 LANNY/DEBORAH TOBE HEARING - FIRST INTERIM  
SAC #4 APPLICATION FOR ATTORNEYS'  
FEES OF SCOTT COBEN &  
ASSOCIATES (\$2,250.00)  
12-2-08 [65]

The applicant failed to serve Marriott Vacation Club, listed in the D-schedule, and Brandon Nash, listed in the F-schedule. As such this matter will be continued to February 25, 2009 at 10:00 a.m. to allow the moving party to serve notice of continued hearing, motion, and other pleadings as may be required by FRBP or LBR on these claim holders. The Debtor shall file a separate proof of service reflecting appropriate service in conformity with LBR. No appearance is necessary.

15. 08-30534-D-7       ARNOLD RUBENSTEIN                   HEARING - MOTION FOR  
08-2596               GAR #1                                   JUDGMENT ON THE PLEADINGS  
KEITH ROYAL, VS.                       11-18-08   [10]  
ARNOLD RUBENSTEIN
16. 08-36735-D-7       STEVE/VIRGINIA KALOCZI               HEARING - MOTION  
MET #1                                   TO COMPEL TRUSTEE TO ABANDON  
PROPERTY OF THE ESTATE  
12-8-08   [7]
17. 08-37039-D-7       SYDNE QUYNH                           HEARING - MOTION FOR  
WGM #1                                   RELIEF FROM AUTOMATIC STAY  
PHH MORTGAGE CORP., VS.               ON REAL PROPERTY  
12-12-08   [11]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtor's Statement of Intentions indicates she will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.**

18. 08-29640-D-7       LAFAYETTE BICKHAM                   CONT. HEARING - MOTION TO  
BJD #1                                   VACATE ORDER DISMISSING CASE  
11-12-08   [61]

**Hearing on this motion was continued from December 10, 2008 to January 14, 2009 to allow the moving party to correct a service defect. On December 11, 2008 the moving party re-filed the motion as a new motion with a new notice of hearing, motion, supporting declaration and proof of service, using the original motion's docket control number, setting a hearing for January 28, 2009. As such this motion is a duplicate and will be removed from calendar.**

19. 08-36640-D-7 DUANE LA COUR HEARING - MOTION FOR  
PD #1 RELIEF FROM AUTOMATIC STAY  
CHASE HOME FINANCE LLC, VS. 12-8-08 [10]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtor's Statement of Intentions indicates he will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

20. 08-38345-D-7 ROY/CHERISE WHITAKER HEARING - APPLICATION  
FOR WAIVER OF THE CHAPTER 7  
FILING FEE  
12-12-08 [5]

21. 08-22451-D-7 WALTER/GWENDOLYN GORDON HEARING - MOTION FOR  
08-2569 JMO #1 ENTRY OF DEFAULT JUDGMENT  
CALIFORNIA COMMUNITY 12-8-08 [12]  
CREDIT UNION, VS.  
WALTER GORDON, ET AL.

22. 08-37454-D-7 CHARLES WILSON HEARING - MOTION TO  
DISMISS DUPLICATE CASE  
12-1-08 [7]

There is no proof of service on file for this motion. As such this matter will be continued to January 28, 2009 at 10:00 a.m. to allow the moving party to file a proof of service no later than January 16, 2009. No appearance is necessary.

23. 08-37454-D-7 CHARLES WILSON HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
12-18-08 [13]

24. 08-31868-D-7 DAVID/PAMELA MACE HEARING - MOTION  
FRL #3 TO APPROVE AUCTIONEER'S  
COMPENSATION  
12-8-08 [49]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.**

25. 08-36284-D-7 SHIRLEY BARCLAY HEARING - MOTION FOR  
ABG #1 RELIEF FROM AUTOMATIC STAY  
KINECTA FEDERAL CREDIT 12-10-08 [9]  
UNION, VS.

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay by minute order. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. No appearance is necessary.**

26. 08-36585-D-11 NORTHSTAR/GRASS VALLEY, STATUS CONFERENCE  
LLC 11-13-08 [1]

27. 08-36585-D-11 NORTHSTAR/GRASS VALLEY, HEARING - MOTION FOR  
WFH #1 LLC INTERIM AND FINAL ORDERS  
AUTHORIZING DEBTOR TO OBTAIN  
POST-PETITION FINANCING ON A  
SECURED "SUPER-PRIORITY" BASIS  
12-16-08 [32]

28. 08-24691-D-7 STACEY ROTH HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
12-5-08 [31]

**The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.**

29. 08-37698-D-7 BRIAN/LARA SLOAN HEARING - MOTION FOR  
WGM #1 RELIEF FROM AUTOMATIC STAY  
INDYMAC FEDERAL BANK, FSB, VS. ON REAL PROPERTY  
12-12-08 [7]

30. 08-90705-D-11 ALAN CHENEY & ASSO. INS. HEARING - ORDER TO  
SERVICES MODESTO, INC. SHOW CAUSE RE: WHY THIS CASE  
SHOULD NOT BE CONVERTED TO A  
CASE UNDER CHAPTER 7  
12-24-08 [266]

31. 08-32318-D-7 HERIBERTO HARO HEARING - MOTION  
JHW #1 FOR ORDER CONFIRMING  
DAIMLERCHRYSLER FINANCIAL TERMINATION OF STAY  
SERVICES AMERICAS LLC, VS. 12-5-08 [15]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The debtor received his discharge on December 17, 2008 and, as a result, the stay is no longer in effect as to the debtor (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtor as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

32. 08-90779-D-11 UNIQUE DEPENDABLE INSURANCE, HEARING - ORDER TO  
INC. SHOW CAUSE RE: WHY THIS CASE  
SHOULD NOT BE CONVERTED TO A  
CASE UNDER CHAPTER 7  
12-24-08 [270]

33. 08-36585-D-11 NORTHSTAR/GRASS VALLEY, LLC HEARING - MOTION FOR  
WFH #1 INTERIM AND FINAL ORDERS  
AUTHORIZING DEBTOR TO OBTAIN  
POST-PETITION FINANCING ON A  
SECURED "SUPER-PRIORITY" BASIS  
12-29-08 [67]

**This is a duplicate of calendar item no. 27. Matter removed from calendar.**

34. 08-37986-D-7 DOLORES WAYNBERG HEARING - MOTION FOR  
WGM #1 RELIEF FROM AUTOMATIC STAY  
JPMORGAN CHASE BANK ON REAL PROPERTY  
NATIONAL ASSOC., VS. 12-24-08 [8]

