

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

July 15, 2009 at 10:00 a.m.

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.

1.	08-23603-D-7 JRR #5	GUY/JAMIE LYNN	HEARING - TRUSTEE'S MOTION TO ALLOW TRUSTEE TO RELEASE PARTNERSHIP RECORDS TO NON-FILING PARTNER 5-27-09 [178]
----	------------------------	----------------	--

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.

2.	09-30703-D-7 WGM #1 BAC HOME LOANS SERVICING, L.P., VS.	GIOVANNA NICOLET	HEARING - MOTION FOR RELIEF FROM AUTOMATIC STAY ON REAL PROPERTY 6-18-09 [9]
----	---	------------------	---

3. 08-26007-D-11 RICHARD LEWIS III HEARING - MOTION TO
RDW #1 SET ASIDE ORDER OF CONFIRMATION,
OR ALTERNATIVELY, TO AMEND PLAN
TO INCLUDE CLAIM AND PAYMENT OF
CLAIM OF PIDC, OR ALTERNATIVELY
RELIEF FROM AUTOMATIC STAY
6-12-09 [94]

The court is inclined to deny the motion. The motion seeks to revoke the confirmation order and/or debtor's discharge. This relief can only be granted through an adversary proceeding. (See FRBP 7001(a)(3) and (4).) The court will hear the matter.

4. 09-22509-D-7 ALBERT BRAUN CONT. HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-8-09 [12]

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.

5. 08-37113-D-7 JO ANN VASSALLO HEARING - MOTION
08-2688 SMR #1 TO DISMISS
JO ANN VASSALLO, VS. 6-17-09 [38]
WASHINGTON MUTUAL HOME
LOANS

6. 09-23017-D-7 KIATCHAI BANNAVAKARN HEARING - MOTION
09-2298 FOR CONSOLIDATION OF ACTIONS
CHAINARONG LIMVARAPUSS, VS. 6-12-09 [9]
KIATCHAI BANNAVAKARN, ET AL.

7. 09-26723-D-7 KENNETH/THERESA MCCONNELL HEARING - MOTION FOR
MDE #1 RELIEF FROM AUTOMATIC STAY
LITTON LOAN SERVICING, LP, VS. 6-9-09 [14]

8. 09-25725-D-7 SEAN/MEGAN KELLY HEARING - MOTION FOR
MDE #1 RELIEF FROM AUTOMATIC STAY
CITIMORTGAGE, INC., VS. 6-16-09 [20]

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. There will be no further relief afforded. No appearance is necessary.

9. 07-24135-D-7 GARY/CAROL FERCHO HEARING - MOTION
CLH #6 OF DEBTORS TO REQUIRE TRUSTEE
TO ABANDON PROPERTY
6-17-09 [85]

10. 09-28955-D-11 RHM INDUSTRIAL/SPECIALTY HEARING - ORDER
FOODS, INC. TO SHOW CAUSE FOR FAILURE
TO PROSECUTE
6-11-09 [14]

This case has been consolidated with Case No. 09-29161. Accordingly, this order to show cause is removed from calendar as moot. No appearance is necessary.

11. 09-28956-D-11 SK FOOD, L.P. HEARING - ORDER
TO SHOW CAUSE FOR FAILURE
TO PROSECUTE
6-11-09 [16]

This case has been consolidated with Case No. 09-29162. Accordingly, this order to show cause is removed from calendar as moot. No appearance is necessary.

12. 09-31157-D-11 CHARLES BROWN III STATUS CONFERENCE
6-2-09 [1]

13. 07-29062-D-7 KHALED ANBER HEARING - MOTION FOR
GSD #1 RELIEF FROM AUTOMATIC STAY
COMMUNITY COMMERCE BANK, VS. 6-17-09 [196]

14. 09-29168-D-7 BENJAMIN/ROXANA HEARING - MOTION FOR
SW #1 DUMITRASCUTA RELIEF FROM AUTOMATIC STAY
WACHOVIA DEALER 6-19-09 [11]
SERVICES, INC., VS.

The matter is resolved without oral argument. This motion was noticed under LBR 9014-1(f)(2). However, the debtors' Statement of Intentions indicates they intend 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.

15. 08-38976-D-7 JOHN/DEBRAH LODI HEARING - VERIFIED MOTION
WSD #5 BY WENDY DEZZANI, ATTORNEY AT
LAW, FOR A FIRST AND FINAL
ALLOWANCE OF COMPENSATION AS
COUNSEL FOR TRUSTEE (\$5,003.00
FEES; \$230.42 COSTS)
6-19-09 [41]

16. 09-29392-D-7 DAVID ROPPEL HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
6-16-09 [16]

This case was dismissed on July 2, 2009. As a result the order to show cause will be removed from calendar as moot. No appearance is necessary.

17. 09-30392-D-7 KIM GOV HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
6-11-09 [11]

The debtor has failed to file the information required under Bankruptcy Code §521(a)(1) within 45 days of the petition date. The consequence for failing to file this information is automatic dismissal effective on the 46th day following the petition date (the 46th day is July 7, 2009). Accordingly, the court will issue a minute order confirming that the case was automatically dismissed on July 7, 2009 pursuant to section 521(i) of the Bankruptcy Code. This matter is therefore removed from calendar as moot. No appearance is necessary.

18. 08-38595-D-7 JASON/SHYLA TROJANOWSKI HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A., VS. 6-18-09 [72]

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. There will be no further relief afforded. No appearance is necessary.

19. 09-26096-D-11 TOP NOTCH LIMOUSINE & HEARING - MOTION FOR
RWL #1 EXECUTIVE SERVICES RELIEF FROM AUTOMATIC STAY
U.S. BANCORP EQUIPMENT ON REAL PROPERTY
FINANCE, INC., VS. 6-18-09 [32]
20. 09-31296-D-7 SHELBY REYNOLDS HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
6-11-09 [7]
21. 09-21807-D-7 HECTOR/DENISE ACEVEDO HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
LASALLE BANK N.A., VS. 6-24-09 [35]
22. 09-25107-D-7 ROBERT/FRANCES CHIGAZOLA HEARING - MOTION FOR
ND #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL ON REAL PROPERTY
TRUST COMPANY, ET AL., VS. 7-1-09 [44]

23. 08-36012-D-7 ZARAH MENDOZA HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
ONE WEST BANK FSB, VS. 7-1-09 [58]
24. 05-29226-D-7 R.E. SERVICES CO., INC. HEARING - MOTION TO
SF #11 COMPROMISE CONTROVERSY RE
ATTORNEY'S FEES LIEN CLAIM
OF EVERS LAW GOUP
6-25-09 [638]
25. 05-29226-D-7 R.E. SERVICE CO., INC. HEARING - MOTION
SF #12 TO AUTHORIZE EXPENDITURE BY
TRUSTEE OF FUNDS FOR EXPERT
WITNESS FEES IN PENDING
PRODUCT LIABILITY LAWSUIT
6-25-09 [643]
26. 09-23126-D-7 DONNA WILLIAMS HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK N.A., VS. 6-26-09 [48]

27. 09-24331-D-13L ANTONIO/GLORIA CHARONDO
JEG #1
PRIMACK FAMILY PARTNERSHIP,
LTD., VS. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-23-09 [50]
28. 08-22451-D-7 WALTER/GWENDOLYN GORDON
08-2499
PATELCO CREDIT UNION, VS.
WALTER GORDON, ET AL. HEARING - MOTION
TO EXTEND DISCOVER CUT OFF DATE
6-26-09 [41]
29. 09-31157-D-11 CHARLES BROWN III
HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL OF
CASE, CONVERSION, APPOINTMENT
OF AN EXAMINER OR TRUSTEE, OR
IMPOSITION OF SANCTIONS
6-22-09 [15]
30. 09-30659-D-7 DAVID/MELONY HUNTER
HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
6-26-09 [9]

31. 09-29161-D-11 RHM INDUSTRIAL/SPECIALTY HEARING - MOTION OF
SH #7 FOODS, INC. THE CHAPTER 11 TRUSTEE FOR
(I) APPROVAL OF THE KEY EMPLOYEE
INCENTIVE PROGRAM, AND (II)
AUTHORIZATION TO MAKE PAYMENTS
PURSUANT TO THE KEY EMPLOYEE
INITIATIVE PROGRAM
7-1-09 [225]

This matter will not be called before 10:30 a.m.

32. 09-29162-D-11 SK FOODS, L.P. HEARING - MOTION OF
SH #7 THE CHAPTER 11 TRUSTEE FOR
(I) APPROVAL OF THE KEY EMPLOYEE
INCENTIVE PROGRAM, AND (II)
AUTHORIZATION TO MAKE PAYMENTS
PURSUANT TO THE KEY EMPLOYEE
INCENTIVE PROGRAM
7-1-09 [438]

This matter will not be called before 10:30 a.m.

33. 08-24285-D-7 MARIA/ARNULFO ALVAREZ, VS. HEARING - MOTION
SCG #1 TO AVOID LIEN
GCFS, INC. 6-26-09 [15]

Tentative Ruling: There is no proof of service on file. If the motion was properly served, and a proof of service is filed before the hearing, the court is inclined to grant the motion. If the motion has not been properly served, the court will deny the motion. The court will hear the matter.

34. 09-91989-D-7 INTERGRAL RESOURCES LLC HEARING - MOTION FOR
BBM #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 7-1-09 [10]

35. 09-30392-D-7 KIM GOV

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
6-25-09 [15]

The debtor has failed to file the information required under Bankruptcy Code §521(a)(1) within 45 days of the petition date. The consequence for failing to file this information is automatic dismissal effective on the 46th day following the petition date (the 46th day is July 7, 2009). Accordingly, the court will issue a minute order confirming that the case was automatically dismissed on July 7, 2009 pursuant to section 521(i) of the Bankruptcy Code. This matter is therefore removed from calendar as moot. No appearance is necessary.

36. 09-26096-D-11 TOP NOTCH LIMOUSINE &
SMR #1 EXECUTIVE SERVICES, INC.

HEARING - MOTION TO
APPROVE SALE OF ASSETS OF
THE DEBTOR FREE AND CLEAR
OF LIENS, CLAIMS, ENCUMBRANCES
AND INTERESTS AND TO APPROVE
SALE AGREEMENT
6-30-09 [39] O.S.T.

Tentative Ruling: The court is inclined to deny the motion for the following reasons: (1) the notice of hearing, which is the only document served on creditors, does not "sufficiently describe the nature of the relief being requested and set forth the essential facts necessary for a party to determine whether to oppose the motion" (LBR 9014-1(d)(4)); (2) the notice describes the property to be sold as "certain personal property including seven motor vehicles and certain non-tangible personal property," whereas per the motion, the Debtor actually seeks to sell "essentially all of the assets of the Corporation;" (3) the notice does not state the proposed purchase price or the identify the proposed purchaser; (4) the notice does not mention overbidding; (4) the notice does not inform secured creditors that the sale is intended to be free and clear of their interests, does not describe in any way the particular vehicles to be sold or identify the secured creditors involved, does not inform secured creditors that they will receive less than the amounts due under their liens; and (5) if the sale is to be free and clear of a creditor's lien, the creditor must be served pursuant to FRBP 7004. Further, the notice and the motion fail to state the net proceeds to the estate, the tax consequences from the sale, whether any insider guaranteed any of the debt involved in the sale and whether any insider will be employed by the buyer. The court will hear the matter.

