

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

August 5, 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 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	GUY/JAMIE LYNN	HEARING - MOTION
	JRR #7		TO ALLOW PAYMENT OF
			AUCTIONEER'S COMMISSION AND
			EXPENSES TO WEST AUCTIONS LLC
			(\$14,000.00)
			7-7-09 [198]

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. 08-33310-D-7 RICKIE WALKER HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
6-23-09 [96]

3. 09-25417-D-7 JEAN SIMPSON HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
KAT #1 7-3-09 [12]
SOLANO FIRST FEDERAL
CREDIT 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. The debtor received her discharge on July 9, 2009 and, as a result, the stay is no longer in effect as to the debtor (see 11 U.S.C. § 362(c)(3)).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.

4. 09-27218-D-7 VIRGINIA RINGL AND HEARING - ORDER
SOLOMON PABELLAN TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
7-9-09 [52]

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. 07-21924-D-7 WILLIAM/SUSAN KIDWELL HEARING - MOTION TO
SELL REAL PROPERTY TO
CO-OWNERS OF REAL PROPERTY
JRR #1 6-29-09 [90]

6. 08-34725-D-11 LIQUOR BARN, INC. CONT. HEARING - MOTION OF
UST #1 THE UNITED STATES TRUSTEE
FOR ORDER CONVERTING CASE
OR DIRECTING APPOINTMENT OF
CHAPTER 11 TRUSTEE
4-17-09 [86]
7. 08-34725-D-11 LIQUOR BARN, INC. CONT. HEARING - DEBTOR'S MOTION
HSM #6 TO EXTEND TIME TO ASSUME OR
REJECT UNEXPIRED LEASE OF
NONRESIDENTIAL REAL PROPERTY
1-27-09 [52]
8. 09-23026-D-7 PATRICIA DAVIS HEARING - MOTION FOR
JHW #1 RELIEF FROM AUTOMATIC STAY
CHRYSLER FINANCIAL SERVICES 6-16-09 [20]
AMERICAS LLC, 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 debtor received her discharge on June 8, 2009 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.**
9. 09-32826-D-11 DELE HOLBEIN STATUS CONFERENCE
6-22-09 [1]

10. 09-32826-D-11 DELE HOLBEIN HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
7-1-09 [9]

11. 05-40928-D-7 RONALD/BONNIE LOGUE HEARING - MOTION FOR
DMM #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA MORTGAGE, FSB, VS. 7-8-09 [74]

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 July 17, 2009 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.

12. 06-23228-D-7 TODD/TAMARA MURRAY HEARING - MOTION
DNL #3 FOR EXTENSION OF DEADLINE TO
OBJECT TO DISCHARGE
6-24-09 [228]

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.

13. 09-31430-D-7 ANTHONY/PHYLLIS CHOPELAS HEARING - MOTION FOR
JMS #1 RELIEF FROM AUTOMATIC STAY
CHASE HOME FINANCE, LLC, VS. 6-17-09 [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 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.

14. 06-20432-D-7 RICHARD/LOUISE GEBERT HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
7-9-09 [48]

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.

15. 09-29032-D-7 FRANK/MARIA ALVARAZ HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
7-7-09 [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.

16. 08-27633-D-7 RICKY/STACI GROSSWILER HEARING - MOTION FOR
MDE #1 RELIEF FROM AUTOMATIC STAY
LITTON LOAN SERVICING, LP, VS. 6-18-09 [37]

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.

17. 09-31838-D-7 VICTOR ROJAS HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
ONE WEST BANK, FSB, VS. ON REAL PROPERTY
7-9-09 [8]

18. 09-24547-D-7 LAURENCE/JOYCE NICHOLSON HEARING - OBJECTION TO
REPORT OF NO DISTRIBUTION
BY KAREN TYNER
6-5-09 [29]

On July 21, 2009 the trustee withdrew his report of no distribution. Accordingly, this objection will be overruled by minute order as moot. No appearance is necessary.

19. 09-31055-D-7 MARTIN/MARISOL RAMOS HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
PD #1 7-2-09 [10]
WELLS FARGO BANK, N.A., 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.

20. 09-30258-D-7 ETHAN BRIZZI HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
PD #1 7-8-09 [11]
WELLS FARGO BANK, N.A., 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. There will be no further relief afforded. No appearance is necessary.

21. 09-25360-D-7 DAVID RUBY HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
ASW #1 6-29-09 [12]
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, 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 debtor received his discharge on July 1, 2009 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.

22. 08-21861-D-7 JAMES/JANE MCCURRY HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
HSBC BANK USA, N.A., VS. 7-7-09 [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.

23. 07-29062-D-7 KHALED ANBER HEARING - MOTION
CWC #8 FOR AUTHORIZATION TO SELL
REAL PROPERTY OF THE ESTATE
7-2-09 [202]

24. 09-25862-D-7 BUDDY/KATHLEEN BARELA HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
6-29-09 [28]

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.

25. 09-29162-D-11 SK FOODS, L.P. HEARING - MOTION FOR
RDW #1 RELIEF FROM AUTOMATIC STAY
FIRST INSURANCE FUNDING CORP., VS. 6-30-09 [431]

Tentative Ruling: On July 27, 2009 First Insurance Funding Corp. filed a reply to the trustee's opposition. Assuming the accounting contained in the reply is accurate, the court is inclined to find First Insurance Funding Corp.'s interests are not adequately protected and to grant relief from stay. The court will hear the matter.

26. 09-20063-D-7 DOUGLAS/ANGELA BURNETT HEARING - MOTION FOR
JMS #1 RELIEF FROM AUTOMATIC STAY
CHASE HOME FINANCE, LLC, VS. 6-30-09 [43]

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.

27. 09-31666-D-7 PHOEBE RIVERA HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
6-29-09 [13]

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 27, 2009). Accordingly, the court will issue a minute order confirming that the case was automatically dismissed on July 27, 2009 pursuant to section 521(i) of the Bankruptcy Code. This matter is therefore removed from calendar as moot. No appearance is necessary.

28. 08-35568-D-7 ROSALINDA EVERINGHAM HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
NATIONAL CITY MORTGAGE, VS. 6-26-09 [49]

29. 08-24869-D-7 AMY EDMONDS HEARING - DEBTOR'S
PLG #4 MOTION TO DISMISS CASE
7-1-09 [46]

30. 09-26489-D-11 RIVAGE MARINA, LLC HEARING - MOTION FOR
MHK #1 RELIEF FROM AUTOMATIC STAY
BULLOCK-WALKER INVESTMENT CO., VS. 7-7-09 [27]

This matter will be called no earlier than 10:45 a.m.

Tentative Ruling: Bullock-Walker Investment Co.'s motion is based on cause. However, there appears to be equity in the property that is the subject of the motion. Because of the apparent equity, the court is inclined to deny relief from stay at this time. The court is further inclined to require adequate protection payments, require insurance on the property, set a plan bar date, and continue the hearing 60 to 90 days. The court will also consider setting a hearing on the appointment of a trustee. The court will hear the matter.

31. 09-29089-D-11 TERESITA/DANIEL GENOVE CONT. STATUS CONFERENCE
5-7-09 [1]

32. 09-29291-D-7 NORMA HERNANDEZ HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 6-23-09 [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. 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.

33. 09-30893-D-7 DELLA MOULTRY HEARING - MOTION FOR
RCO #1 RELIEF FROM AUTOMATIC STAY
GMAC MORTGAGE, LLC, VS. 7-7-09 [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 by minute order. There will be no further relief afforded. No appearance is necessary.

34. 09-28794-D-7 JAIME/KARLA JIMENEZ HEARING - MOTION FOR
DMM #2 RELIEF FROM AUTOMATIC STAY
WACHOVIA MORTGAGE, FSB, VS. 7-8-09 [16]

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.

35. 09-27596-D-7 JASON/CRISSY CARROLL HEARING - MOTION FOR
EAT #1 RELIEF FROM AUTOMATIC STAY
CHASE HOME FINANCE, LLC, VS. 6-30-09 [17]

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.

36. 08-33099-D-7 STEVEN/JAMIE SCOTT HEARING - MOTION FOR
DMM #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA MORTGAGE, FSB, VS. 7-7-09 [67]

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.

37. 08-23603-D-13L GUY/JAMIE LYNN CONT. HEARING - APPLICATION
WW #4 FOR EXTENSION OF TIME TO FILE
APPLICATION FOR APPROVAL OF
FEES RELATED TO CHAPTER 13
6-30-09 [193]

38. 09-32826-D-11 DELE HOLBEIN HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL OF
CASE, CONVERSION, APPOINTMENT
OF AN EXAMINER OR TRUSTEE,
OR IMPOSITION OF SANCTIONS
7-10-09 [14]
39. 09-22128-D-11 ROYCE BRISTER HEARING - MOTION
MRT #2 TO DETERMINE VALUE OF REAL
PROPERTY (1ST DOT) OF
WACHOVIA BANK, NA; MOTION
TO DETERMINE VALUE OF REAL
PROPERTY (2ND DOT) OF WACHOVIA
BANK, NA; MOTION TO AVOID
SECOND LIEN AS TO WACHOVIA
BANK, NA
7-11-09 [41]
40. 09-22128-D-11 ROYCE BRISTER HEARING - MOTION
MRT #3 TO DETERMINE VALUE OF REAL
PROPERTY (1ST DOT) OF
WELLS FARGO BANK, NA; MOTION
TO DETERMINE VALUE OF REAL
PROPERTY (2ND DOT) OF WELLS
FARGO BANK, NA; MOTION TO AVOID
SECOND LIEN AS TO WELLS FARGO
BANK, NA
7-11-09 [49]

41. 08-37132-D-7 MARLON BALANDRA HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK N.A., VS. 7-14-09 [61]

42. 09-31035-D-7 ABDUL/MUBARAK MUNIF HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-21-09 [16]

43. 09-30050-D-7 MARIELA MENDOZA HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
HSBC BANK USA, N.A., VS. 7-14-09 [14]

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.

44. 09-29162-D-11 SK FOODS, L.P. HEARING - MOTION FOR
SW #1 RELIEF FROM AUTOMATIC STAY
GMAC, VS. 7-21-09 [481]

45. 09-31666-D-7 PHOEBE RIVERA HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
7-15-09 [17]

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 27, 2009). Accordingly, the court will issue a minute order confirming that the case was automatically dismissed on July 27, 2009 pursuant to section 521(i) of the Bankruptcy Code. This matter is therefore removed from calendar as moot. No appearance is necessary.

46. 09-22476-D-7 IRENE WHITEHEAD HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A., VS. ON REAL PROPERTY
7-11-09 [55]

47. 09-26489-D-11 RIVAGE MARINA, LLC HEARING - DEBTOR'S MOTION
DSW #3 FOR AUTHORITY TO USE CASH
COLLATERAL AND FOR AN ORDER
FOR ADEQUATE PROTECTION PAYMENTS
7-22-09 [40] O.S.T.

This matter will be called no earlier than 10:45 a.m.

48. 09-21792-D-11 WESTERN PIPELINE, INC. HEARING - DEBTOR'S
FWP #8 MOTION TO APPROVE COMPROMISE
AND SETTLEMENT WITH CREDITOR
WEST BAY BUILDERS
7-16-09 [94]

This matter will be called no earlier than 10:30 a.m.

49. 09-21792-D-11 WESTERN PIPELINE, INC. HEARING - DEBTOR'S
FWP #9 MOTION TO CONDITIONALLY
DISMISS CHAPTER 11 CASE
7-16-09 [90]

This matter will be called no earlier than 10:30 a.m.

50. 09-21792-D-11 WESTERN PIPELINE, INC. HEARING - MOTION FOR
FWP #10 COURT APPROVAL OF MODIFIED FLAT
FEE ARRANGEMENT FOR DEBTOR'S
BANKRUPTCY COUNSEL
7-16-09 [99]

This matter will be called no earlier than 10:30 a.m.

51. 09-21792-D-11 WESTERN PIPELINE, INC. HEARING - MOTION FOR
FWP #11 ORDER APPROVING STIPULATION
CATERPILLAR FINANCIAL SERVICES FOR ADEQUATE PROTECTION
CORPORATION, VS. PAYMENTS AND RELIEF FROM STAY
7-22-09 [106]

This matter will be called no earlier than 10:30 a.m.

52. 09-28794-D-7 JAIME/KARLA JIMENEZ HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
7-10-09 [22]

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.

53. 09-24296-D-7 TONNI BOYETTE
KAT #1
EMC MORTGAGE CORP., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-14-09 [46]

54. 09-22520-D-7 CHUANPIS KISER
09-2299
CHAINARONG LIMVARAPUSS, VS.

CONT. HEARING - MOTION
FOR CONSOLIDATION OF ACTIONS
6-12-09 [11]

CHUANPIS KISER, ET AL.

Hearing continued to September 2, 2009 at 10:00 a.m. pursuant to Notice of Continued Hearing filed July 22, 2009. No appearance is necessary.