

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Bakersfield, California

Wednesday, January 7, 2009

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS
DEPARTMENT B - BAKERSFIELD

1. The following rulings are tentative. The matter will be called and the court's final ruling will generally be placed on the record at the end of the calendar. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Matters resolved without oral argument:

If the moving party has received a response or is aware of any reason, such as a settlement, that a timely opposition may not have been filed, the moving party must contact Marlene Medina, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

Moving party shall submit an appropriate form of order. When the debtor's discharge has been entered, proposed orders for relief from stay must reflect that the motion is dismissed as to the debtor and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the court's intended ruling together with the proposed stipulation and order resolving the matter.

3. The court will not continue short cause evidentiary hearings scheduled below.

4. If a matter is denied without prejudice for any reason set forth below, the moving party shall file a new motion or objection to claim with a new docket control number. It may not simply re-notice the original motion.

1:00 P.M.

1. 08-15210-B-13 ROBERTO & ILENE CASTANEDA HEARING - DEBTORS' MOTION
CRS #1 TO CONFIRM FIRST MODIFIED
PETITION FILED 8/26/08 CHAPTER 13 PLAN [18]

CYNTHIA SCULLY/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed.

2. 07-11617-B-13 MARY ANN MOONEY CONT'D HEARING - DEBTOR'S
RSW #1 MOTION FOR ENTRY OF CHAPTER 13
PETITION FILED 6/4/07 DISCHARGE PURSUANT TO 11 U.S.C.
S.1328(A) [23]

12/3
ROBERT S. WILLIAMS/Atty. for dbt.

The debtor's motion for entry of a chapter 13 discharge shall be granted for cause shown without oral argument. The record reflects that the motion is unopposed. After the chapter 13 trustee certifies that the case has been fully administered and is ready for closure, the case manager shall enter the debtor's discharge and process the case for closure.

3. 08-17129-B-13 ELIODORO & ANA GONZALEZ HEARING - CONFIRMATION OF
PETITION FILED 11/4/08 DEBTORS' FIRST MODIFIED CHAPTER
13 PLAN AND MOTIONS TO VALUE
COLLATERAL WITH BANK ONE/CHASE
AND WFFINANCIAL [16]

OPPOSITION BY CHAPTER 13 TRUSTEE

GIOVANNI ORANTES/Atty. for dbt.
MICHAEL MEYER, TRUSTEE

The motions will be denied without prejudice. The form and/or content of the notice do not comply with Local Rule 9014-1(d). The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c). The modified plan and motions to value were not noticed and set for hearing in compliance with L.R. 9014-1 and Fed.R.Bankr.P. 2002(a)(5).

13. 08-17133-B-13 JUAN F. IBARRA HEARING - TRUSTEE'S MOTION
MHM #1 TO DISMISS PURSUANT TO 11 U.S.C.
PETITION FILED 11/5/08 SECTION 1307 AND TO BAR DEBTOR
FROM RE-FILING FOR 2 YEARS
[16]

OPPOSITION BY DEBTOR

MICHAEL MEYER, TRUSTEE
JUAN IBARRA, PRO SE

CONVERTED TO CHAPTER 7 1/5/09

The motion will be denied as moot. The Debtor has requested conversion to chapter 7.

17. 08-15238-B-13 CHESTER & SANDRA HILL HEARING - DEBTORS' MOTION
RSW #3 TO AVOID LIEN OF MOUNTAINEER
PETITION FILED 8/27/08 INVESTMENTS, LLC [26]

ROBERT S. WILLIAMS/Atty. for dbt.

The motion will be denied without prejudice. The record does not establish that the motion was served in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://keplar.ss.ca.gov//list.html>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

23. 08-10362-B-13 ALLEN & BRENDA CANFIELD HEARING - TRUSTEE'S MOTION
MHM #2 TO DISMISS [38]
PETITION FILED 1/24/08
MOTION WITHDRAWN 12/29/08

MICHAEL MEYER, TRUSTEE

The matter has been withdrawn or resolved by stipulation of the parties. No appearance is necessary.

25. 08-15667-B-13 GREGORY & SHIRLEY FOSTER HEARING - DEBTORS' MOTION
PLG #1 TO CONFIRM MODIFIED CHAPTER 13
PETITION FILED 9/11/08 PLAN [28]

STEVEN ALPERT/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed.

31. 08-17076-B-13 FELIPE IBARRA HEARING - TRUSTEE'S MOTION
MHM #1 TO DISMISS [15]
PETITION FILED 11/3/08
CONVERTED TO CHAPTER 7 1/5/09

MICHAEL MEYER, TRUSTEE

The motion will be denied as moot. The Debtor has requested conversion of this case to chapter 7.

40. 08-16094-B-13 GARY & DEBORAH RAIGHN HEARING - DEBTORS' MOTION
KDG #1 TO CONFIRM FIRST MODIFIED

LEONARD WELSH/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed.