

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Thursday, January 15, 2009

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS
DEPARTMENT B - FRESNO

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.

10:30 A.M.

2. 08-15509-B-7 FRANCISCO REYES JACUINDE STATUS CONFERENCE
08-1238 [1]
RUBEN MENDES, VS.

FRANCISCO REYES JACUINDE

STEVEN KOCH/Atty. for pl.

It appears this adversary proceeding has been settled or the defendant(s) default has been entered. The status conference will be dropped and may be reset by any party on 10 days' notice. The court will issue a Notice of Intent to Dismiss if the adversary proceeding has not been concluded or set for further status conference within 60 days. The plaintiff(s) may request an extension of this time up to 30 days by ex parte application for cause.

3. 08-14711-B-7 FIDEL NERI YNIGUEZ STATUS CONFERENCE
08-1247 AND MARIA GUADALUPE CORTEZ [1]
SERGIO RUIZ AND MARIA RUIZ, VS.

FIDEL NERI YNIGUEZ AND
MARIA GUADAUPE CORTEZ

NANCY KLEPAC/Atty. for pl.

This status conference will be dropped from calendar because the record does not show that the summons and complaint have been served. The court will issue a notice of intent to dismiss if the plaintiffs do not get the complaint properly served with a reissued summons within 30 days.

4. 08-15516-B-7 RICARDO MIGUEL RASNER CONT'D STATUS CONFERENCE
08-1215 [1]
KERRI M. LOPEZ, VS. CONT'D ANSWER BY DEFENDANT

RICARDO MIGUEL RASNER

STIPULATED JUDGMENT FILED
12/31/08

11/13
JOSEPH HORSWILL/Atty. for pl.
GEOFFREY ADALIAN/Atty. for def.

This matter has been resolved by a stipulated judgment. The adversary proceeding has been closed. The status conference will be dropped from calendar.

8. 08-13589-B-7 SHAWN DEITZ CONT'D STATUS CONFERENCE
08-1217 [1]
WAYNE AND PATRICIA FORD, VS. CONT'D ANSWER BY DEFENDANT

SHAWN DEITZ

STATUS CONFERENCE CONTINUED TO
1/29/09 AT 10:30 A.M.; ORDER
FILED 1/9/09

11/20
THOMAS ARMSTRONG/Atty. for pl.
SHAWN DEITZ, PRO SE

This matter has been continued by stipulation and order to January 29, 2009, at 10:30 a.m. No appearance is required.

1:30 P.M.

2. 08-16407-B-13 PEDRO GALVAN, JR. HEARING - DEBTORS' MOTION
GH #1 AND VICTORIA GALVAN TO VALUE COLLATERAL OF
PETITION FILED 10/10/08 EDUCATIONAL EMPLOYEES CREDIT
UNION [24]

GARY HUSS/Atty. for dbt.

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

3. 08-16407-B-13 PEDRO GALVAN, JR. HEARING - MOTION FOR RELIEF
PD #1 AND VICTORIA GALVAN FROM STAY [44]
PETITION FILED 10/10/08

JPMORGAN CHASE BANK, N.A., VS.

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

4. 08-16407-B-13 PEDRO GALVAN, JR. HEARING - DEBTORS' MOTION
GH #2 AND VICTORIA GALVAN TO VALUE COLLATERAL OF
PETITION FILED 10/10/08 COUNTRYWIDE HOME LOANS
[28]

GARY HUSS/Atty. for dbt.

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

5. 08-16407-B-13 PEDRO GALVAN, JR. HEARING - DEBTORS' MOTION
GH #3 AND VICTORIA GALVAN TO CONFIRM FIRST MODIFIED
PETITION FILED 10/10/08 CHAPTER 13 PLAN [33]

GARY HUSS/Atty. for dbt.

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

10. 08-16211-B-13 THOMAS MOTSENBOCKER HEARING - DEBTOR'S MOTION
GH #1 FOR CONFIRMATION OF FIRST
PETITION FILED 10/3/08 MODIFIED CHAPTER 13 PLAN
[16]

GARY HUSS/Atty. for dbt.

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

11. 08-16612-B-13 GERALDINE M. OLIVER HEARING - DEBTOR'S MOTION
SL #1 FOR CONFIRMATION OF CHAPTER 13
PETITION FILED 10/17/08 PLAN [14]

SCOTT LYONS/Atty. for dbt.

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

20. 08-17723-B-13 JOHNNY PAREDES, SR. HEARING - DEBTORS' MOTION
PBB #1 AND MARIA DE LA LUZ PAREDES TO VALUE COLLATERAL OF HSBC
PETITION FILED 11/26/08 RETAIL SERVICES [18]

PETER BUNTING/Atty. for dbt.

The motion is premature. The chapter 13 plan has not been confirmed. The matter will be continued to January 29, 2009, at 1:30 p.m. No appearance is necessary.

21. 08-17723-B-13 JOHNNY PAREDES, SR. HEARING - DEBTORS' MOTION
PBB #2 AND MARIA DE LA LUZ PAREDES TO VALUE COLLATERAL OF BISE
PETITION FILED 11/26/08 FURNITURE [12]

PETER BUNTING/Atty. for dbt.

The motion is premature. The chapter 13 plan has not been confirmed. The matter will be continued to January 29, 2009, at 1:30 p.m. No appearance is necessary.

23. 08-17725-B-13 DOLORES HERNANDEZ HEARING - OBJECTION TO
JLH #1 CONFIRMATION OF CHAPTER 13 PLAN
PETITION FILED 11/26/08 AND OBJECTION TO MOTION TO VALUE
ASSET BY VALLEY OAK CREDIT UNION
[20]

CONVERTED TO CHAPTER 7 1/7/09

JOSEPH HORSWILL/Atty. for mv.

The objection will be overruled as moot. The case has been converted to chapter 7.

25. 08-14527-B-13 BEATRIZ LIRA HEARING - TRUSTEE'S OBJECTION
MHM #1 TO CONFIRMATION OF CHAPTER 13

MICHAEL MEYER, TRUSTEE

This objection will be continued to February 26, 2009, at 1:30 p.m., to be heard with confirmation of the debtor's modified plan. This objection will be deemed to apply to the modified plan and need not be refiled or reserved. If the objection is not fully resolved in the modified plan, the debtors shall file and serve their responsive pleading, with evidence, at least 14 days before the continued hearing.

26. 08-17736-B-13 DUANE & LAVELLE KASTOR HEARING - MOTION FOR RELIEF
 APN #1 FROM STAY [16]
 PETITION FILED 11/26/08

WELLS FARGO AUTO FINANCE, VS.

AUSTIN NAGEL/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

27. 06-10838-B-13 JIMMY & JEANNIE HILL HEARING - DEBTORS' MOTION
 ASW #1 FOR MODIFICATION OF CHAPTER 13
 PETITION FILED 6/15/06 PLAN [68]

OPPOSITION BY TRUSTEE

ADRIAN S. WILLIAMS/Atty. for dbt.
 MICHAEL MEYER, TRUSTEE

PER RITA AT MR. WILLIAMS OFFICE,
 PLAN WITHDRAWN 12/29/08
 (WITHDRAWAL HAS INCORRECT HG.
 DATE AND DCN)

This objection will be continued to January 29, 2009, at 1:30 p.m., to be heard with confirmation of the debtors' modified plan. This objection will be deemed to apply to the modified plan and need not be refiled or reserved. If the objection is not fully resolved in the modified plan, the debtors shall file and serve their responsive pleading, with evidence, at least 14 days before the continued hearing.

29. 08-16244-B-13 JOSEPH & AMPARO BASILE HEARING - MOTION FOR RELIEF
 PD #1 FROM STAY [20]
 PETITION FILED 10/6/08

AMERICA'S SERVICING COMPANY, VS.

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be granted without oral argument for cause shown. The

record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

30. 08-17145-B-13 ERIC & CHRISTINA PIERSON HEARING - DEBTORS' MOTION
PBB #1 TO VALUE COLLATERAL OF CHASE
PETITION FILED 11/5/08 BANK USA, N.A. [14]

PETER BUNTING/Atty. for dbt.

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

32. 08-13950-B-13 ZACHARY & JESSICA MCDONALD HEARING - MOTION FOR RELIEF
KMR #1 FROM STAY [22]
PETITION FILED 7/7/08

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

KELLY RAFTERY/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

33. 05-60852-B-13 DAVID SPENCER GAILLARD HEARING - DEBTOR'S MOTION
PBB #2 TO CONFIRM FIRST MODIFIED
PETITION FILED 10/15/05 CHAPTER 13 PLAN PURSUANT TO
11 USC SECTION 1329 [55]

PETER BUNTING/Atty. for dbt.

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

37. 08-13455-B-13 JOHN & MARIE GUZMAN HEARING - DEBTORS' MOTION
DRJ #3 TO CONFIRM SECOND MODIFIED
PETITION FILED 6/16/08 CHAPTER 13 PLAN [39]

DAVID JENKINS/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The

record reflects that the motion is unopposed.

39. 06-12165-B-13 TEDDY & RHONDA COLLINS HEARING - DEBTORS' MOTION
DPA #1 TO CONFIRM FIRST MODIFIED PLAN
PETITION FILED 12/6/06 [40]

DAVID ADALIAN/Atty. for dbt.

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

44. 08-17569-B-13 EUSEBIO SIERRA, JR. HEARING - MOTION FOR RELIEF
APN #1 AND EMMA SIERRA FROM STAY [16]
PETITION FILED 11/20/08
NON-OPPOSITION BY DEBTORS
WELLS FARGO AUTO FINANCE, VS.

AUSTIN NAGEL/Atty. for mv.
THOMAS ARMSTRONG/Atty. for dbt.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

46. 08-13580-B-13 LISA A. DIEGO HEARING - MOTION FOR RELIEF
ASW #1 FROM STAY [37]
PETITION FILED 6/20/08

U.S. BANK NATIONAL ASSOCIATION, VS.

ALAN S. WOLF/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

47. 07-12781-B-13 DEBORAH KAYE CRANDELL HEARING - DEBTOR'S MOTION
PBB #1 TO CONFIRM FIRST MODIFIED
PETITION FILED 9/4/07 CHAPTER 13 PLAN PURSUANT TO
11 USC SECTION 1329 [37]

PETER BUNTING/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The

record reflects that the motion is unopposed.

48. 08-14882-B-13 DAVID CORDOVA, JR. HEARING - DEBTORS' MOTION
GH #2 AND ALICIA DE CORDOVA TO VALUE COLLATERAL OF CHASE
PETITION FILED 8/13/08 HOME FINANCE UNDER 11 U.S.C.
S.506(A) AND (D) [21]

GARY HUSS/Atty. for dbt.

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

49. 08-17784-B-13 HUBERT D. BRIGHT HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO PAY \$274.00
PETITION FILED 11/26/08 DUE 12/19/08 [13]

CASE DISMISSED 1/9/09

PRO SE

This case has already been dismissed. The scheduled hearing will therefore be dropped from calendar. No appearance is necessary.

51. 08-15889-B-13 MANUEL E. MARTINS, JR. HEARING - MOTION FOR RELIEF
ABG #1 AND JENNIFER MARTINS FROM STAY [24]
PETITION FILED 9/22/08

GREEN TREE SERVICING, LLC, VS.

MARK S. BLACKMAN/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

55. 08-17891-B-13 HERBERT FIELDS HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO FILE CHAPTER 13
PETITION FILED 12/3/08 PLAN; EXHIBIT D W/CERTIFICATE;
MEANS TEST FORM 22C; SCHEDULES
C,E,F,G,; STATEMENT OF FINANCIAL
AFFAIRS [13]

PRO SE

CASE DISMISSED 1/9/09

This case has already been dismissed. The scheduled hearing will therefore be dropped from calendar. No appearance is necessary.

56. 08-17092-B-13 RENEE M. BARTTELS HEARING - MOTION FOR RELIEF
FROM STAY [31]
PETITION FILED 11/3/08

WELLS FARGO BANK, N.A., VS.

MICHAEL ZEFF/Atty. for mv.

The motion will be denied without prejudice. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c). The form and/or content of the notice do not comply with Local Rule 9014-1(d). The proof of service fails to comply with Local Rule 9014-1(e)(3). The movant failed to file a separate relief from stay information sheet pursuant to Local Rule 4001-1(c).

60. 08-16096-B-13 MICHAEL & KATRINA ROJAS HEARING - DEBTORS' MOTION
GH #2 TO VALUE COLLATERAL OF HSBC
PETITION FILED 9/30/08 MORTGAGE SERVICES UNDER 11 USC
S.506(A) AND (D) [23]

GARY HUSS/Atty. for dbt.

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

63. 08-17096-B-13 KATHY T. ZAMORA HEARING - OBJECTION TO
KMR #1 CONFIRMATION OF CHAPTER 13 PLAN
PETITION FILED 11/3/08 BY CITIMORTGAGE, INC. [19]

KELLY RAFTERY/Atty. for mv.

The objection will be overruled as moot. The objection was untimely and the plan was confirmed on January 9, 2009.

3:00 P.M.

1. 02-13786-B-12 CUYLER H. LEONARD HEARING - APPLICATION FOR
HAR #8 PAYMENT OF INTERIM FEES AND/OR
MCCORMICK, BARSTOW, SHEPPARD, EXPENSES, COUNSEL FOR DEBTOR
WAYTE & CARRUTH LLP [85]

HILTON RYDER/Atty. for dbt.

The matter will be continued to February 26, 2009, at 3:00 p.m. No appearance is necessary.