

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Wednesday, April 22, 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.

10:00 A.M.

2. 08-18614-B-7 GARY A. MALONE HEARING - TRUSTEE'S MOTION
RHT #1 FOR ORDER APPROVING COMPROMISE
OF CONTROVERSY [14]

ROBERT HAWKINS, TRUSTEE

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

5. 08-10122-B-7 HUGO R. GARCIA HEARING - TRUSTEE'S MOTION
KDG #7 FOR ORDER AUTHORIZING TRUSTEE
RANDELL PARKER, CH. 7 TRUSTEE TO SELL PERSONAL PROPERTY AT
PUBLIC AUCTION SALE [65]

ORDER 3/27 - BAKERSFIELD CASE
LISA HOLDER/Atty. for trst.

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

9. 09-11631-B-7 GERARDO S. REYNA HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO FILE MEANS TEST
FORM 22A [13]

FILED 4/8/09

PRO SE

The record shows that this document has been filed and/or the required fee has been paid. The OSC will be dropped from calendar. No appearance is necessary.

10. 08-15832-B-7 E AND K HALL, INC. HEARING - TRUSTEE'S MOTION
RHT #3 OBJECTING TO CLAIM NO. 2
FILED BY ROGER L. TANKERSLEY
[39]

ROBERT HAWKINS, TRUSTEE

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim shall be disallowed in full, or in part, on the grounds stated in the objection, without prejudice to the claimant's right to file an amended proof of claim. Any amendment to the claim shall be filed and served on the trustee within 30 days.

11. 08-15832-B-7 E AND K HALL, INC. HEARING - TRUSTEE'S MOTION
RHT #4 OBJECTING TO CLAIM NO. 8
FILED BY SPENCER ACOSTA [45]

ROBERT HAWKINS, TRUSTEE

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim shall be disallowed in full, or in part, on the grounds stated in the objection, without prejudice to the claimant's right to file an amended proof of claim. Any amendment to the claim shall be filed and served on the trustee within 30 days.

12. 08-15832-B-7 E AND K HALL, INC. HEARING - TRUSTEE'S MOTION
RHT #5 OBJECTING TO CLAIM NO. 16
FILED BY ERNEST HALL [42]

ROBERT HAWKINS, TRUSTEE

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim shall be disallowed in full, or in part, on the grounds stated in the objection, without prejudice to the claimant's right to file an amended proof of claim. Any amendment to the claim shall be filed and served on the trustee within 30 days.

13. 08-15832-B-7 E AND K HALL, INC. HEARING - TRUSTEE'S MOTION
RHT #6 OBJECTING TO CLAIM NO. 17
FILED BY KATHY HALL [51]

ROBERT HAWKINS, TRUSTEE

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim shall be disallowed in full, or in part, on the grounds stated in the objection, without prejudice to the claimant's right to file an amended proof of claim. Any amendment to the claim shall be filed and served on the trustee within 30 days.

14. 08-15832-B-7 E AND K HALL, INC. HEARING - TRUSTEE'S MOTION
RHT #7 OBJECTING TO CLAIM NO. 18
FILED BY KEVIN A. HALL [48]

ROBERT HAWKINS, TRUSTEE

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim shall be disallowed in full, or in part, on the grounds stated in the objection, without prejudice to the claimant's right to file an amended proof of claim. Any amendment to the claim shall be filed and served on the trustee within 30 days.

15. 09-10432-B-7 ROBERTA R. SMITH HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO APPEAR AT
MEETING OF CREDITORS SET FOR
3/12/09 [17]

PRO SE

The record reflects that the meeting of creditors has been concluded since the OSC was issued. The OSC will be dropped from calendar. However, the time for the chapter 7 trustee to file a complaint objecting to discharge, or the U.S. Trustee to file a motion under § 707(b), is extended to 60 days after the conclusion of the meeting of creditors. The court will issue a minute order. No appearance is necessary.

17. 09-11343-A-7 LISA M. BENITEZ HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO APPEAR AT MEETING OF CREDITORS SET FOR 3/23/09 [11]

PRO SE

The record reflects that the meeting of creditors has been concluded since the OSC was issued. The OSC will be dropped from calendar. However, the time for the chapter 7 trustee to file a complaint objecting to discharge, or the U.S. Trustee to file a motion under § 707(b), is extended to 60 days after the conclusion of the meeting of creditors. The court will issue a minute order. No appearance is necessary.

19. 09-11459-A-7 CARLOS A. QUINTANA HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO PAY \$100.00 DUE 3/27/09 [15]

CASE DISMISSED 4/17/09

PRO SE

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

20. 08-17868-B-7 WILLIAM & RITA RANGEL HEARING - TRUSTEE'S MOTION FOR AUTHORIZATION TO SELL PERSONAL PROPERTY AND RESOLVE TRUSTEE'S OBJECTION TO EXEMPTIONS [43]
RHT #3

ROBERT HAWKINS, TRUSTEE

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

21. 09-12269-B-7 FERNANDO A. CUEVAS HEARING - DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE [5]

OPPOSITION BY ROBERT HAWKINS, CHAPTER 7 TRUSTEE (OPPOSITION WITHDRAWN 4/17/09)

ORDER 3/27

PRO SE
ROBERT HAWKINS, TRUSTEE

The trustee's objection has been withdrawn. The waiver application has been approved. No appearance is necessary.

22. 08-17570-B-7 RAFAEL & RAMONA CORDOBA HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO PAY \$74.00
DUE 4/1/09 [33]

PATRICIA CARRILLO/Atty. for dbt.

The record shows that this document has been filed and/or the required fee has been paid. The OSC will be dropped from calendar. No appearance is necessary.

25. 09-10888-B-7 ROSIE FELICIA MORENO HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO PAY \$75.00
DUE 3/27/09 [18]

GARY HUSS/Atty. for dbt.

This is the second order to show cause that the court has had to issue for late or nonpayment of installments. The court intends to either dismiss the case or enter an order that the case may be dismissed without further hearing unless all future installments are made on time. The debtor and her counsel shall appear.

26. 08-18490-B-7 PAUL & AMANYA WASSERMAN HEARING - MOTION FOR AN AWARD
PPR #2 OF ATTORNEYS FEES AND COSTS
COUNTRYWIDE HOME LOANS SERVICING, [35]
LP, VS.

CASSANDRA RICHEY/Atty. for mv.

The motion will be denied without prejudice. The motion was not served on GMAC, the junior lienholder. GMAC is the only party with an interest in objecting to the motion.

27. 08-15692-B-7 JUDY JENKINS HEARING - TRUSTEE'S OBJECTION
JES #1 TO ALLOWANCE OF CLAIM NO. 14
FILED BY FRESNO FLORAL SUPPLY
[30]

JAMES SALVEN, TRUSTEE

The objection will be sustained. Claim #14 is deemed to be a timely filed non-priority general unsecured claim.

10:30 A.M.

1. 08-18101-B-7 JERRY & DIANE SMITH HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [63]
WELLS FARGO HOME MORTGAGE, INC., VS. DISCHARGED 4/6/09

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be denied as moot as to the debtor(s), their discharge having been entered. The motion will be granted for cause shown as to the Chapter 7 trustee. 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.

2. 09-10805-B-7 JUAN DANIEL LLANEZ HEARING - MOTION FOR RELIEF
PD #2 AND MARTHA CHAVEZ FROM STAY [23]
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. 09-11812-B-7 LUIS & MARISELA RAMIREZ HEARING - MOTION FOR RELIEF
APN #1 FROM STAY [7]
WELLS FARGO FINANCIAL, 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.

6. 08-18213-B-7 BRUCE ROBERTSON HEARING - MOTION FOR RELIEF
EAT #1 FROM STAY [15]
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., VS. DISCHARGED 3/27/09

MARISOL NAGATA/Atty. for mv.

The motion will be denied as moot as to the debtor(s), their discharge having been entered. The motion will be granted for cause shown as to the Chapter 7 trustee. 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.

9. 09-10243-B-7 JOSE A. TORRES HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY OR FOR ADEQUATE
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [15]

BETH STRATTON/Atty. for mv.

The motion will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion.

10. 09-11844-B-7 ALVIN ROY MOULTRIE HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [7]
WELLS FARGO HOME MORTGAGE, INC., 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.

17. 09-11446-B-7 PETER & KRISTI DEL TORO HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [8]
WELLS FARGO HOME MORTGAGE, INC., 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.

18. 09-11052-B-7 RUBEN & MARTHA GALINDO HEARING - MOTION FOR RELIEF
APN #1 FROM STAY [14]
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.

21. 09-11062-B-7 RON & CYNTHIA WEAK HEARING - MOTION FOR RELIEF
ABG #1 FROM STAY [10]
KINECTA FEDERAL CREDIT UNION, VS.

MARK BLACKMAN/Atty. for mv.

The motion will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion.

26. 09-11572-B-7 NOEL ALMAGUER HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [8]
CHASE HOME FINANCE, LLC, 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.

27. 09-11274-B-7 SUSAN E. BRYSON HEARING - MOTION FOR RELIEF
KMR #1 FROM STAY [14]
INDYMAC FEDERAL BANK FSB, 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.

31. 08-18294-B-7 JENNIFER J. LEON HEARING - MOTION FOR RELIEF
JHW #1 FROM STAY [17]
FINANCIAL SERVICES AMERICAS LLC, VS.
DISCHARGED 4/6/09

JENNIFER WANG/Atty. for mv.

The motion will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion.

32. 09-10297-B-7 ANTONIO & AMY BENAVIDES HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [22]
GMAC MORTGAGE, LLC, 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.

33. 09-11397-B-7 DANIEL & ELIZABETH RODRIGUEZ HEARING - MOTION FOR RELIEF
TJS #1 FROM STAY [10]
CITIZENS AUTO FINANCE, INC., VS.

TIMOTHY SILVERMAN/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.

34. 09-10698-B-7 PHILLIP AND TENILLE GREEN HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [16]
GMAC MORTGAGE, LLC, 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.

11:00 A.M.

3. 08-18644-B-7 JOSUE & HILDA RENDON HEARING - APPROVAL OF
BMS #1 REAFFIRMATION AGREEMENT WITH
FORD MOTOR CREDIT COMPANY, LLC
[24]

BETH STRATTON/Atty. for mv.

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