

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Thursday, April 23, 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.

7. 08-17317-B-7 SCOTT & WENDY SMITH STATUS CONFERENCE
09-1035 [1]
CLASSIC RECREATION SYSTEMS, INC.,
VS. AMENDED COMPLAINT FILED 2/27/09
SCOTT DANIEL SMITH [2]

KURT JAENIKE/Atty. for pl.

The matter will be continued to May 28, 2009, at 10:00 a.m. No appearance is necessary.

9. 08-11290-B-13 MICHAEL & RACHEL BRICENO CONT'D STATUS CONFERENCE ON
08-1110 FIRST AMENDED COMPLAINT [15]
FIRST MUTUAL SALES FINANCE, VS.
CONT'D ANSWER BY DEFENDANT
MICHAEL BRICENO
MICHAEL EXCIQUIO BRICENO, RACHEL
ROXANNE BRICENO
3/12, 1/29
KENRICK YOUNG/Atty. for pl.
RICHARD LIMA/Atty. for def.

The court still has the plaintiff's motion to substitute real party in interest under advisement. Accordingly, this status conference will be continued to May 28, 2009, at 10:00 a.m. No appearance is necessary.

1:30 P.M.

2. 05-10102-B-13 ELEAZAR & LETICIA CONTRERAS HEARING - MOTION FOR RELIEF
JMS #1 FROM STAY OR FOR ADEQUATE
PETITION FILED 1/6/05 PROTECTION [101]
CHASE HOME FINANCE, LLC, VS.

JOHN SORICH/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. 09-11306-B-13 SAL & JESSICA MONTEON CONT'D HEARING - DEBTORS' MOTION
HTK #1 TO VALUE COLLATERAL OF GMAC
PETITION FILED 2/18/09 [12]

3/12
NANCY KLEPAC/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The order will be effective upon confirmation of the chapter 13 plan.

5. 09-11306-B-13 SAL & JESSICA MONTEON CONT'D HEARING - DEBTORS' MOTION
HTK #2 TO VALUE COLLATERAL OF GMAC
PETITION FILED 2/18/09 [18]

3/12
NANCY KLEPAC/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The order will be effective upon confirmation of the chapter 13 plan.

6. 09-11108-B-13 JOAQUIN & RUBY GONZALEZ HEARING - TRUSTEE'S OBJECTION
MHM #1 TO CONFIRMATION OF CHAPTER 13
PETITION FILED 2/11/09 PLAN [29]

CASE DISMISSED 3/31/09

MICHAEL MEYER, TRUSTEE

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

7. 08-16410-B-13 WILFRED AND CATHERINE WONG HEARING - MOTION FOR RELIEF
PPR #1 FROM STAY [46]
PETITION FILED 10/10/08

AMERICAN HONDA FINANCIAL CORP., VS.

CASSANDRA RICHEY/Atty. for mv.

The motion will be denied as moot. This secured claim is provided for in either Class 3 or Class 4 of the debtor(s) confirmed chapter 13 plan. The automatic stay for all Class 3 and Class 4 creditors was modified upon confirmation of the chapter 13 plan to permit enforcement of the creditor's remedies with regard to the collateral, so long as this case remains in chapter 13.

9. 08-17216-B-13 RAYMUNDO CRUZ HEARING - MOTION FOR RELIEF
JMS #1 AND SILVINA CAMACHO FROM STAY [68]
PETITION FILED 11/7/08

CHASE HOME FINANCE, LLC, VS.

JOHN SORICH/Atty. for mv.
PETER BUNTING/Atty. for dbt.

The motion will be denied as moot. This secured claim is provided for in either Class 3 or Class 4 of the debtor(s) confirmed chapter 13 plan. The automatic stay for all Class 3 and Class 4 creditors was modified upon confirmation of the chapter 13 plan to permit enforcement of the creditor's

remedies with regard to the collateral, so long as this case remains in chapter 13.

10. 09-10917-B-13 DAVID & LISA MARIE WALSH HEARING - DEBTORS' MOTION
JRJ #1 TO VALUE COLLATERAL OF HFC
PETITION FILED 2/4/09 BENEFICIAL CALIFORNIA, INC.
[20]

J. RODERICK JARRETT/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The respondent's mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan.

11. 09-10917-B-13 DAVID & LISA MARIE WALSH HEARING - DEBTORS' MOTION
JRJ #2 TO VALUE COLLATERAL OF THE
PETITION FILED 2/4/09 GOLDEN ONE CREDIT UNION
[24]

J. RODERICK JARRETT/Atty. for dbt.

The motion to value collateral will be denied as moot. There is no case or controversy. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. Pursuant to paragraph 3.04 of the confirmed chapter 13 plan, the amount and classification of a claim is determined by the proof of claim and no further relief is required unless the granting of a motion will affect the treatment of the claim.

15. 08-18431-B-13 MICHAEL & ERIN HOPKINS HEARING - DEBTORS' MOTION
DRJ #2 TO CONFIRM FIRST MODIFIED
PETITION FILED 12/22/08 CHAPTER 13 PLAN [27]

DAVID JENKINS/Atty. for dbt.

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

17. 09-11035-B-13 JAMES & MARILOU PASION HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [17]
PETITION FILED 2/9/09

WELLS FARGO HOME MORTGAGE, INC., VS.

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be denied as moot. This secured claim is provided for in either Class 3 or Class 4 of the debtor(s) confirmed chapter 13 plan. The automatic stay for all Class 3 and Class 4 creditors was modified upon confirmation of the chapter 13 plan to permit enforcement of the creditor's remedies with regard to the collateral, so long as this case remains in

chapter 13.

21. 09-10854-B-13 MELVIN & VERNNEZ ROCKETT HEARING - DEBTORS' MOTION
SAH #5 TO CONFIRM CHAPTER 13 PLAN
PETITION FILED 2/2/09 [39]

SUSAN HEMB/Atty. for dbt.

This motion will be denied as moot. The court already denied confirmation on the trustee's objection on April 9, 2009. The debtors have not filed a modified plan.

22. 08-17359-B-13 JESUS AVALOS MARTINEZ HEARING - DEBTOR'S OBJECTION
HDN #2 TO CLAIM NO. 2 FILED BY SAVANT
PETITION FILED 11/14/08 HOLSTEIN [43]

HEARING RESCHEDULED TO 5/21/09
AT 1:30 P.M.

ORDER 4/10/09
HENRY NUNEZ/Atty. for dbt.

The matter has been rescheduled to May 21, 2009, at 1:30 p.m., by stipulation and order dated April 10, 2009. No appearance is necessary.

33. 09-10083-B-13 JACK KROMBERG HEARING - MOTION TO DISMISS
09-1029 HDN #1 PLAINTIFF'S ADVERSARY COMPLAINT
THERESE KROMBERG, VS. AND PROCEEDING [7]

JACK KROMBERG

CASE TRANSFERRED 4/10/09
CASE CLOSED 4/10/09

HENRY NUNEZ/Atty. for pl.

The motion will be denied without prejudice. The main case and the adversary proceeding have been transferred to the Central District of California. This file has been closed.

37. 09-11791-A-13 IAN R. WALKER HEARING - ORDER TO SHOW CAUSE
PETITION FILED 3/5/09 FOR FAILURE TO PAY \$68.50
DUE 4/2/09 [26]

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.