

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Wednesday, July 29, 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.

1. [09-11532](#)-A-7 JUAN QUIRARTE, JR. HEARING - ORDER TO SHOW CAUSE
AND ROSALVA QUIRARTE FOR FAILURE TO PAY \$74.00
DUE 7/7/09 [[24](#)]

PAID \$74.00 7/20/09

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.

2. [08-13738](#)-B-7 LLOYD AND LINDA LISTER HEARING - DEFENDANT'S MOTION
[08-1275](#) SL #4 TO DISMISS SECOND AMENDED
ROBERT VALDOVINOS III, VS. COMPLAINT [[118](#)]

RICHARD ABIRACHED, ET AL RESPONSE BY PLAINTIFF

SCOTT LYONS/Atty. for def.
H. TY KHARAZI/Atty. for pl.

This matter will be called on the 1:30 p.m. calendar with the other Lister matters. No appearance is necessary.

4. [09-12848](#)-A-7 DAVID & STEFANI DENNEY HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO PAY \$75.00
DUE 7/8/09 [[24](#)]

PAID \$65.00 7/16/09

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.

5. [07-13750](#)-B-7 DAVID ANTHONY LARA HEARING - DEBTOR'S MOTION
SAH #14 TO DISMISS VOLUNTARY CHAPTER 7
PETITION [[116](#)]

SUSAN HEMB/Atty. for dbt.

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

6. [07-13750](#)-B-7 DAVID ANTHONY LARA HEARING - DEBTOR'S MOTION
SAH #15 TO REDEEM PROPERTY PURSUANT TO
11 U.S.C. S.722 RE: 1999 FORD
EXPEDITION [[125](#)]

SUSAN HEMB/Atty. for dbt.

This motion will be denied as moot. The case has been dismissed on the debtor's motion above. No appearance is necessary.

11. [09-15657](#)-B-7 MIA ORTEGA HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE MEANS TEST FORM 22A [[10](#)]
FILED 7/8/09

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.

12. [08-15462](#)-B-7 JONAS & MAYLEENE VANGAY HEARING - TRUSTEE'S MOTION FOR ORDER APPROVING COMPROMISE OF CONTROVERSY WITH DEBTORS [[49](#)]
RHT #3

ROBERT HAWKINS, TRUSTEE

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

13. [09-12466](#)-B-7 MICHAEL MOSSO HEARING - U.S. TRUSTEE'S MOTION TO DISMISS CASE PURSUANT TO 11 U.S.C. S.707(B)(2) OR, IN THE ALTERNATIVE, 11 USC S.707(B)(3) [[21](#)]
UST #1
SARA L. KISTLER, ACTING UNITED STATES TRUSTEE, VS.
CASE DISMISSED 7/15/09

MARK POPE/Atty. for mv.

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

14. [09-12466](#)-B-7 MICHAEL MOSSO HEARING - DEBTOR'S MOTION TO DISMISS VOLUNTARY PETITION [[36](#)]
TOG #1
CASE DISMISSED 7/15/09

THOMAS GILLIS/Atty. for dbt.

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

15. [08-17868](#)-B-7 WILLIAM & RITA RANGEL HEARING - TRUSTEE'S MOTION OBJECTING TO CLAIM NO. 2 FILED BY BRUMIT DIESEL INC. [[54](#)]
RHT #4

ROBERT HAWKINS, TRUSTEE

The objection will be sustained. Claim #2 is deemed to be a timely filed non-priority general unsecured claim.

18. [09-15879](#)-B-7 HECTOR & LOUELLA ALANIZ HEARING - DEBTORS' APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE [[5](#)]

OPPOSITION BY ROBERT HAWKINS, CHAPTER 7 TRUSTEE

ORDER 6/29/09
BRIAN AUSTIN/Atty. for dbt.
ROBERT HAWKINS, TRUSTEE

The Application has been approved. The Trustee's opposition has been withdrawn. No appearance is necessary.

19. [09-15681](#)-B-7 MICHAEL & CAROLYN BROWN HEARING - DEBTORS' APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE [[5](#)]

OPPOSITION BY ROBERT HAWKINS, CHAPTER 7 TRUSTEE (OPPOSITION WITHDRAWN 7/24/09)

ORDER 6/29/09
PRO SE
ROBERT HAWKINS, TRUSTEE

The Application has been approved. The Trustee's opposition has been withdrawn. No appearance is necessary.

21. [09-12085](#)-B-7 JOSE & ADELA ANDRADE HEARING - TRUSTEE'S MOTION FOR ORDER AUTHORIZING COMPROMISE OF CONTROVERSY WITH MARIO MEJIA CRUZ [[15](#)]
BMS #1

BETH STRATTON, TRUSTEE

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

22. [09-15990](#)-A-7 RANDEL & KIMBERLY ALICEA HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO PAY \$75.00 DUE 7/6/09 [[12](#)]

PAID \$299.00 7/21/09

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.

24. [09-15596](#)-B-7 TONYA MARIE REDOBLE HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE EXHIBIT D WITH CERTIFICATE [[20](#)]

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.

8. [09-14018](#)-B-7 MIGUEL & MARIA CABALLERO HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[13](#)]
U.S. BANK NATIONAL ASSOCIATION, VS.

JENNIFER WONG/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.

9. [09-14823](#)-B-7 FREDERICK & DEBBIE TRUJILLO HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY OR FOR ADEQUATE
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [[10](#)]

BETH STRATTON/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.

13. [09-14729](#)-B-7 ANDREW J. BRAGG HEARING - MOTION FOR RELIEF
JMS #1 FROM STAY [[11](#)]
CHASE HOME FINANCE, LLC, VS.

NON-OPPOSITION BY DEBTOR

JOHN SORICH/Atty. for mv.
MARK ZIMMERMAN/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.

14. [09-14033](#)-B-7 NAKIA SOUDERS HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[10](#)]
DEUTSCHE BANK NATIONAL TRUST
COMPANY, VS.

JENNIFER WONG/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.

16. [09-13141](#)-B-7 NICOLE HERNANDEZ HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[22](#)]
DEUTSCHE BANK NATIONAL TRUST
COMPANY, VS.

CASPER RANKIN/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. [09-13345](#)-B-7 FRANCISCO & MARISOL CORTES HEARING - MOTION FOR RELIEF
APN #1 FROM STAY [[16](#)]
TOYOTA MOTOR CREDIT CORP., VS.

AUSTIN NAGEL/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.

20. [09-12248](#)-B-7 ANTHONY & PENELLOPE ROGERS HEARING - MOTION FOR ORDER
JHW #1 CONFIRMING TERMINATION OF STAY
CHRYSLER FINANCIAL SERVICES AMERICAS [[21](#)]

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.

21. [09-13651](#)-B-7 TXUJCI TCHIENG HEARING - MOTION FOR RELIEF
 EAT #1 AND COLIA YANG FROM STAY [[14](#)]
 ONEWEST BANK, FSB, VS.

MARISOL NAGATA/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.

22. [09-13757](#)-B-7 RICHARD & DORIS SPANGLER HEARING - MOTION FOR RELIEF
 WFZ #1 FROM STAY [[16](#)]
 INDYMAC BANK, F.S.B. VS.

DONNA LA PORTE/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.

23. [09-14957](#)-B-7 MARY E. JENSEN HEARING - MOTION FOR RELIEF
 PD #1 FROM STAY [[17](#)]
 DEUTSCHE BANK NATIONAL TRUST
 COMPANY, VS.

CASPER RANKIN/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.

24. [09-15257](#)-B-7 MATTHEW C. URIVE HEARING - MOTION FOR RELIEF
JMS #1 FROM STAY [[9](#)]
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.

27. [09-12368](#)-B-7 JULIAN & ALICE GOMEZ HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[14](#)]
GOLDEN 1 CREDIT UNION, VS.
DISCHARGED 7/10/09

JENNIFER WONG/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.

28. [09-13868](#)-B-7 MICHAEL & JENNIFER REYES HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY OR FOR ADEQUATE
CAB WEST, LLC, VS. PROTECTION [[15](#)]

BETH STRATTON/Atty. for mv.

The motion will be denied without prejudice. The moving papers were not served on the debtors, debtors' attorney, or the chapter 7 trustee. No appearance is necessary.

29. [09-13270](#)-B-7 STUART L. MORTON HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY OR FOR ADEQUATE
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [[17](#)]

DISCHARGED 7/21/09

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.

30. [09-14774](#)-B-7 GEORGE CARRILLO, JR. HEARING - MOTION FOR RELIEF
PD #1 AND NICOLE CARRILLO FROM STAY [[12](#)]
CHASE HOME FINANCE LLC, VS.

CASPER RANKIN/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. [09-15074](#)-B-7 OTIS S. PARKS, JR. HEARING - MOTION FOR RELIEF
RCO #1 AND JOY D. PARKS FROM STAY [[11](#)]
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

JONATHAN DAMEN/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. [09-13284](#)-B-7 JUVENTINO & NAOMI ALVA HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[13](#)]
HSBC MORTGAGE CORP., VS.
DISCHARGED 7/15/09

JENNIFER WONG/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.

36. [09-14894](#)-B-7 MARIA ORTIZ HEARING - MOTION FOR RELIEF
JHW #1 FROM STAY [[9](#)]
AMERICREDIT FINANCIAL SERVICES,
INC., VS.

JENNIFER WANG/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.

37. [09-14296](#)-B-7 RICHARD & MATILDE BRABO HEARING - MOTION FOR RELIEF
MDE #1 FROM STAY [[12](#)]
CITIMORTGAGE, INC., VS.

MARK ESTLE/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.

38. [09-13399](#)-B-7 VELTESSIA M. LEWIS HEARING - MOTION FOR RELIEF
MBB #1 FROM STAY [[11](#)]

RICHARD BAUER, JR./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.

39. [09-15399](#)-B-7 MARGARET JONES HEARING - MOTION FOR RELIEF
TJS #1 FROM STAY [[8](#)]
E-LOAN, 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.

11:30 A.M.

4. [09-13416](#)-B-7 RICHARD & CHRIS DAVIS HEARING - APPROVAL OF
BMS #2 REAFFIRMATION AGREEMENT WITH
FORD MOTOR CREDIT COMPANY LLC
[[29](#)]

BETH STRATTON/Atty. for mv.

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