

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Thursday, July 30, 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.

9:00 A.M.

5. [08-10437](#)-B-11 GARY & DEBORAH DODD
DRJ #2
- CONT'D STATUS CONFERENCE RE:
CONFIRMATION OF DEBTORS'
CHAPTER 11 PLAN [[75](#)]

6/25
DAVID JENKINS/Atty. for dbt.

Based on the Debtors' status report, this matter will be continued to August 13, 2009, at 9:00 a.m. No appearance is necessary.

6. [08-16768](#)-B-11 BIG3D, INC.
- CONT'D HEARING - FURTHER
CHAPTER 11 STATUS CONFERENCE
[[11](#)]

6/25
HILTON RYDER/Atty. for dbt.

7/13/09 ORDER CONTINUING STATUS
CONFERENCE TO 8/13/09 @ 9 A.M.

The matter has been continued to August 13, 2009, at 9:00 a.m. No appearance is necessary.

10:00 A.M.

1. [09-13504](#)-B-7 JOHN & CAROL GLAZIER
[09-1108](#)
- STATUS CONFERENCE
[[1](#)]
- JOHN GLAZIER AND CAROL GLAZIER, VS.

BANK OF AMERICA C/O CT
CORPORATION SYSTEMS

SUSAN HEMB/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 clerk will issue a notice of intent to dismiss if the plaintiff does not get the complaint properly served with a reissued summons within 30 days.

2. [08-14711](#)-B-7 FIDEL NERI YNIGUEZ
[08-1247](#) AND MARIA CORTEZ (HTK #2)
- CONT'D FURTHER STATUS CONFERENCE
[[1](#)]
- SERGIO RUIZ AND MARIA RUIZ, VS. CONT'D ANSWER BY DEFENDANTS

FIDEL NERI YNIGUEZ AND
MARIA GUADALUPE CORTEZ

6/11, 5/21
H. TY KHARAZI/Atty. for pl.

The matter will be continued to August 13, 2009, at 10:00 a.m. to complete the voluntary mediation. No appearance is necessary.

6. [08-13837](#)-B-7 JEANNY MARIE SPENCE
[09-1075](#)
- CONT'D STATUS CONFERENCE
[[1](#)]
- SHERYL STRAIN, CH. 7 TRUSTEE, VS.

DORIANN JIMENEZ

6/11

TRUDI MANFREDO/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. No appearance is necessary. 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.

8. [07-11278](#)-B-7 PHILIP R. CASTIGLIONE CONT'D STATUS CONFERENCE ON
[08-1218](#) FIRST AMENDED COMPLAINT
JAMES SALVEN, CH. 7 TRUSTEE, VS. [[24](#)]
- MISTER C INVESTMENT CORP., INC., 7/14/09 STIPULATION AND ORDER
DEVILLE ENTERPRISES, ET AL. TO DROP STATUS CONFERENCE
- JEFFREY REICH/Atty. for pl.
DAVID JENKINS/Atty. for def.

This status conference has been dropped from calendar and will be reset at a later time. No appearance is necessary.

11:00 A.M.

1. [08-14401](#)-B-7 ARACELI ANDERSON FINAL PRE-TRIAL CONFERENCE
[09-1010](#) [[1](#)]
BETH STRATTON, CH. 7 TRUSTEE, VS. CONT'D ANSWER BY DEFENDANTS
MICHAEL ANDERSON; DANIEL HARLESS
DANIEL HARLESS AND MICHAEL ANDERSON

4/23

TRUDI MANFREDO/Atty. for pl.
MICHAEL ANDERSON, PRO SE
DALE GUSTIN/Atty. for def.

Based on the Trustee's status report, this matter will be continued to August 13, 2009, at 11:00 a.m. The court will set a new date for the final pre-trial if discovery has been completed. No appearance is necessary.

1:30 P.M.

1. [09-14303](#)-B-13 MARILYN J. BUTTS HEARING - TRUSTEE'S MOTION
MHM #1 TO DISMISS [[14](#)]
PETITION FILED 5/11/09

MICHAEL MEYER, TRUSTEE

The matter will be continued to September 4, 2009, at 1:30 p.m., with

confirmation of the modified plan. No appearance is necessary.

5. [08-18617](#)-B-13 ERIC MOGENSEN HEARING - DEBTOR'S MOTION
PLF #3 AND LISA THOMAS TO CONFIRM FIRST MODIFIED
PETITION FILED 12/29/08 CHAPTER 13 PLAN [[43](#)]

PETER FEAR/Atty. for dbt.

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

6. [06-11819](#)-B-13 KEITH & HOLLI KING HEARING - DEBTORS' MOTION
PLF #7 TO CONFIRM SEVENTH MODIFIED
PETITION FILED 10/27/06 CHAPTER 13 PLAN [[124](#)]

GABRIEL WADDELL/Atty. for dbt.

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

8. [09-14523](#)-B-13 MARLO ANTON FULLER HEARING - DEBTOR'S MOTION
TCS #1 TO VALUE COLLATERAL OF
PETITION FILED 7/30/09 WASHINGTON MUTUAL BANK, N.A.
[[14](#)]

TIMOTHY SPRINGER/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 junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. The order will be effective upon confirmation of the chapter 13 plan.

11. [09-12924](#)-B-13 FRANCISCO VILLARREAL, JR. HEARING - DEBTORS' MOTION
GH #1 AND SANDRA VILLARREAL TO VALUE COLLATERAL OF MOR
PETITION FILED 4/3/09 FURNITURE/WELLS FARGO
[[31](#)]

GARY HUSS/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The collateral will be valued at \$500.

12. [09-12924](#)-B-13 FRANCISCO VILLARREAL, JR. HEARING - DEBTORS' MOTION
GH #2 AND SANDRA VILLARREAL TO VALUE COLLATERAL OF WELLS
PETITION FILED 4/3/09 FARGO BANK, N.A. UNDER 11 U.S.C.
S.506(A) AND (D) [[35](#)]

GARY HUSS/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 junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge.

15. [09-13132](#)-B-13 TODD & LESLIE WYMAN HEARING - DEBTORS' MOTION
GH #2 TO VALUE COLLATERAL OF GMAC
PETITION FILED 4/10/09 MORTGAGE CORP. (SECOND DEED OF
TRUST) UNDER 11 U.S.C. S.506(A)
AND (D) [[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. The respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. The order will be effective upon confirmation of the chapter 13 plan.

17. [09-12534](#)-B-13 KENNETH & SUSAN HARRIS HEARING - DEBTORS' MOTION
SAH #3 FOR EXPEDITED DISCOVERY
PETITION FILED 3/26/09 [[62](#)]

SUSAN HEMB/Atty. for dbt.

This matter will be dropped from calendar. The motion was filed without a notice of hearing. The motion was granted in part by order dated 7/6/09. No appearance is necessary.

18. [09-11236](#)-B-13 DWIGHT & DEBRA ROGERS HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[52](#)]
PETITION FILED 2/17/09

HSBC BANK USA, N.A., 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.

20. [08-18137](#)-B-13 BENNY & DEANN ARELLANO
GMA #3
PETITION FILED 12/12/08
- HEARING - DEBTORS' MOTION
FOR VALUATION OF COLLATERAL
AND FIXING OF SECURED CLAIM
RE: U.S. BANK, AND ITS SUCCESSOR
IN INTEREST, JPMORGAN CHASE
BANK, NA [[43](#)]

GEOFFREY ADALIAN/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The collateral will be valued at \$9,100.

21. [09-13241](#)-B-13 FREDDIE JOE ESQUEDA
DLP #1
PETITION FILED 4/14/09
- U.S. BANK, N.A., VS.
- HEARING - MOTION FOR RELIEF
FROM AUTOMATIC STAY OR FOR
ORDER CONFIRMING THAT THE
AUTOMATIC STAY DOES NOT APPLY
UNDER 11 U.S.C. S.362(I)
[[27](#)]

DONNA LA PORTE/Atty. for mv.

CASE DISMISSED 7/17/09

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

22. [09-10843](#)-B-13 CELSO VELASQUEZ
UST #1
PETITION FILED 2/2/09
- SARA L.KISTLER, ACTING UNITED
STATES TRUSTEE, VS.
- HEARING - U.S. TRUSTEE'S
MOTION FOR REVIEW OF FEES
PURSUANT TO 11 U.S.C. S.329
[[22](#)]
- CASE DISMISSED 4/10/09

MARK POPE/Atty. for mv.

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

23. [09-12343](#)-B-13 JON & DANA ECKMAN
GH #1
PETITION FILED 3/23/09
- HEARING - DEBTORS' MOTION
TO CONFIRM FIRST MODIFIED
CHAPTER 13 PLAN [[34](#)]

GARY HUSS/Atty. for dbt.

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

24. [09-12343](#)-B-13 JON & DANA ECKMAN
GH #2
PETITION FILED 3/23/09
- HEARING - DEBTORS' MOTION
TO VALUE COLLATERAL OF NICHOLAS
A. SCHNEIDER UNDER 11 U.S.C.
S.506(A) AND (D) [[45](#)]

GARY HUSS/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 junior

priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge.

25. [09-12343](#)-B-13 JON & DANA ECKMAN
GH #3
PETITION FILED 3/23/09
HEARING - DEBTORS' MOTION
TO VALUE COLLATERAL OF LBS
FINANCIAL CREDIT UNION
[[41](#)]

GARY HUSS/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The collateral will be valued at \$10,285.

26. [09-15143](#)-B-13 FRANK & KAREN EAST
BMS #1
PETITION FILED 6/2/09
HEARING - MOTION FOR RELIEF
FROM STAY OR FOR ADEQUATE
PROTECTION [[16](#)]

CAB WEST, LLC, VS.

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.

28. [08-18354](#)-B-13 MARY MIGLIORE
GG #1
PETITION FILED 12/19/08
HEARING - DEBTOR'S OBJECTION
TO CLAIM NO. 1 FILED BY
PROFESSIONAL CREDIT SOLUTIONS,
LLC [[30](#)]

GLEN GATES/Atty. for dbt.

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.

30. [09-11958](#)-B-13 ROBERT RAMIREZ, III
EAT #1
PETITION FILED 3/12/09
HEARING - MOTION FOR RELIEF
FROM STAY [[51](#)]

BANK OF AMERICA, N.A., 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.

35. [07-12567](#)-B-13 ALBERTICO & VICKI MARTINEZ HEARING - DEBTORS' MOTION
MAZ #2 FOR ENTRY OF CHAPTER 13
PETITION FILED 8/20/07 DISCHARGE 11 USC S.1328(H)
[48]

MARK ZIMMERMAN/Atty. for dbt.

The matter will be continued to August 13, 2009, at 1:30 p.m. No appearance is necessary. The debtors shall file and serve a declaration setting forth facts to show that the debtors are eligible for a discharge under § 1328.

38. [08-17578](#)-B-13 BRYAN & GISELE THISSEN HEARING - MOTION FOR RELIEF
JEG #1 FROM STAY [82]
PETITION FILED 11/21/08

PACIFIC SERVICE CREDIT UNION, VS.

JASON GOLDSTEIN/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.

42. [09-13483](#)-B-13 DENNIS & DONNA DOZIER HEARING - DEBTORS' MOTION
SAH #3 TO VALUE COLLATERAL OF
PETITION FILED 4/20/09 CITIMORTGAGE SERVICES
[30]

SUSAN HEMB/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 junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. The order will be effective upon confirmation of the chapter 13 plan.

43. [09-15184](#)-B-13 FRANCISO & NORMA VILCHIS HEARING - DEBTORS' MOTION
THA #4 TO VALUE COLLATERAL OF HFC
PETITION FILED 6/4/09 [22]

THOMAS ARMSTRONG/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 junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. The order will be effective upon confirmation of the chapter 13 plan.