

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Bakersfield, California

Thursday, August 6, 2009

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS
DEPARTMENT B - BAKERSFIELD

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.

3. [09-10996](#)-B-7 PRIMO & TINA JACQUEZ STATUS CONFERENCE
[09-1132](#) [1]
JOSE S. DE LUNA, VS.

PRIMO F. JACQUEZ AND TINA JACQUEZ,
DBA MJP BUILDERS

BARBARA HARRIS/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.

10:00 A.M.

1. [08-17801](#)-B-7 RAKESH & RENU SHISHODIA HEARING - FIRST INTERIM
KDG #5 APPLICATION FOR FEES AND
KLEIN, DENATALE, GOLDNER, COOPER, EXPENSES BY ATTORNEYS FOR
ROSENLIEB & KIMBALL, LLP TRUSTEE [82]

NON-OPPOSITION BY DEBTORS

LISA HOLDER/Atty. for trst.
PHILIP GILLET, JR./Atty. for dbt.

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

11:00 A.M.

1. [09-15105](#)-B-7 EMILIO & ANA CONTRERAS HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [9]
ONEWEST BANK, FSB, 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.

2. [09-14910](#)-B-7 JAMES KNOX WILEY HEARING - MOTION FOR RELIEF
EAT #1 FROM STAY [12]
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.

3. [09-13013](#)-B-7 BRAD & KRISTI WARD HEARING - MOTION FOR RELIEF
RCO #1 FROM STAY [[15](#)]
BAC HOME LOANS SERVICING, INC., VS. DISCHARGED 7/14/09

JONATHAN DAMEN/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.

4. [09-15016](#)-B-7 JOSE S. ALVAREZ HEARING - MOTION FOR RELIEF
MBB #1 FROM STAY [[11](#)]
COUNTRYWIDE BANK, FSB, VS.

MARK DOMEYER /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. [09-13220](#)-B-7 TAMARA LEA TATUM HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY [[14](#)]
FORD MOTOR CREDIT COMPANY, LLC, VS.

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.

7. [09-14921](#)-B-7 RYAN & LESLIE JOHNSON HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[19](#)]
HSBC BANK USA, 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. [09-14425](#)-B-7 JAMES CAYWOOD HEARING - MOTION FOR RELIEF
SW #1 FROM STAY [[12](#)]
WACHOVIA DEALER SERVICES, INC., VS.

ADAM BARASCH/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.

11. [09-15927](#)-B-7 ROYCE & LORINE NICKERSON HEARING - MOTION FOR RELIEF
ND #1 FROM STAY [[8](#)]
DEUTSCHE BANK NATIONAL TRUST
COMPANY, VS. STIPULATION FILED 7/28/09

NICOLAS DALUIISO/Atty. for mv.

This matter has been continued to September 3, 2009, at 11:00 a.m., by stipulation of the parties. No appearance is necessary. The automatic stay shall remain in effect pending further order of the court.

12. [09-13228](#)-B-7 JOSE JUAN QUINONEZ & HEARING - MOTION FOR RELIEF
BMS #1 BERTHA ALICIA ROCHA FROM STAY OR FOR ADEQUATE
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [[15](#)]

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.

14. [09-13633](#)-B-7 PAULA HAYDEE ARGUETA HEARING - MOTION FOR RELIEF
DMM #1 FROM STAY [[14](#)]
WACHOVIA MORTGAGE, FSB, VS.

DAVE MCGRAW/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. [09-12039](#)-B-7 GERMAN SALAS HEARING - MOTION FOR RELIEF
MDZ #1 FROM STAY [[18](#)]
HSBC BANK USA, N.A., VS.

MICHAEL ZEFF/Atty. for mv.

The motion will be denied without prejudice. The movant failed to file a separate relief from stay information sheet pursuant to Local Rule 4001-1(c). The form and/or content of the notice do not comply with Local Rule 9014-1(d). The motion was not served on the chapter 7 trustee.

21. [09-11540](#)-B-7 HIPOLITO MEDRANO HEARING - MOTION FOR RELIEF
KEH #1 AND MARIA CARRANZA FROM STAY [[34](#)]
BALBOA THRIFT & LOAN, VS.

KEITH HERRON/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. [09-14540](#)-B-7 ROSARIO ALCALA HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[23](#)]
NATIONAL ASSET DIRECT ACQUISITION,
LLC, 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.

23. [09-14441](#)-B-7 NORMA ALICIA HERRERA HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[10](#)]
WELLS FARGO BANK, NA, 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.

25. [09-15742](#)-B-7 EDUARDO & ERICA RODRIQUEZ HEARING - MOTION FOR RELIEF
MBL #1 FROM STAY [[9](#)]
DEUTSCHE BANK NATIONAL TRUST
COMPANY, VS.

MATTHEW LEARNED/Atty. for mv.

The motion will be denied without prejudice. The motion was not served on the debtor(s) at the address of record in effect at the time of service.

26. [09-12646](#)-B-7 CLAYTON & CHERI HORTON HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[12](#)]
WELLS FARGO BANK, N.A., VS. DISCHARGED 7/29/09

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.

28. [09-12748](#)-B-7 GREGORY LEO RILEY HEARING - MOTION FOR RELIEF
KNC #1 FROM STAY [[12](#)]
STANDARD PACIFIC CORP., EAST CONCERT
PARK, LLC, REDWOOD LOFTS, LLC AND DISCHARGED 7/9/09
CHATELAINE II VENTURES, LLC, VS.

RICHARD SOMES/Atty. for mv.

The motion will be denied without prejudice. The form and/or content of the notice do not comply with Local Rule 9014-1(d). The exhibits do not comply with the court's Revised Guidelines for the Preparation of Documents (EDC 2-901 (Rev. 12/29/08)).

29. [09-11152](#)-B-7 MARIA E. RAIGOZA HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[16](#)]
ONEWEST BANK, FSB, VS. MOTION FILED 6/19/09
CASE CLOSED 6/19/09
DISCHARGED 6/15/09

JENNIFER WONG/Atty. for mv.

The motion will be denied as moot. The case has closed and the automatic stay has terminated by operation of law.

31. [09-14968](#)-B-7 RONALD & KAREN WELCH HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[13](#)]
WELLS FARGO BANK, N.A., VS. NON-OPPOSITION BY DEBTORS

CASPER RANKIN/Atty. for mv.
PHILLIP W. GILLET, JR./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.

33. [09-13974](#)-B-7 YANETT ANGUIANO-ALVAREZ 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.

35. [09-11783](#)-B-7 JUAN & JESSICA HUERTA HEARING - MOTION FOR RELIEF
JMS #1 FROM STAY [[34](#)]
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.

38. [09-14789](#)-B-7 ZEFERINO JUAREZ HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[28](#)]
STATE FARM BANK FSB, 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.

11:30 A.M.

4. [09-13121](#)-B-7 SUSAN HOLT WHITE HEARING - APPROVAL OF
BMS #1 REAFFIRMATION AGREEMENT WITH
FORD MOTOR CREDIT COMPANY, LLC
[[14](#)]

BETH STRATTON/Atty. for mv.

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

8. [09-12570](#)-B-7 SAMUEL & CAROLINE LUNA HEARING - APPROVAL OF
BMS #2 REAFFIRMATION AGREEMENT WITH
FORD MOTOR CREDIT COMPANY, LLC
[[20](#)]

BETH STRATTON/Atty. for mv.

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

11. [09-13293](#)-B-7 TOMMY LEE ALLARD, II HEARING - APPROVAL OF
BMS #1 AND MARGIE ALLARD REAFFIRMATION AGREEMENT WITH
FORD MOTOR CREDIT COMPANY, LLC
[[15](#)]

BETH STRATTON/Atty. for mv.

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