

**UNITED STATES BANKRUPTCY COURT**  
Eastern District of California

Honorable W. Richard Lee  
Bankruptcy Judge  
Bakersfield, California

**Thursday, August 28, 2008**

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**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.

1. 08-10311-B-7 TONY & ERICA BREMMER CONT'D STATUS CONFERENCE  
08-1096 [1]  
TONY AND ERICA BREMMER, VS.

COAST TO COAST ACQUISTIONS; YVETTE  
D. YADAO; REINALDO ROSADA

7/31

PATRICK KAVANAGH/Atty. for pl.

**This status conference will be dropped from calendar because the record does not show that the first amended complaint has been served with the reissued summons. The court will issue a notice of intent to dismiss if the plaintiffs do not get the first amended complaint properly served with a reissued summons within 60 days.**

2. 08-11415-B-7 DANIEL JAMES WILSON STATUS CONFERENCE  
08-1145 [1]  
FIA CARD SERVICES, N.A., VS.

DANIEL JAMES WILSON

BENJAMIN NACHIMSON/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. 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.**

10:00 A.M.

2. 08-14125-A-7 CHARLES W. BRYAN, JR. HEARING - ORDER TO SHOW CAUSE  
AND SHERI LYNN BRYAN FOR FAILURE TO FILE EXHIBIT D  
WITH CERTIFICATE (DB AND JDB)  
[11]

8/21/08 CASE DISMISSED

HALE ANTICO/Atty. for dbt.

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

5. 08-12057-B-7 FRANK & KATHY GAITAN HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO PAY \$26.00  
DUE 8/5/08 [20]

PAID \$26.00 ON 8/18/08

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.

6. 08-14657-B-7 YVES & JUDITH LAURIAULT HEARING - CORRECTED ORDER TO  
SHOW CAUSE FOR FAILURE TO PAY  
\$299.00 DUE 8/4/08 [9]  
  
PAID \$299.00 8/11/08

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.

8. 08-12104-B-7 JOHN & SANDRA PHILLIPS HEARING - MOTION FOR RELIEF  
EAT #1 FROM STAY [130]  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. , VS.

EDWARD TREDER/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. 08-12406-B-7 JEREMY CHARLES REYNOLDS HEARING - MOTION FOR RELIEF  
WGM #1 FROM STAY [13]  
WASHINGTON MUTUAL BANK, VS.

WILLIAM MALCOLM/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.

10. 08-13007-B-7 OLIMPIO & CHANTHANOM CHANCO HEARING - MOTION FOR RELIEF  
DMM #1 FROM STAY [17]  
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.

11. 08-13607-B-7 REBECCA LYNN WERLE HEARING - MOTION FOR RELIEF  
PD #1 FROM STAY [14]  
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.

12. 08-11708-B-7 KEVIN MILHOUS, SR. HEARING - MOTION FOR RELIEF  
JHW #1 AND SHERRY MILHOUS FROM STAY [23]  
DAIMLERCHRYSLER FINANCIAL SERVICES  
SERVICES AMERICAS LLC, VS. DISCHARGED 7/28/08

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.

13. 08-13112-B-7 RAYMOND & REINA CRUZ 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.

15. 05-60619-B-7 EDGARD COURI HEARING - DEBTOR'S MOTION  
KDG #8 TO COMPEL TRUSTEE TO ABANDON  
REAL PROPERTY FROM CHAPTER 7  
ESTATE [108]

LEONARD WELSH/Atty. for dbt.

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

17. 08-13723-B-7 CLIFFORD DEWOODY HEARING - MOTION FOR RELIEF  
APN #1 FROM STAY [11]  
WELLS FARGO BANK, N.A., 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.

18. 08-12425-B-7 KENNETH MARSHALL COOPER HEARING - MOTION FOR RELIEF  
JCW #1 FROM STAY [24]  
BARCLAYS CAPITAL REAL ESTATE  
INC., 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. 08-13329-B-7 BOBBY & ELLEN TINSLEY HEARING - MOTION FOR RELIEF  
DMG #1 FROM STAY [9]  
CITIFINANCIAL AUTO CORP., VS.

DAVID GOODRICH/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. 08-13929-B-7 MARCO & MARIA HERNANDEZ HEARING - MOTION FOR RELIEF  
PD #1 FROM STAY [13]  
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.

23. 08-13033-B-7 SKYLER & MARIAN MEIGHAN HEARING - MOTION FOR RELIEF  
MBB #1 FROM STAY [29]  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. , 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.

24. 08-13033-B-7 SKYLER & MARIAN MEIGHAN HEARING - MOTION FOR RELIEF  
PPR #1 FROM STAY [37]  
SUN TRUST MORTGAGE, INC., VS.

8/19/08 FILED REQUEST TO  
WITHDRAW MOTION

CASSANDRA RICHEY/Atty. for mv.

The matter has been withdrawn or resolved by stipulation of the parties. No appearance is necessary.

25. 08-12651-B-7 ATHENA MARIE CARDONA HEARING - MOTION FOR RELIEF  
MBJ #2 FROM STAY [48]  
KERN SCHOOLS FEDERAL CREDIT UNION,  
VS.

JOHN MENDONZA/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. 08-13352-B-7 JANICE W. BUCKNER HEARING - MOTION FOR RELIEF  
PPR #1 FROM STAY [10]  
WILMINGTON FINANCE, VS.

CASSANDRA RICHEY/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. 08-13352-B-7 JANICE W. BUCKNER HEARING - MOTION FOR RELIEF  
PPR #2 FROM STAY [17]  
WILMINGTON FINANCE, VS.

CASSANDRA RICHEY/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.

30. 07-14259-B-7 DEREK & CAROLINA CLOYD HEARING - MOTION FOR RELIEF  
GLF #1 FROM STAY [39]

GEMB LENDING, INC., VS.

GARY FERTIG/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.

31. 08-13260-B-7 JOSE LUIS BARAJAS HEARING - MOTION FOR RELIEF  
MEA #1 FROM STAY [10]  
COUNTRYWIDE HOME LOANS, INC., VS.

MARISOL ANTONIO/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.

32. 08-12866-B-7 CARY & CHARLOTTE ATKINSON HEARING - MOTION FOR RELIEF  
JCW #1 FROM STAY [10]  
BARCLAYS CAPITAL REAL ESTATE,  
INC., 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.

33. 08-13666-B-7 EDELMIRA ZARAGOZA HEARING - MOTION FOR RELIEF  
PD #1 FROM STAY [11]

AURORA LOAN SERVICES, 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.

37. 04-12777-B-7 ARTHUR MYUNGHOOON PARK CONT'D HEARING - CHAPTER 7  
STATUS CONFERENCE [502]

7/3  
ARTHUR PARK, PRO SE  
PATRICK KAVANAGH, TRUSTEE

The matter will be continued to October 1, 2008, at 10:00 a.m., for hearing with the trustee's final report and professional fee applications. No appearance is necessary.

38. 08-13384-B-7 JAVIER DURAN HEARING - MOTION FOR RELIEF  
JCW #1 FROM STAY [9]  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE, 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.

39. 08-11888-B-7 ROBERT & DEBORAH CRANE HEARING - MOTION FOR RELIEF  
JCW #1 FROM STAY [19]  
WASHINGTON MUTUAL BANK, VS.  
DISCHARGED 8/1/08

JENNIFER WONG/Atty. for mv.

The motion will be granted without oral argument for cause shown. The automatic stay will be terminated for cause shown as to the Chapter 7 trustee. The record reflects that the motion is unopposed. The motion will

be dismissed as moot as to the debtor(s), their discharge having been entered. 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.

40. 08-12990-B-7 JAIME & LENA ALARCON HEARING - MOTION FOR RELIEF  
MEA #1 FROM STAY [9]  
COUNTRYWIDE HOME LOANS, INC., VS.

MARISOL ANTONIO/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. 08-12091-B-7 ARTURO & CARMEN PEREZ HEARING - MOTION FOR RELIEF  
JHW #1 FROM STAY [16]  
DAIMLERCHRYSLER FINANCIAL SERVICES  
AMERICAS LLC, VS. DISCHARGED 8/1/08

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.

43. 08-12192-B-7 RON DALE RICE HEARING - MOTION FOR RELIEF  
RFM #1 FROM STAY [15]  
CITIZENS BANK OF RHODE ISLAND, VS.

RAYMOND MOATS, III/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.

11:00 A.M.

1. 08-12507-B-7 JOSE CERNA, JR. HEARING - APPROVAL OF  
BMS #1 AND MARIA CERNA REAFFIRMATION AGREEMENT WITH  
FORD MOTOR CREDIT COMPANY, LLC  
[19]

BETH STRATTON/Atty. for mv.

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

5. 08-12273-B-7 ERNEST & REBECCA ESPINOZA HEARING - APPROVAL OF  
BMS #1 REAFFIRMATION AGREEMENT WITH  
FORD MOTOR CREDIT COMPANY, LLC  
[40]

DISCHARGED 8/5/08

BETH STRATTON/Atty. for mv.

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