

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Wednesday, September 3, 2008

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.

9:30 A.M.

3. 08-11926-B-11 DAVID PAWL TREBAS HEARING - PLAINTIFF'S MOTION
08-1128 TGM #1 TO DISMISS DEFENDANT'S COUNTER
JUDITH LESLIE SOLEY, VS. CLAIMS AND REQUEST THAT THE
COURT ABSTAIN FROM HEARING
STATE LAW CLAIMS [18]
DAVID PAWL TREBAS

TRUDI MANFREDO/Atty. for pl.

This matter will be dropped from calendar. Pursuant to the minute order dated August 22, 2008, the motion to dismiss the counterclaims has been stayed pending further order of the court. The motion to abstain has been set for a status conference on September 25, 2008.

4. 08-14374-B-11 SIERRA CONSUMER ACCEPTANCE HEARING - CHAPTER 11 STATUS
CONFERENCE [8]

PRO SE

This matter will be rescheduled to September 16, 2008, at 9:30 a.m., for hearing with the court's order to show cause. No appearance is necessary.

10:00 A.M.

2. 08-12529-B-7 JESSE & SUSAN VELA HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO PAY \$75.00
DUE 8/6/08 [25]
PAID \$149.00 8/18/08

PATRICIA CARRILLO/Atty. for dbt.

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.

4. 08-14341-B-7 RAFAEL FLORES HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO FILE EXHIBIT D
WITH CERTIFICATE [8]

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. 08-13870-B-7 PETER & LYNETTE YAMANAKA HEARING - ORDER TO SHOW CAUSE

FOR FAILURE TO SUBMIT EMPLOYEE
INCOME RECORD AND TAX RETURN
[25]

CASE DISMISSED 8/18/08

PRO SE

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

6. 08-14377-B-7 DANIEL & MARISOL BAEZ HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE EXHIBIT D WITH CERTIFICATE (DB AND JDB) [8]

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.

9. 03-11610-B-7 CENTRAL VALLEY PROCESSING, HEARING - APPLICATION OF ACCOUNTANT FOR TRUSTEE FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES [1559]
MDM #2 INC.
MARIA T. STOKMAN OF ATHERTON AND ASSOCIATES, LLP, CPA

MARIA STOKMAN, CPA

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

10. 03-11610-B-7 CENTRAL VALLEY PROCESSING, HEARING - FINAL APPLICATION FOR ALLOWANCE OF FEES AND COSTS FILED BY ATTORNEYS FOR TRUSTEE IN CHAPTER 7 CASE [1564]
KDG #56 INC.
KLEIN, DENATALE, GOLDNER, COOPER, ROSENLIEB & KIMBALL

LISA HOLDER/Atty. for trst.

The motion for interim/final approval of fees and costs will be granted in part and denied in part. The motion for final approval of all fees is granted. The motion for payment of all fees prior to closure of the case is denied. The trustee may pay applicant 75% of new fees not previously approved. The balance, including all retentions, may be paid from available funds upon closure of the case.

11. 07-13515-B-7 TIMOTHY N. ARIAS, JR. HEARING - APPLICATIONS FOR COMPENSATION:
BETH STRATTON, TRUSTEE [20]

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

13. 07-13049-B-7 SHANNON D. LIEDER HEARING - APPLICATIONS FOR

COMPENSATION:
BETH STRATTON, TRUSTEE [29]

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

14. 07-13150-B-7 DANIEL & CHERRY MCDONELL HEARING - APPLICATIONS FOR
COMPENSATION:
JAMES SALVEN, TRUSTEE [37]

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

16. 07-13756-B-7 DAWN M. FLANAGAN HEARING - APPLICATIONS FOR
COMPENSATION:
ROBERT HAWKINS, TRUSTEE [17]

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

18. 07-13069-B-7 MICHAEL & TERI LUDWIG HEARING - APPLICATIONS FOR
COMPENSATION:
JAMES SALVEN, TRUSTEE [33]

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

19. 08-13380-B-7 JESUS ARANDA PEREZ CONT'D HEARING - MOTION FOR
TJS #1 RELIEF FROM STAY [21]
AMERICAN BROKERS CONDUIT, VS.

8/13
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.

10:30 A.M.

2. 08-12403-B-7 GARETT J. SPURGEON STATUS CONFERENCE
08-1144 [1]
DIEGO ALVAREZ, A MINOR, ET AL., BY
AND THROUGH THEIR GUARDIAN AD LITEM,
JUANA ALVAREZ, ET AL., VS.
GARETT J. SPURGEON

JUDITH HARLESS/Atty. for pl.

This status conference will be dropped from calendar because the summons and complaint were not timely served in compliance with F.R.B.P. 7004(e). The

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.

18. 08-12917-B-7 EJAZ HYDERALI RAJWANI HEARING - MOTION FOR RELIEF
ASW #1 FROM STAY [46]
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

ALAN WOLF/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. 08-14018-B-7 MARTIN & DELFINA ARIAS HEARING - MOTION FOR RELIEF
MBB #1 FROM STAY [10]
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.

21. 08-13720-B-7 GEORGE & TACY ANDERSEN HEARING - MOTION FOR RELIEF
PPR #1 FROM STAY [23]
ACCREDITED HOME LENDERS, INC., VS.

CASSANDRA RICHEY/Atty. for mv.

As to the debtors, the motion will be denied as moot. The automatic stay has already terminated by operation of law. 11 U.S.C. § 362(c)(3). As to the chapter 7 trustee, 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. 08-13933-B-7 MICHAEL & MARGARET GARDNER HEARING - MOTION FOR RELIEF
TJS #1 FROM STAY [11]
JP MORGAN CHASE BANK, N.A., 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.

25. 08-13535-B-7 MANUEL & MARLENE MAZARIEGO HEARING - MOTION FOR RELIEF
BSN #1 FROM STAY [17]
BANK OF AMERICA, N.A., VS.

BENJAMIN NACHIMSON/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.

27. 08-13939-B-7 RUNIE & MARY RAGUNTON HEARING - MOTION FOR RELIEF
MBB #1 FROM STAY [11]
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.

29. 08-13353-B-7 DENNIS R. LARKIN HEARING - MOTION FOR RELIEF
MEA #1 FROM STAY [18]
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.

30. 08-13954-B-7 JORGE & BERTHA MARTINEZ HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [11]
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.

32. 08-13777-B-7 SARA JANICE SPENCER HEARING - MOTION FOR RELIEF
TJS #1 FROM STAY [8]
JP MORGAN CHASE BANK, N.A., 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.

33. 08-13777-B-7 SARA JANICE SPENCER HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [15]
HOME LOAN SERVICES, 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.

34. 08-14177-B-7 RACHEL JUAREZ 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.

37. 08-12681-B-7 JOSE & MARIA BERNAL HEARING - MOTION FOR RELIEF
PPR #1 FROM STAY [16]
THE CIT GROUP/CONSUMER FINANCE,
INC., VS. DISCHARGED 8/22/08

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.

39. 08-12985-B-7 RICARDO MONTES
RSL #1
BANK OF AMERICA, N.A., VS.

HEARING - MOTION FOR RELIEF
FROM STAY [13]

ROBERT LAMPL/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.

40. 08-13688-B-7 JOSE BELTRAN
MEA #1 AND SOCORRO LANDEROS
COUNTRYWIDE HOME LOANS, INC., VS.

HEARING - MOTION FOR RELIEF
FROM STAY [9]

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.

41. 08-14098-B-7 ANGEL & AMELIA NUNEZ
MBB #1
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

HEARING - MOTION FOR RELIEF
FROM STAY [8]

RICHARD BAUER, JR./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.

11:00 A.M.

1. 08-12707-B-7 JOSE & ANNA LOERA HEARING - APPROVAL OF
BMS #1 REAFFIRMATION AGREEMENT WITH
FORD MOTOR CREDIT COMPANY, LLC
[18]

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. 08-12794-B-7 WILLIAM C. ROUTT HEARING - APPROVAL OF
BMS #1 REAFFIRMATION AGREEMENT WITH
FORD MOTOR CREDIT COMPANY, LLC
[21]

BETH STRATTON/Atty. for mv.

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

1:30 P.M.

1. 08-14316-B-13 PAMELA FAY TOMASETTI HEARING - ORDER TO SHOW CAUSE
PETITION FILED 7/22/08 FOR FAILURE TO FILE CHAPTER 13
PLAN; MEANS TEST FORM 22C;
SCHEDULES A-J; STATEMENT OF
FINANCIAL AFFAIRS; STATISTICAL
SUMMARY; SUMMARY OF SCHEDULES
[17]
PRO SE CASE DISMISSED 8/22/08

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

2. 08-14316-B-13 PAMELA FAY TOMASETTI HEARING - CORRECTED ORDER TO
PETITION FILED 7/22/08 SHOW CAUSE FOR FAILURE TO
PAY \$68.00 DUE 8/11/08
[21]
CASE DISMISSED 8/22/08

PRO SE

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

6. 08-13992-A-13 JOSE QUIJANO HEARING - ORDER TO SHOW CAUSE
PETITION FILED 7/9/08 FOR FAILURE TO PAY \$69.00
DUE 8/8/08 [14]
CASE DISMISSED 8/22/08

PRO SE

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

17. 08-11819-B-13 PAUL & SUZANNE COONCE HEARING - MOTION FOR RELIEF
TJS #1 FROM STAY [25]
PETITION FILED 4/1/08
JP MORGAN CHASE BANK, N.A., VS. DECLARATION IN OPPOSITION BY DEBTORS

TIMOTHY SILVERMAN/Atty. for mv.
DAVID JENKINS/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 automatically 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.

19. 08-11033-B-13 DEBRA JEAN BURTON CONT'D HEARING - MOTION FOR
GH #2 CONFIRMATION OF SECOND MODIFIED
PETITION FILED 2/29/08 CHAPTER PLAN [39]

8/14
GARY HUSS/Atty. for dbt.

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

21. 08-13965-B-13 SEVERO COBIAN HEARING - TRUSTEE'S MOTION
MHM #1 TO DISMISS [12]
PETITION FILED 7/7/08
CASE DISMISSED 8/22/08

MICHAEL MEYER, TRUSTEE

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

24. 08-13970-B-13 ISAIAS BECERRA, JR. HEARING - TRUSTEE'S MOTION
MHM #1 TO DISMISS [13]
PETITION FILED 7/7/08
CASE DISMISSED 8/22/08

MICHAEL MEYER, TRUSTEE

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

29. 07-13687-B-13 JOSE & MAVIS ZAVALA
MHM #3
PETITION FILED 11/6/07

CONT'D HEARING - TRUSTEE'S
MOTION TO DISMISS [93]

8/14
MICHAEL MEYER, TRUSTEE

The motion will be denied based on confirmation of the modified plan below.

30. 07-13687-B-13 JOSE & MAVIS ZAVALA
ASW #6
PETITION 11/6/07

HEARING - MOTION TO CONFIRM
FIFTH MODIFIED CHAPTER 13 PLAN
[106]

ADRIAN S. WILLIAMS/Atty. for dbt.

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