

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

Honorable W. Richard Lee  
Bankruptcy Judge  
Fresno, California

**Monday, October 4, 2004**

---

**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) 498-7220 by 5:00 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.

1:30 P.M.

2. [04-13408](#)-B-13 HECTOR & CARMEN CABRERA HEARING - MOTION FOR RELIEF  
SJM #2 FROM STAY [[29](#)]  
PETITION FILED 4/20/04 CASE DISMISSED 8/30/04  
WELLS FARGO HOME MORTGAGE, VS.

ROBERT RUBEN/Atty. for mv.

**The case having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.**

6. [03-11123](#)-B-13 MARK & GERRY HENDRIX HEARING - MOTION FOR RELIEF  
MPD #1 FROM STAY [[28](#)]  
PETITION FILED 2/5/03 OPPOSITION BY DEBTORS  
MORTGAGE ELECTRONIC REGISTRATION 10/1/04 APO  
SYSTEMS, INC., VS.

JAMES LEWIN/Atty. for mv.  
PETER BUNTING/Atty. for dbt.

**The matter has been withdrawn, or resolved by stipulation of the parties.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

9. [04-16240](#)-B-13 JUAN RIOS AND HEARING - MOTION TO VALUE  
PBB #1 MARIA CABRERA COLLATERAL OF CITI FINANCE  
PETITION FILED 7/20/04 [[8](#)]

PETER BUNTING/Atty. for dbt.

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

10. [04-16240](#)-B-13 JUAN RIOS AND HEARING - MOTION TO VALUE  
PBB #2 MARIA CABRERA COLLATERAL OF CITI FINANCIAL  
PETITION FILED 7/20/04 [[18](#)]

PETER BUNTING/Atty. for dbt.

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

11. [04-16240](#)-B-13 JUAN RIOS AND HEARING - MOTION TO VALUE  
PBB #3 MARIA CABRERA COLLATERAL OF PACIFIC SERVICE  
PETITION FILED 7/20/04 CREDIT UNION [[29](#)]

PETER BUNTING/Atty. for dbt.

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

12. [04-16240](#)-B-13 JUAN RIOS AND MARIA CABRERA  
PBB #4  
PETITION FILED 7/20/04
- HEARING - MOTION FOR  
CONFIRMATION OF FIRST AMENDED  
PLAN [[25](#)]

PETER BUNTING/Atty. for dbt.

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

15. [04-16647](#)-B-13 DONALD & LINDA JENVEY  
PETITION FILED 8/2/04
- HEARING - OBJECTION TO  
CONFIRMATION OF CHAPTER 13 PLAN  
[[9](#)]

GLENN GOLDAN, VS.

STEPHEN ARNOT/Atty. for obj.

**This objection will be overruled without prejudice. The objection is premature. The chapter 13 trustee has not completed his 341 meeting. The pleadings fail to include an appropriate docket control number as required by Local Rule 9014-1(c). The proof of service was not filed as a separate document pursuant to Local Rule 9014-1(e)(3). The debtor was not served with the objection. The form and/or content of the notice do not comply with Local Rule 9014-1(d).**

17. [04-14149](#)-B-13 CINDY MARIE SEPEDA  
PBB #1  
PETITION FILED 5/13/04
- HEARING - MOTION FOR  
CONFIRMATION OF FIRST AMENDED  
PLAN [[27](#)]

PETER BUNTING/Atty. for dbt.

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

21. [03-13774](#)-B-13 LUIS & ESTHER ORTEGA  
MC #1  
PETITION FILED 4/21/03
- HEARING - MOTION FOR RELIEF  
FROM STAY [[50](#)]

NON-OPP BY DEBTORS

VW CREDIT, INC., VS.

SHANNON CHLARSON/Atty. for mv.  
PETER BUNTING/Atty. for dbt.

**The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. 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. [04-17374](#)-B-13 ZACARIAS GONZALEZ, II AND NADIA GONZALEZ  
PETITION FILED 8/25/04 HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE CHAPTER 13 PLAN [[7](#)]

PETER CABBINESS/Atty. for dbt.

**This case will be dismissed on the grounds set forth in the Order to Show Cause. No appearance is necessary.**

23. [04-17181](#)-B-13 DAVID & TARA HAVNER  
PETITION FILED 8/19/04 HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE SUMMARY, SCHEDULES A-J, STATEMENT OF FINANCIAL AFFAIRS, DISCLOSURE OF COMPENSATION AND CHAPTER 13 PLAN [[7](#)]

RUSSELL KOCH/Atty. for dbt.

FILED 9/14/04

**The record shows that this document has been filed and/or the required fee has been paid. The OSC shall be dropped from calendar. No appearance is necessary.**

24. [04-14585](#)-B-7 RUSSELL DEMING AND ROBYN VALOV  
ASW #2  
CONVERTED: 8/12/04 HEARING - MOTION FOR RELIEF FROM STAY [[43](#)] [[56](#)]  
9/9/04 CASE CONVERTED TO CH. 7  
CITIMORTGAGE, INC., VS.

ALAN WOLF/Atty. for mv.

**The matter will be continued to November 10, 2004, at 10:30 a.m. No appearance is necessary.**

25. [04-15686](#)-B-13 EDWIN & MARIA CAMACHO  
FJG #1  
PETITION FILED 6/30/04 HEARING - MOTION TO VALUE COLLATERAL OF THE GOLDEN 1 CREDIT UNION [[13](#)]

F. JOHN GIST/Atty. for dbt.

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**