

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Bakersfield, California

Wednesday, October 6, 2004

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS
DEPARTMENT B

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.

10:30 A.M.

2. [04-14313](#)-B-11 WHITTEN PUMPS, INC. HEARING - THIRD INTERIM
KDG #13 APPLICATION FOR ALLOWANCE OF
CFO RESOURCES BUSINESS CONSULTANT FEES
(AUG. 1, 2004 - AUG. 31, 2004)
[152]

T. SCOTT BELDEN/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.

4. [03-60977](#)-B-11 HERITAGE RAILWAY SERVICE, HEARING - MOTION FOR PAYMENT
GKK #1 INC. OF ADMINISTRATIVE CLAIM
GREGG K. KNOWLES [201]

9/3/04 CASE DISMISSED

GREGG KNOWLES, PRO SE

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

1:00 P.M.

10. [04-16335](#)-B-13 CHRISDE LYNNE HUNT HEARING - TRUSTEE'S MOTION
MNE #1 TO DISMISS RE PRE-CONFIRMED CASE
PETITION FILED 7/23/04 [19]

CASE DISMISSED 9/3/04

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

15. [02-10151](#)-B-13 AUBREY & DARLENE COLLOM HEARING - TRUSTEE'S MOTION
MNE #3 TO DISMISS [56]
PETITION FILED 1/8/02

This motion will be called on the 1:30 p.m. calendar.

16. [02-18451](#)-B-13 SCOTT & JANICE GEORGE HEARING - TRUSTEE'S MOTION
MNE #2 TO DISMISS [81]
PETITION FILED 9/16/02

This motion will be called on the 1:30 p.m. calendar.

1:30 P.M.

1. [04-15202](#)-B-13 RENEE LORRAINE VANDEROEF HEARING - OBJECTION TO
MGB #1 CONFIRMATION OF CHAPTER 13 PLAN

PETITION FILED 6/15/04

[18]

BALBOA THRIFT & LOAN ASSN., VS.

OPPOSITION BY DEBTOR

MICHAEL BRUNO/Atty. for obj.
DAVID FILLERUP/Atty. for dbt.

The matter has been withdrawn, or resolved by stipulation of the parties.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

3. [04-16210](#)-B-13 JOHN PIPKINS, SR.
AND SUSAN PIPKINS
PETITION FILED 7/19/04

HEARING - OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN
[10]

SN SERVICING CORP., VS.

RESPONSE BY DEBTORS

ROBERT RUBEN/Atty. for obj.
ROBERT S. WILLIAMS/Atty. for dbt.

The objection is overruled. The pleadings fail to include an appropriate docket control number as required by Local Rule 9014-1(c). The form and/or content of the notice do not comply with Local Rule 9014-1(d).

5. [03-12912](#)-B-13 CLEMENTE & MAY DIAGO
PLG #1
PETITION FILED 3/27/03

HEARING - DEBTORS' MOTION
TO CONFIRM FIRST MODIFIED
CHAPTER 13 PLAN AND TO SUSPEND
FOUR PLAN PAYMENTS AND EXTEND
FROM 57 MONTHS TO 60 MONTHS
[60]

JAIMEE DORON/Atty. for dbt.

8/6/04 CASE DISMISSED

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

6. [04-15520](#)-B-13 CRAIG NIEBLAS
FPS #1
PETITION FILED 6/25/04

HEARING - MOTION TO CONFIRM
DEBTOR'S FIRST AMENDED
CHAPTER 13 PLAN [16]

FRANK SAMPLES/Atty. for dbt.

The matter will be continued to November 3, 2004, at 1:30 p.m. No appearance is necessary.

7. [03-18425](#)-B-13 STEVEN & JENIFER MILLER
MNE #1
PETITION FILED 9/12/03

CONT'D HEARING - TRUSTEE'S
MOTION TO DISMISS [38]

9/1
M. NELSON ENMARK, TRUSTEE

This motion will be denied based on the confirmation of the Second Amended

Plan below.

8. [03-18425](#)-B-13 STEVEN & JENIFER MILLER HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY [[42](#)]
PETITION FILED 9/12/03

FORD MOTOR CREDIT COMPANY, VS.

BETH STRATTON/Atty. for mv.

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.

9. [03-18425](#)-B-13 STEVEN & JENIFER MILLER HEARING - MOTION TO DEFER
DJF #2 CHAPTER 13 PLAN PAYMENTS, TO
PETITION FILED 9/12/03 MODIFY CHAPTER 13 PLAN AND
TO CONFIRM SECOND AMENDED
CHAPTER 13 PLAN [[54](#)]

NON-OPPOSITION BY TRUSTEE

DAVID FILLERUP/Atty. for dbt.
M. NELSON ENMARK, TRUSTEE

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. [02-60132](#)-B-13 JANE M. MILLER HEARING - MOTION FOR RELIEF
PPR #1 FROM STAY [[16](#)]
PETITION FILED 11/5/02

9/30/04 APO

MEGO MORTGAGE CORP., VS.

MARISOL ANTONIO/Atty. for mv.

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

11. [04-16335](#)-B-13 CHRISDE LYNNE HUNT HEARING - OBJECTION TO
MB #1 CONFIRMATION OF CHAPTER 13 PLAN
PETITION FILED 7/23/04 [[8](#)]

U.S. BANK, N.A., VS.

9/3/04 CASE DISMISSED

MARK DOMEYER/Atty. for obj.

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

12. [04-14837](#)-B-13 MARSHALL AGUILERA & HEARING - MOTION FOR RELIEF
BMS #1 GUADALUPE AGUILERA FROM STAY [[31](#)]
PETITION FILED 6/3/04

KIA FINANCIAL SERVICES, INC., VS.

BETH STRATTON/Atty. for mv.

The motion is denied. The movant is provided for in Class 3 of the confirmed chapter 13 plan. Pursuant to Class 3, the automatic stay already terminated upon confirmation of the plan on 9-3-04.

17. [03-60750](#)-B-13 GLIDDEN M. MADERA RP #2
PETITION FILED 11/25/03
- HEARING - APPLICATION FOR APPROVAL OF TRUSTEE'S FEES AND EXPENSES, CH. 7 TRUSTEE PRIOR TO CONVERSION [[25](#)]

RANDELL PARKER/Applicant

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. [02-18451](#)-B-13 SCOTT & JANICE GEORGE
PWG #1
PETITION FILED 9/16/02
- HEARING - MOTION TO MODIFY AND CONFIRM CHAPTER 13 PLAN
[[74](#)]

NON-OPPOSITION BY TRUSTEE

PHILLIP GILLET, JR./Atty. for dbt.
M. NELSON ENMARK, TRUSTEE

The motion is denied without prejudice. The modified plan and amended schedules were not signed and verified by both debtors. The motion was filed without any supporting evidence or analysis to show what has been changed in the modified plan.

23. [04-16051](#)-B-13 LARRY A. HARRIS
PWG #2
PETITION FILED 7/13/04
- HEARING - MOTION TO VALUE COLLATERAL OF SAN JOAQUIN TRACTOR CO. [[22](#)]

PHILLIP GILLET, JR./Atty. for mv.

The motion is denied without prejudice. The moving papers were not served on the creditor.

24. [04-17051](#)-A-13 FRANK DROUGHN, JR.
PETITION FILED 8/16/04
- HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE SUMMARY OF SCHEDULES, SCHEDULES A-J, STATEMENT OF AFFAIRS AND CHAPTER 13 PLAN
[[9](#)]
FILED 9/2/04

WILLIAM BULLIS/Atty. for dbt.

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.

25. [02-13953](#)-B-13 GRAYDON & KATHY SMITH HEARING - MOTION TO DEFER
RSW #2 CHAPTER 13 PAYMENTS AND MODIFY
PETITION FILED 4/26/02 THE CONFIRMED CHAPTER 13 PLAN
[20]

NON-OPPOSITION BY TRUSTEE

ROBERT S. WILLIAMS/Atty. for dbt.
M. NELSON ENMARK, TRUSTEE

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

28. [03-14756](#)-B-13 RUBEN HERRERA, JR. HEARING - MOTION TO DEFER
RSW #2 AND MARY HERRERA CHAPTER 13 PAYMENTS AND MODIFY
PETITION FILED 5/20/03 THE CONFIRMED CHAPTER 13 PLAN
[45]

NON-OPPOSITION BY TRUSTEE

ROBERT S. WILLIAMS/Atty. for dbt.
M. NELSON ENMARK, TRUSTEE

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

29. [04-11660](#)-B-13 BRIAN W. CAUBLE HEARING - MOTION TO VALUE
PWG #2 COLLATERAL OF TRANSOUTH
PETITION FILED 3/1/04 FINANCIAL CORPORATION [42]

PHILIP GILLET, JR./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.

31. [02-18072](#)-B-13 JAMES & KAZUKO JEFFREY HEARING - MOTION OF ATTORNEY
PK #5 FOR DEBTOR FOR COMPENSATION
PETITION FILED 9/3/02 [85]

PATRICK KAVANAGH/Applicant

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

34. [04-13381](#)-B-13 JAMES & PEGGY FULLER HEARING - MOTION FOR RELIEF
ASW #1 FROM STAY [50]
PETITION FILED 4/20/04

THREE ARCH CAPITAL, VS.

ALAN WOLF/Atty. for mv.

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.

35. [03-61485](#)-B-13 JOHN & NANCY RAYMOND HEARING - MOTION FOR RELIEF
RLE #1 FROM STAY [[37](#)]
PETITION FILED 12/23/03

NISSAN - INFINITI LT, VS.

ROGER EFREMSKY/Atty. for mv.

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.

36. [04-15386](#)-B-13 IVAN-RAY HOLMES & HEARING - MOTION TO CONFIRM
DJF #1 MARY-ELIZABETH HOLMES FIRST AMENDED CHAPTER 13 PLAN
PETITION FILED 6/21/04 [[16](#)]

NON-OPPOSITION BY TRUSTEE

DAVID FILLERUP/Atty. for dbt.
M. NELSON ENMARK, TRUSTEE

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

37. [04-15386](#)-B-13 IVAN-RAY HOLMES & HEARING - MOTION TO VALUE
DJF #2 MARY-ELIZABETH HOLMES COLLATERAL AND DETERMINE
PETITION FILED 6/21/04 SECURED AND UNSECURED CLAIMS
OF WELLS FARGO AUTO FINANCE
[[19](#)]

DAVID FILLERUP/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.

38. [02-18488](#)-B-13 MICHAEL & DEBBIE WILLIAMS HEARING - MOTION FOR RELIEF
DMG #1 FROM STAY [[24](#)]
PETITION FILED 9/16/02

MATTHEW W. MORRIS AND RENT A
WRECK OF BAKERSFIELD, INC., VS.

D. MAX GARDNER/Atty. for mv.

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.

39. [04-17391](#)-B-13 BRETT HAWKINS
PETITION FILED 8/26/04

HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO FILE
A MASTER ADDRESS LIST IN
COMPLIANCE WITH LOCAL RULE
1007-1 [5]

RESPONSE BY DEBTOR

MARCIA MULLIN/Atty. for dbt.

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.

41. [04-14599](#)-B-13 JALASKA HAMPTON
NES #1
PETITION FILED 5/27/04

HEARING - DEBTOR'S MOTION
FOR CONFIRMATION OF FIRST
AMENDED CHAPTER 13 PLAN
[16]
NON-OPPOSITION BY TRUSTEE

NEIL SCHWARTZ/Atty. for dbt.
M. NELSON ENMARK, TRUSTEE

The motion is denied without prejudice. The notice period does not comply with FRBP 2002(b) and General Order 03-03, ¶ 8(a).

3:00 P.M.

1. [04-15466](#)-B-13 ROGER ADOLPHUS ASHWORTH
RSW #1
PETITION FILED 6/23/04

EVIDENTIARY HEARING -
MOTION TO VALUE COLLATERAL OF
CHEVRON VALLEY CREDIT UNION
[4]

ORDER 10/1/04
ROBERT WILLIAMS/Atty. for dbt.
JOSEPH SOARES/atty for creditor

CONT'D RESPONSE/OBJECTION
BY CREDITOR

10/1/04 EVIDENTIARY HG. VACATED

The matter has been resolved by stipulation of the parties. The evidentiary hearing has been vacated. No appearance is necessary.