

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Bakersfield, California

Thursday, October 7, 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.

9:00 A.M.

1. [04-17102](#)-B-7 JOHN DALE PRIDEMORE, SR. HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE SUMMARY, SCHEDULES A-J, STATEMENT OF INTENTIONS, STATEMENT OF FINANCIAL AFFAIRS [9] FILED 9/8/04

PRO SE

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.

2. [04-17632](#)-A-7 DIANA JOYCE SHAFER HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE A MASTER ADDRESS LIST IN COMPLIANCE WITH LOCAL RULE 1007-1 [9] RESPONSE BY DEBTOR AND REQUEST FOR CONTINUANCE

PRO SE

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.

4. [04-17760](#)-B-7 JOSE & KATHLEEN MURGUIA HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE A MASTER ADDRESS LIST IN COMPLIANCE WITH LOCAL RULE 1007-1 [6] DECLARATION IN RESPONSE BY EDWARD O. LEE

EDWARD LEE/Atty. for dbt.

The court intends to dismiss this case without prejudice. No discharge will be entered. Pursuant to FRBP 1007(a), a complete and accurate creditor list must be filed with the petition. The failure of the debtor(s) to timely file a complete and accurate list of creditors in proper format in compliance with FRBP 1007(a) and this court's Local Rule 1007-1 and the Revised Guidelines for Preparation of Master Address Lists, Revised August 17, 1999, has prevented the court and/or trustee from giving proper notice of, *inter alia*, commencement of this case and the meeting of creditors in compliance with FRBP 2002 & 2003.

5. [04-17362](#)-A-7 GILBERT & SANDRA ALEMAN HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE SUMMARY AND SCHEDULES A-J [6] FILED 9/22/04

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.

6. [04-17567](#)-B-7 MICHAEL & SHARON MILLER HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE A MASTER ADDRESS LIST IN COMPLIANCE WITH LOCAL RULE 1007-1 [6]

ROBERT HURLBETT/Atty. for dbt.

The court intends to dismiss this case without prejudice. No discharge will be entered. Pursuant to FRBP 1007(a), a complete and accurate creditor list must be filed with the petition. The failure of the debtor(s) to timely file a complete and accurate list of creditors in proper format in compliance with FRBP 1007(a) and this court's Local Rule 1007-1 and the Revised Guidelines for Preparation of Master Address Lists, Revised August 17, 1999, has prevented the court and/or trustee from giving proper notice of, *inter alia*, commencement of this case and the meeting of creditors in compliance with FRBP 2002 & 2003.

8. [04-17299](#)-B-7 BERNARDO MEDRANO, JR. AND MELANY MEDRANO HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO PAY \$26.00 [9]

9/2/04 \$26.00 PAID

SUSAN SALEHI/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.

9. [03-61601](#)-B-7 LISA ANNE MAZEL HEARING - APPLICATION FOR COMPENSATION: PATRICK KAVANAGH, TRUSTEE [23]

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. [03-15804](#)-B-7 GREGORY & SHIRLEY FOSTER HEARING - APPLICATIONS FOR COMPENSATION: PATRICK KAVANAGH, TRUSTEE [50] PATRICK KAVANAGH, ATTY FOR TRST [48]

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. [99-15704](#)-B-7 ELIAZAR SANCHEZ HEARING - APPLICATIONS FOR COMPENSATION: PATRICK KAVANAGH, TRUSTEE [51] PATRICK KAVANAGH, ATTY FOR TRST [47] DENNIS BEAN, ACCOUNTANT [49]

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. [02-15310](#)-B-7 JOYCE EVAUN KALER HEARING - APPLICATIONS FOR COMPENSATION:

PATRICK KAVANAGH, TRUSTEE [37]
PATRICK KAVANAGH, ATTY FOR TRST
[35]
GEORGE TAMBERI, ACCOUNTANT [32]

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

13. [03-61321](#)-B-7 THEODORE & AMBER DALY HEARING - APPLICATION FOR
COMPENSATION:
RANDELL PARKER, TRUSTEE [12]

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

14. [03-61636](#)-B-7 ENRIQUE & MARGARITA GARCIA HEARING - APPLICATION FOR
COMPENSATION:
PATRICK KAVANAGH, TRUSTEE [26]

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. [03-11547](#)-B-7 GLADYS ELUMBAUGH HEARING - APPLICATIONS FOR
COMPENSATION:
RANDELL PARKER, TRUSTEE [36]
DENNIS BEAN, ACCOUNTANT [32]
PATRICK KAVANAGH, ATTY FOR TRST
[35]

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

16. [00-18959](#)-B-7 MARR STEEL ENGINEERING, INC. HEARING - APPLICATIONS FOR
COMPENSATION:
RANDELL PARKER, TRUSTEE [87]
GEORGE TAMBERI, CPA [84]
D. MAX GARDNER, ATTY FOR TRST
[83]

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

17. [03-15361](#)-B-7 ROY MERLE HAMILTON HEARING - APPLICATIONS FOR
COMPENSATION:
PATRICK KAVANAGH, TRUSTEE [54]
PATRICK KAVANAGH, ATTY FOR TRST
[50]
GEORGE TAMBERI, ACCOUNTANT [47]

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

18. [03-19384](#)-B-7 CHARLES & TERESA KROPP HEARING - APPLICATION FOR
COMPENSATION:
PATRICK KAVANAGH, TRUSTEE [32]

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

10:00 A.M.

1. [04-10912](#)-B-7 KEITH A. MADKINS FINAL PRE-TRIAL CONFERENCE
[04-1129](#) [1]
CHARLOTTE MANNINGS, VS. CONT'D ANSWER BY DEFENDANT

KEITH A. MADKINS

7/8

BARBARA HARRIS/Atty. for pl.
ROBERT WILLIAMS/Atty. for def.

The plaintiff has failed to comply with this court's Order Setting Discovery Cut-off and Final Pre-trial Conference dated July 12, 2004. Based thereon, the court's tentative ruling is to strike the plaintiff's complaint and enter judgment for the defendant. Both parties shall appear and be heard.

4. [03-18599](#)-A-7 JONATHAN & RENEE WEBSTER FINAL PRE-TRIAL CONFERENCE
[04-1013](#)-B [1]
JONATHAN WALTER WEBSTER, VS. CONT'D ANSWER BY DEFENDANT

COAST 2 COAST FINANCIAL SOLUTIONS,
INC., ET AL.

10/1/04 CONTINUED TO 12/2/04
AT 11:00 A.M. BY STIP AND ORDER

6/3

ROBERT WILLIAMS/Atty. for pl.
MIRIAM HISER/Atty. for def.

The matter will be continued to December 2, 2004, at 11:00 a.m. No appearance is necessary.

10:30 A.M.

7. [01-60714](#)-B-7 MATTHEW & LILLIAN COLLIER HEARING - MOTION TO AVOID LIEN
CRS #2 OF KERN SCHOOLS FEDERAL CREDIT
DEBTORS UNION [15]

CYNTHIA SCULLY/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.

8. [03-17716](#)-B-7 VIOLA A. HELM HEARING - MOTION TO AVOID
VAH #2 JUDICIAL LIEN OF ALTAONE FCU
DEBTOR [12]
RESPONSE BY CREDITOR

LAWRENCE SIRES/Atty. for dbt.
JOSEPH HORSWILL/Atty. for resp.

The motion is denied without prejudice. The motion was filed without supporting evidence as required by Local Rule 9014-1(d)(6). The form and/or content of the notice do not comply with Local Rule 9014-1(d). The creditor

was not served with the moving papers.

9. [01-15517](#)-B-7 BRYANT TANK, INC. HEARING - TRUSTEE'S MOTION
MTH #2 FOR AUTHORITY TO SETTLE
ROSANNA BLANCO, CH. 7 TRUSTEE ADVERSARY PROCEEDING WITH
FRED JONES [[161](#)]

ADV #03-6075
MICHAEL HERTZ/Atty. for trst.

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. [01-15517](#)-B-7 BRYANT TANK, INC. HEARING - THIRD INTERIM
LRP #2 APPLICATION FOR PAYMENT OF
LANG, RICHERT & PATCH, P.C. FEES AND COSTS (SPECIAL
COUNSEL TO TRUSTEE)
[[156](#)]

MICHAEL HERTZ/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.

13. [04-15624](#)-B-7 DANIEL T. LINDINI HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY [[10](#)]
MAZDA AMERICAN CREDIT, 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.

15. [01-15026](#)-B-7 LAUNI MARIE HUNT HEARING - PLAINTIFF'S
[04-1142](#) RTM #1 APPLICATION FOR DEFAULT JUDGMENT
ROSSANA BLANCO, CH. 7 TRUSTEE, VS. [[18](#)]

LAUNI MARIE HUNT

RAY MULLEN/Atty. for pl.

The motion is denied without prejudice. The motion was filed without legal authority or analysis re the theories for relief or supporting evidence as required by Local Rule 9014-1(d) (6).

17. [04-12531](#)-B-7 VIDEO CITY, INC. CONT'D HEARING - TRUSTEE'S
WLG #5 SECTION 329 REPORT, OBJECTION
RANDELL PARKER, CH. 7 TRUSTEE TO FEES AND REQUEST FOR
DISGORGEMENT [[23](#)]

8/5
RILEY WALTER/Atty. for trst.

9/30/04 CONTINUED TO 12/2/04 AT
10:30 A.M. BY STIP AND ORDER

The matter will be continued to December 2, 2004, at 10:30 a.m. No appearance is necessary.

19. [04-12337](#)-B-7 IAN & BRENDA ROBERTSON HEARING - TRUSTEE'S OBJECTION
PK #1 TO ALLOWANCE OF CLAIM NO. 5
OF CITIBANK USA [[8](#)]

PATRICK KAVANAGH, TRUSTEE

The objection is sustained. The claim shall be allowed as a tardily filed general unsecured claim payable pursuant to 11 U.S.C. § 726(a)(3).

22. [00-15058](#)-B-7 MICHAEL & JEANA ROOFFENER HEARING - MOTION TO AVOID
KMF #2 JUDICIAL LIEN OF LYNN AND
DEBTORS MAURINE MELLOTT [[15](#)]

KATHRYN FOX/Atty. for dbt.

The motion is denied without prejudice. The subject property was not claimed as exempt on the debtors' schedules. There is no evidence to show that the lien impairs an exemption.

23. [04-16858](#)-B-7 BURNIE WAYNE MCLAIN HEARING - MOTION FOR RELIEF
SB #1 FROM STAY [[5](#)]
WELLS FARGO BANK, N.A., VS.

CAROLYN MORRIS/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.

24. [04-16061](#)-B-7 LAWRENCE & PAULA HIGDON HEARING - MOTION TO AVOID
FPS #1 LIEN OF ALTAONE FEDERAL
DEBTORS CREDIT UNION [[5](#)]

FRANK SAMPLES/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.

29. [04-14378](#)-B-7 WILLIAM STERLING IRBY HEARING - TRUSTEE'S MOTION
RZB #2 TO SELL PERSONAL PROPERTY;
TO PAY AUCTIONEER'S COMMISSION
[12]

ROSSANA BLANCO, 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.

30. [04-16183](#)-B-7 JOE EDDIE CORREA HEARING - MOTION FOR RELIEF
RLE #1 FROM STAY [5]
TOYOTA LEASE TRUST, VS.
NON OPPOSITION BY DEBTOR

ROGER EFREMSKY/Atty. for mv.
KATHRYN FOX/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.

31. [04-16686](#)-B-7 JEFFREY & MICHELLE HUNTER HEARING - MOTION FOR RELIEF
VVF #1 FROM STAY [5]
TRANSOUTH FINANCIAL CORP., VS.

VINCENT FROUNJIAN/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.

32. [04-16387](#)-B-7 ROBERT MENDOZA GONZALES HEARING - MOTION TO AVOID
GMG #1 JUDICIAL LIEN OF JOHN C. WRIGHT
DEBTOR DBA BAKERSFIELD CREDIT CONTROL
SERVICE [7]

GLORIA GONG/Atty. for dbt.

The motion is denied without prejudice. The moving papers do not 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).

33. [04-16387](#)-B-7 ROBERT MENDOZA GONZALES HEARING - MOTION TO AVOID
GMG #2 JUDICIAL LIEN OF FIRESIDE
DEBTOR THRIFT CO. [[11](#)]

GLORIA GONG/Atty. for dbt.

The motion is denied without prejudice. The moving papers do not 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). The motion was not served in compliance with Federal Rule of Bankruptcy Procedure 7004(b).

37. [01-60193](#)-B-7 STELLA MANCHA HEARING - MOTION TO AVOID LIEN
RSB #1 OF NATIONAL CREDIT ACCEPTANCE,
DEBTOR INC. [[12](#)]

R. SCOTT BELL/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. [04-13998](#)-B-7 BRANDON SHAMBLIN HEARING - MOTION FOR RELIEF
BMS #1 AND LOUISE FIDEL FROM STAY [[10](#)]
PRIMUS AUTOMOTIVE FINANCIAL
SERVICES, VS. DISCHARGED 8/17/04

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. The automatic stay shall be terminated for cause shown as to the Chapter 7 trustee, no timely opposition having been filed. The motion shall be dismissed as to the debtor(s), their discharge having been entered. 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. [04-17299](#)-B-7 BERNARDO MEDRANO, JR. HEARING - MOTION FOR RELIEF
SW #1 AND MELANY MEDRANO FROM STAY [[10](#)]
GENERAL MOTORS ACCEPTANCE CORP., VS.

DONALD CRAM, III/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.

11:00 A.M.

1. [01-15517](#)-B-7 BRYANT TANK, INC.
[03-1026](#)
ROSSANA ZUBRZYCKI-BLANCO, VS.

CENTRAL CALIFORNIA ESCROW
AND LARRY ERREA
7/8
MICHAEL HERTZ/Atty. for pl.
LARRY ERREA, PRO SE DEF.
MICHAEL WHITTINGTON/Atty. for def.

CONT'D FINAL PRE-TRIAL
CONFERENCE
[1]
CONT'D FIRST AMENDED ANSWER BY
LARRY ERREA; CONT'D ANSWER
BY CENTRAL CALIFORNIA ESCROW

The matter will be continued to November 4, 2004, at 11:00 a.m. No appearance is necessary.

2. [01-15517](#)-B-7 BRYANT TANK, INC.
[03-1026](#)
CENTRAL CALIFORNIA ESCROW, A
CALIFORNIA CORP., VS.
T.J. KERR, CHARLES HINSON, SUE
HINSON, SHANNON LOWE, ET AL.
7/8
MICHAEL WHITTINGTON/Atty. for pl.
KEVIN WOELFLEIN, PRO SE DEF.
LARRY ERREA, PRO SE DEF.

CONT'D FINAL PRE-TRIAL
CONFERENCE ON THIRD PARTY
COMPLAINT FOR INDEMNITY AND
DECLARATORY RELIEF
[27]
CONT'D ANSWER BY U.S. CAPITAL
INVESTMENTS CO.; LARRY ERREA;
ANSWER BY T.J. KERR AND GEORGE
ADAM; ANSWER AND COUNTER CLAIM
BY CLAYTON ENTERPRISES, LLC

The matter will be continued to November 4, 2004, at 11:00 a.m. No appearance is necessary.

3. [01-15517](#)-B-7 BRYANT TANK, INC.
[03-6076](#)
ROSSANA BLANCO, CH. 7 TRUSTEE, VS.

T.J. KERR

7/8
MICHAEL HERTZ/Atty. for pl.
D. MAX GARDNER/Atty. for def.

CONT'D STATUS CONFERENCE
[1]
AMENDED ANSWER BY DEFENDANT

The matter will be continued to November 4, 2004, at 11:00 a.m. No appearance is necessary.