

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

Honorable W. Richard Lee  
Bankruptcy Judge  
Fresno, California

**Wednesday, December 17, 2008**

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**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.

10:00 A.M.

1. 08-17302-B-7 W.C. & MARGIE PARMER HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO SUBMIT STATEMENT OF SOCIAL SECURITY NUMBER FRBP 1007(F) [10]

STATEMENT SUBMITTED 12/8/08

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.**

2. 03-11610-B-7 CENTRAL VALLEY PROCESSING, INC. HEARING - APPLICATIONS FOR COMPENSATION: MICHAEL MCGRANAHAN, TRUSTEE [1594] LISA HOLDER, ATTORNEY FOR TRUSTEE [1564] ATHERTON AND ASSOCIATES, LLP, ACCOUNTANT FOR TRUSTEE [1559]

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

9. 05-62659-B-7 CHARLES W. BRIGGS HEARING - TRUSTEE'S MOTION TO SELL REAL PROPERTY BMS #5 [356]

BETH STRATTON, TRUSTEE

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

10. 03-19168-B-7 THOMAS SIECHERT CONT'D HEARING - CHAPTER 7 STATUS CONFERENCE [112]

9/24  
JAMES SALVEN, TRUSTEE

**Based on the trustee's status report, this matter will be continued to March 25, 2009, at 10:00 a.m. The trustee shall file a status report regarding the Apple litigation.**

11. 08-15673-B-7 CATHERINE JOANNE SALM CONT'D HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO SUBMIT EMPLOYEE INCOME RECORD AND TAX RETURN [12]

MAKOTO SHUTTLEWORTH/Atty. for dbt.

**This matter will be dropped from calendar. It appears that debtor's counsel has complied with the minute order of November 12, 2008, and a further appearance or hearing are not necessary.**

12. 08-16698-B-7 MATTHEW & TRACEY PIMENTEL HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO APPEAR AT MEETING OF CREDITORS SET FOR 11/17/08 [12]  
  
(AS TO MATTHEW PIMENTEL ONLY)

HAGOP BEDOYAN/Atty. for dbt.

The record reflects that the meeting of creditors has been concluded since the OSC was issued. The OSC will be dropped from calendar. However, the time for the chapter 7 trustee to file a complaint objecting to discharge, or the U.S. Trustee to file a motion under § 707(b), is extended to 60 days after the conclusion of the meeting of creditors. The court will issue a minute order. No appearance is necessary.

10:30 A.M.

1. 08-16200-B-7 THERESA PIMENTEL HEARING - MOTION FOR RELIEF FROM STAY [19]  
MDE #1  
LITTON LOAN SERVICING, L.P., VS.

MARK ESTLE/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.

3. 08-14602-B-7 MARY D. ADAMS HEARING - MOTION FOR RELIEF FROM STAY [58]  
PD #4  
AMTRUST BANK, 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.

5. 08-14809-B-7 ROBERT & SHIRLEY COLLINS HEARING - MOTION FOR RELIEF  
RCO #1 FROM STAY [14]  
COUNTRYWIDE HOME LOANS, INC., VS.  
DISCHARGED 12/8/08

KATHY SHAKIBI/Atty. for mv.

The motion will be denied as moot as to the debtor(s), their discharge having been entered. The motion will be granted for cause shown as to the Chapter 7 trustee. 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.

8. 08-13738-B-7 LLOYD & LINDA LISTER HEARING - MOTION FOR  
HTK #2 DECLARATORY RELIEF, JUDICIAL  
ROBERT VALDOVINOS III, VS. DETERMINATION AND/OR RELIEF  
FROM STAY [35]

H. TY KHARAZI/Atty. for mv.

The motion will be denied without prejudice. The motion was not served on the debtors in compliance with Bankruptcy Rule 9014(a). The motion seeks relief which is outside the scope of a motion for relief from stay. Movant's request for declaratory relief regarding real property will require an adversary proceeding.

11. 08-16253-B-7 ANTONIO & ALMA ROBLES HEARING - MOTION FOR RELIEF  
EAT #1 FROM STAY [22]  
RAYMOND JAMES BANK, 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.

12. 08-14564-B-7 RANDY & JOANNE FUNKNER HEARING - MOTION FOR RELIEF  
RSL #1 FROM STAY [36]  
BANK OF AMERICA, N.A., VS.  
DISCHARGED 11/24/08

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.

13. 08-16469-B-7 TOMMY D. HOWTON, SR. HEARING - MOTION FOR RELIEF  
APN #1 AND JUDY HOWTON FROM STAY [10]  
WELLS FARGO AUTO FINANCE, 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.

15. 08-16175-B-7 JOSE M. CORTES HEARING - MOTION FOR RELIEF  
ABG #1 AND ROBERTA SERVIN FROM STAY [11]  
VANDERBILT MORTGAGE AND FINANCE,  
INC., VS.

MARK BLACKMAN/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.

18. 08-16189-B-7 RAUL SEGURA HEARING - MOTION FOR RELIEF

MBB #1  
AMERICA'S WHOLESALE LENDER, VS.

FROM STAY [17]

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. 08-15132-B-7 JAMES & HAZEL FLEMING 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.