

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Thursday, December 18, 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.

1. 08-00104-B-11 LBREP/L-SUNCAL MCALLISTER RANCH, LLC
08-1226 SUPERIOR PIPELINES, INC., VS.
LBREP/L-SUNCAL MCALLISTER RANCH, LLC; ET AL.
11/6
TERRENCE EGLAND/Atty. for pl.
D. MAX GARDNER/Atty. for def.
- CONT'D STATUS CONFERENCE ON NOTICE OF REMOVAL [1]
STATEMENT IN RESPONSE BY DEFENDANT MCALLISTER RANCH IRRIGATION DISTRICT

Based on plaintiff's status report, this matter will be continued to January 15, 2009, at 9:30 a.m., in Fresno. No appearance is necessary. Plaintiff shall file a status report if the New York proceedings are not resolved.

2. 08-11926-B-11 DAVID PAWL TREBAS BMS #2
CAB WEST, LLC, VS.
- HEARING - MOTION FOR RELIEF FROM STAY OR FOR ADEQUATE PROTECTION [68]

BETH STRATTON/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.

1. 08-12403-B-7 GARETT J. SPURGEON
08-1144 DIEGO ALVAREZ, A MINOR, ET AL., BY AND THROUGH THEIR GUARDIAN AD LITEM, JUANA ALVAREZ, ET AL., VS.
GARETT J. SPURGEON
ORDER 10/31, 10/30
JUDITH HARLESS/Atty. for pl.
- STATUS CONFERENCE ON AMENDED COMPLAINT [21]

This matter will be continued to January 14, 2009, at 10:00 a.m., to be heard with defendant's motion to dismiss. No appearance is necessary.

3. 08-13738-B-7 LLOYD & LINDA LISTER
08-1201 JOHN MILLER, VS.
LLOYD PRESTON LISTER,
DBA XLNT AUTO SALES & LEASING, INC.
10/30
H. TY KHARAZI/Atty. for pl.
- STATUS CONFERENCE ON SECOND AMENDED COMPLAINT [23]

This matter will be continued to January 14, 2009, at 10:00 a.m., to be heard with defendant's motion to dismiss. No appearance is necessary.

4. 08-13738-B-7 LLOYD & LINDA LISTER STATUS CONFERENCE
08-1221 [1]
CHASE BANK USA, N.A., VS.
LINDA LISTER 12/9/08 STIPULATION FOR JUDGMENT
AND SETTLEMENT AGREEMENT

JEROME YELSKY/Atty. for pl.

This matter has been resolved by entry of a stipulated judgment. The status conference will be dropped.

5. 08-11882-B-7 LARRY TYRONE BURRUS STATUS CONFERENCE
08-1118 [1]
BETH STRATTON, CH. 7 TRUSTEE, VS.
MARINDA BURRUS NOTICE OF CASE SETTLEMENT FILED
12/12/08

9/25
TRUDI MANFREDO/Atty. for pl.

It appears this adversary proceeding has been settled or the defendant(s) default has been entered. The status conference will be dropped and may be reset by any party on 10 days' notice. The court will issue a Notice of Intent to Dismiss if the adversary proceeding has not been concluded or set for further status conference within 60 days. The plaintiff(s) may request an extension of this time up to 30 days by ex parte application for cause.

1:30 P.M.

1. 08-17305-B-13 EDWARD & LINDA WAGNER HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO SUBMIT
PETITION FILED 11/12/08 STATEMENT OF SOCIAL SECURITY
NUMBER FRBP 1007(F) [6]
STATEMENT SUBMITTED 11/20/08

RANDY RISNER/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.

2. 08-17305-B-13 EDWARD & LINDA WAGNER HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO FILE A MASTER
PETITION FILED 11/12/08 ADDRESS LIST [5]
FILED 11/20/08

RANDY RISNER/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.

3. 08-16512-B-13 FERNANDO & LAVONNE BERLANGA HEARING - DEBTORS' MOTION
SL #1 FOR CONFIRMATION OF CHAPTER 13
PETITION FILED 10/15/08 PLAN [12]

SCOTT LYONS/Atty. for dbt.

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

4. 08-14315-B-13 STEVE CAMACHO, JR. HEARING - MOTION FOR RELIEF
JMS #1 AND JULIE CAMACHO FROM STAY OR FOR ADEQUATE
PETITION FILED 7/22/08 PROTECTION [33]

CHASE HOME FINANCE, LLC, VS.

OPPOSITION BY DEBTORS

JOHN SORICH/Atty. for mv.
PETER FEAR/Atty. for dbt.

This motion will be denied for lack of cause. The movant's evidence shows that this claim is wholly unsecured. The movant has not responded to the debtors' "Lam" motion on file herewith and the court has posted a tentative ruling that the movant's claim may be treated as an unsecured claim in the chapter 13 plan.

5. 08-14315-B-13 STEVE CAMACHO, JR. HEARING - DEBTORS' MOTION
PLF #3 AND JULIE CAMACHO TO VALUE COLLATERAL OF CHASE
PETITION FILED 7/22/08 HOME FINANCE, LLC, AS SERVICER
FOR OR SUCCESSOR TO JPMORGAN
CHASE BANK, N.A. FOR PURPOSE
OF STRIPPING LIEN OF CHASE HOME
FINANCE FROM REAL PROPERTY
[38]

PETER FEAR/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. This creditor's mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan.

6. 08-16722-B-13 MICHAEL SHERMAN HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO PAY \$68.00
PETITION FILED 10/22/08 DUE 11/17/08 [13]

CASE DISMISSED 12/5/08

PRO SE

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

7. 08-16732-B-13 HARVEY CONTRERAS, JR. HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO PAY \$52.00
PETITION FILED 10/23/08 DUE 11/24/08 [19]

CASE DISMISSED 12/5/08

PRO SE

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

9. 08-13645-B-13 ANTHONY & VIRGINIA ALVES HEARING - MOTION FOR RELIEF
SW #1 FROM THE CO-DEBTOR STAY
PETITION FILED 6/24/08 [33]

GENERAL MOTORS ACCEPTANCE CORP., VS.

ADAM BARASCH/Atty. for mv.

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 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.

10. 07-13047-B-13 CYNTHIA ELLEN JAMES HEARING - DEBTOR'S MOTION
THA #1 TO CONFIRM FIRST MODIFIED
PETITION FILED 9/26/07 CHAPTER 13 PLAN [22]

THOMAS ARMSTRONG/Atty. for dbt.

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

12. 07-14382-B-13 JASON & ERNESTINA CHAVEZ HEARING - MOTION FOR RELIEF
SKI #1 FROM STAY [33]
PETITION FILED 12/26/07

DAIMLER TRUST SUCCESSOR TO DCFS
TRUST, VS.

SHERYL ITH/Atty. for mv.

The motion will be denied as moot. This lease was not assumed or provided for in the chapter 13 plan. Pursuant to ¶4.02 of the confirmed plan, the lease has been rejected and the automatic stay has been modified to allow the movant to obtain possession of the leased property.

3:00 P.M.

1. 07-10271-B-12 JOHN & LINDA MENEZES CONT'D HEARING - FIRST
DLF #1 APPLICATION FOR ALLOWANCE OF
INTERIM ATTORNEYS FEES AND COSTS
FILED BY DIAS LAW FIRM [330]

CONT'D OPPOSITION BY TULE RIVER
VETERINARY SERVICES, INC.

11/13
MICHAEL DIAS/Atty. for dbt.

JOSEPH HORSWILL/Atty. for obj.
M. NELSON ENMARK, TRUSTEE

CONT'D RESPONSE BY TRUSTEE

The court intends to deny this motion without prejudice for the reasons stated on the record at the first hearing. The Applicant has filed nothing in response and the issues addressed by the court have not been resolved.