

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Whitney Rimel

Bankruptcy Judge

Fresno, California

1. 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.

Following the hearing (not before), moving party shall submit an appropriate form of order. When the debtor's discharge has been entered, proposed orders for relief from stay should 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.

2. If a matter is denied without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. It may not simply re-notice the original motion.

3. If no disposition is set forth below, the hearing will take place as scheduled.

April 15, 2009

9:00 a.m.

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1. [09-11704](#)-A-7 JAMES A. STICE

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE SCHEDULES  
B,D,F,G [[12](#)]

FILED 4/6/09

PRO SE

The matter is resolved without oral argument. The deficiency has been corrected. The Order to Show Cause is dismissed. The case will remain pending. No appearance is necessary.

2. [09-11714](#)-A-7 BILL & DAVA CODY

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE EXHIBIT D  
WITH CERTIFICATE (DB AND JDB)  
[[9](#)]

FILED 3/20/09

RANDY RISNER/Atty. for dbt.

The matter is resolved without oral argument. The deficiency has been corrected. The Order to Show Cause is dismissed. The case will remain pending. No appearance is necessary.

3. [09-11715](#)-B-7 FLORENCE ODESSA PARKER HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE EXHIBIT D  
WITH CERTIFICATE [[9](#)]  
  
FILED 3/20/09

RANDY RISNER/Atty. for dbt.

**The matter is resolved without oral argument. The deficiency has been corrected.  
The Order to Show Cause is dismissed. The case will remain pending. No  
appearance is necessary.**

4. [09-10518](#)-A-7 ROBERT ANTHONY TORRES HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO APPEAR AT  
MEETING OF CREDITORS SET FOR  
3/17/09 [[18](#)]  
  
PER TRUSTEE, MEETING CONCLUDED  
3/23/09

PRO SE

**The matter is resolved without oral argument. The deficiency has been corrected.  
The Order to Show Cause is dismissed. The case will remain pending. No  
appearance is necessary.**

5. [09-10119](#)-A-7 ROSA VALDEZ HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO APPEAR AT  
MEETING OF CREDITORS SET FOR  
3/13/09 [[24](#)]  
  
OFF CALENDAR BY ORDER 3/25/09

PRO SE

**The Order to Show Cause having been removed from calendar pursuant to a prior  
civil minute order, no appearance is necessary.**

6. [09-11519](#)-A-7 LISA JOHNSTON HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO PAY \$75.00  
DUE 3/20/09 [[27](#)]  
  
PAID \$100.00 4/3/09  
  
CASE DISMISSED 4/8/09

PRO SE

**The case having been dismissed, the matter is moot. No appearance is necessary.**

7. [09-10820](#)-A-7 DANIEL & MARIA ALVAREZ HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO APPEAR AT MEETING OF CREDITORS SET FOR 3/12/09 [[13](#)]

DEOK KIM/Atty. for dbt.

8. [09-10121](#)-A-7 SALVADOR VALDEZ HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO APPEAR AT MEETING OF CREDITORS SET FOR 3/13/09 [[23](#)]

OFF CALENDAR BY ORDER 3/25/09

PRO SE

**The Order to Show Cause having been removed from calendar pursuant to a prior civil minute order, no appearance is necessary.**

9. [08-18632](#)-A-7 ROBESPIERRE SALGADO AND CHRISTIE AMPARANO HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO PAY \$74.00 DUE 3/17/09 [[17](#)]

PAID \$74.00 3/30/09  
(FINAL INSTALLMENT)

PRO SE

**The matter is resolved without oral argument. The deficiency has been corrected. The Order to Show Cause is dismissed. The case will remain pending. No appearance is necessary.**

10. [09-10847](#)-B-7 EDWARD MC DANIEL HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO APPEAR AT MEETING OF CREDITORS SET FOR 3/12/09 [[15](#)]

PER TRUSTEE'S REPORT 4/10/09,  
MEETING CONCLUDED

PRO SE

**The matter is resolved without oral argument. The deficiency has been corrected. The Order to Show Cause is dismissed. The case will remain pending. No appearance is necessary.**

11. [09-11848](#)-B-7 TIMOTHY & SARAH ROSE HEARING - ORDER TO SHOW CAUSE

FOR FAILURE TO FILE ATTORNEY'S  
DISCLOSURE STATEMENT; MEANS  
TEST FORM 22A; SCHEDULES A-J;  
STATEMENT OF FINANCIAL AFFAIRS;  
STATISTICAL SUMMARY; SUMMARY OF  
SCHEDULES [8]

ADRIAN S. WILLIAMS/Atty. for dbt.

DOCUMENTS FILED 3/31/09

**The matter is resolved without oral argument. The deficiency has been corrected. The Order to Show Cause is dismissed. The case will remain pending. No appearance is necessary.**

12. [09-10683](#)-A-7 CAMERON M. BROWN

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO APPEAR AT  
MEETING OF CREDITORS SET FOR  
3/17/09 [17]

PER TRUSTEE'S REPORT, DEBTOR  
APPEARED 3/31/09

PRO SE

13. [09-11689](#)-A-7 ROBERT BERNAL FELIX

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE EXHIBIT D  
WITH CERTIFICATE [14]

FILED 4/2/09

PRO SE

**The matter is resolved without oral argument. The deficiency has been corrected. The Order to Show Cause is dismissed. The case will remain pending. No appearance is necessary.**

14. [09-11701](#)-A-7 JORGE AND ESTELA ESPARZA  
PD #1  
AMERICA'S SERVICING COMPANY, VS.

HEARING - MOTION FOR RELIEF  
FROM STAY [13]

CHRISTOPHER MCDERMOTT/Atty. for mv.

15. [09-11402](#)-A-7 RUBEN & YOLANDA COTA  
PD #1  
WELLS FARGO HOME MORTGAGE, INC., VS.

HEARING - MOTION FOR RELIEF  
FROM STAY [9]

CHRISTOPHER MCDERMOTT/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

16. [09-12209](#)-A-7 REGINA HOLLINS-LANE

HEARING - DEBTOR'S APPLICATION  
FOR WAIVER OF THE CHAPTER 7  
FILING FEE [[5](#)]

OPPOSITION BY JAMES SALVEN,  
CHAPTER 7 TRUSTEE

PRO SE  
JAMES SALVEN, TRUSTEE

17. [08-17411](#)-A-7 JOSE DELGADILLO  
AND YADIRA VACA

CONT'D HEARING - ORDER DIRECTED  
TO GERALD HOLMES TO SHOW CAUSE  
WHY HE SHOULD NOT BE SANCTIONED  
AND/OR ORDERED TO DISGORGE FEES  
FOR FAILURE TO RESPOND TO MOTION  
OF HOME LOAN SERVICES, INC., FOR  
RELIEF FROM STAY [[38](#)]

ORDER 2/23  
GERALD HOLMES/Atty. for dbt.

DECLARATION OF DOCTOR FRANK  
RYNING FILED

Based on the declaration of Frank Rynning, the matter is resolved without oral argument. The court will issue an order. No appearance is necessary.

18. [09-11417](#)-A-7 LESLIE M. LAWSON  
PD #1  
WELLS FARGO HOME MORTGAGE, INC., VS

HEARING - MOTION FOR RELIEF  
FROM STAY [[10](#)]

CHRISTOPHER MCDERMOTT/Atty. for mv.

19. [09-10920](#)-A-7 MONICA RODRIGUEZ HEARING - MOTION FOR RELIEF  
SW #1 FROM STAY [[30](#)]  
WACHOVIA DEALER SERVICES, INC., VS.

ADAM BARASCH/Atty. for mv.

20. [09-11620](#)-A-7 MARIA I. MACIEL HEARING - MOTION FOR RELIEF  
VVF #1 FROM STAY [[12](#)]  
CONSUMER PORTFOLIO SERVICES,  
INC., VS.

VINCENT FROUNJIAN/Atty. for mv.

21. [08-12225](#)-A-13 JEFFREY & DIANA BROWN HEARING - MOTION FOR RELIEF  
TJS #1 FROM STAY [[13](#)]  
LITTON LOAN SERVICING, L.P., VS.  
DISCHARGED 8/4/08

TIMOTHY SILVERMAN/Atty. for mv.

22. [08-18527](#)-A-7 RAUL PERALTA CHAVEZ HEARING - MOTION FOR RELIEF  
LAZ #1 FROM STAY [[21](#)]  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC., VS.

LES ZIEVE/Atty. for mv.

23. [09-11230](#)-A-7 JASON M. DULSKI HEARING - MOTION FOR RELIEF  
DMG #1 FROM STAY [[9](#)]  
CITIFINANCIAL AUTO CORP., VS.

DAVID GOODRICH/Atty. for mv.

The property in question is personal property, and this is a consumer case. The creditor's claim is secured by a purchase money security interest, the debtor has failed timely to reaffirm or redeem the debt (11 U.S.C. § 521(a)(6)), and as the chapter 7 trustee has not timely filed a motion under § 362(h)(2) or § 521(a)(6), the stay has already terminated. 11 U.S.C. § 362(h); 521(a)(6). Therefore, the motion is denied as moot. No appearance is necessary.

24. [08-17231](#)-A-7 GIL AND MARIA GILBUENA HEARING - MOTION FOR RELIEF  
PD #1 FROM STAY [[30](#)]  
HOME LOAN SERVICES, INC., VS. DISCHARGED 2/17/09

CHRISTOPHER MCDERMOTT/Atty. for mv.

25. [08-17231](#)-A-7 GIL & MARIA GILBUENA HEARING - MOTION FOR RELIEF  
WGM #1 FROM STAY [[37](#)]  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY, VS. DISCHARGED 2/17/09

WILLIAM MALCOLM/Atty. for mv.

26. [09-10834](#)-A-7 THOMAS LEE LEONARD, JR. HEARING - MOTION FOR RELIEF  
LAZ #1 FROM STAY [[17](#)]  
CITIMORTGAGE INC., VS.

LES ZIEVE/Atty. for mv.

27. [09-10948](#)-A-7 BOBBY HIGGINS, JR. HEARING - MOTION FOR RELIEF  
WGM #1 AND NICOLE HIGGINS FROM STAY [[15](#)]  
HSBC MORTGAGE SERVICES, INC., VS. TO BE RENOTICED FOR FRESNO  
LOCATION

WILLIAM MALCOLM/Atty. for mv.

The notice states the hearing will be in Sacramento, Also, only 13 days notice was given. Therefore, the motion is denied without prejudice. No appearance is necessary.

28. [09-10454](#)-A-7 ALFRED & ROSALBA AVALOS HEARING - MOTION FOR RELIEF  
DMM #1 FROM STAY [[30](#)]  
WACHOVIA MORTGAGE FSB, VS.

DAVE MCGRAW/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

29. [09-12156](#)-A-7 JENNIFER TONEY HEARING - DEBTOR'S APPLICATION  
FOR WAIVER OF THE CHAPTER 7  
FILING FEE [[5](#)]

OPPOSITION BY JAMES SALVEN,  
CHAPTER 7 TRUSTEE

PRO SE  
JAMES SALVEN, TRUSTEE

30. [09-11257](#)-A-7 ART KASABIAN AND HEARING - MOTION FOR RELIEF  
JHW #1 DIANE EKIZIAN-KASABIAN FROM STAY [[9](#)]  
US BANK LEASING LT, VS.

JENNIFER WANG/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for

such award. No appearance is necessary.

31. [09-12158](#)-A-7 JUAN & BLANCA AZPEITIA HEARING - MOTION FOR RELIEF  
WGM #1 FROM STAY [[8](#)]  
INDYMAC FEDERAL BANK FSB, VS.

WILLIAM MALCOLM/Atty. for mv.

32. [09-10459](#)-A-7 RAMONA CHAVEZ CONT'D HEARING - APPROVAL OF  
REAFFIRMATION AGREEMENT WITH  
AQUA FINANCE INC. [[13](#)]

PRO SE

33. [09-11961](#)-A-7 MICHAEL RIEDEL HEARING - DEBTOR'S APPLICATION  
FOR WAIVER OF THE CHAPTER 7  
FILING FEE [[5](#)]

OPPOSITION BY ROBERT HAWKINS,  
CHAPTER 7 TRUSTEE

PRO SE  
ROBERT HAWKINS, TRUSTEE

34. [09-11961](#)-A-7 MICHAEL RIEDEL HEARING - MOTION FOR RELIEF  
SW #1 FROM STAY [[12](#)]  
WACHOVIA DEALER SERVICES, INC., VS.

ADAM BARASCH/Atty. for mv.

35. [09-10162](#)-A-7 CARL & MARY GARCIA HEARING - MOTION FOR RELIEF  
RCO #1 FROM STAY [[36](#)]  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC., VS.

KATHY SHAKIBI/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

36. [09-11063](#)-A-7 ESTHER CIPRIAN  
MBB #1  
AMERICA'S WHOLESALE LENDER, VS.

HEARING - MOTION FOR RELIEF  
FROM STAY [[11](#)]

MARK DOMEYER /Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

37. [09-11166](#)-A-7 RICHARD ANDERSEN  
PD #1  
GMAC MORTGAGE, LLC, VS.

HEARING - MOTION FOR RELIEF  
FROM STAY [[15](#)]

CHRISTOPHER MCDERMOTT/Atty. for mv.

38. [09-11970](#)-A-7 RAUL SALVADOR GARCIA

HEARING - DEBTOR'S APPLICATION  
FOR WAIVER OF THE CHAPTER 7  
FILING FEE [[5](#)]

OPPOSITION BY ROBERT HAWKINS,  
CHAPTER 7 TRUSTEE



such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

42. [09-10095](#)-A-7 MARK & KRIS ANDERSON HEARING - MOTION FOR RELIEF  
MDE #1 FROM STAY [[16](#)]  
LITTON LOAN SERVICING, L.P., VS.

MARK ESTLE/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

43. [08-17998](#)-A-7 DANIEL & NUBIA DAGUIA HEARING - TRUSTEE'S MOTION TO  
JES #2 SELL PROPERTY OUT OF THE  
ORDINARY COURSE OF BUSINESS AT  
PUBLIC AUCTION [[24](#)]

JAMES SALVEN, TRUSTEE

44. [09-11698](#)-A-7 KENNETH & RUTH BARNETT HEARING - MOTION FOR RELIEF  
WGM #2 FROM STAY [[19](#)]  
SAXON MORTGAGE SERVICES, VS.

WILLIAM MALCOLM/Atty. for mv.

9:01 a.m.

1. [08-17706](#)-A-7 RYAN & MELISSA SWEENEY STATUS CONFERENCE  
[09-1041](#) [[1](#)]  
MICHAEL D. BREMSER, VS. ANSWER BY DEFENDANT

RYAN MICHAEL SWEENEY

HILTON RYDER/Atty. for pl.  
DAVID JENKINS/Atty. for def.

The discovery plan filed April 8, 2009 is adopted as an order of the court. The matter is continued to August 5, 2009, at 9:00 a.m. for trial setting. Pretrial conference statements shall be filed and served by July 29, 2009. The court will issue a civil minute order. No appearance is necessary April 15, 2009.

2. [08-17666](#)-A-7 KRISTEN CULLEN STATUS CONFERENCE  
[09-1044](#) [1]  
FIA CARD SERVICES, N.A., VS. DEFAULT ENTERED 4/10/09  
  
KRISTEN ASHELY CULLEN

JEROME YELSKY/Atty. for pl.

Default having been entered, the status conference is concluded. No appearance is necessary.

9:02 a.m.

1. [08-13391](#)-A-7 ANDREW & DAWN STOKES PRETRIAL CONFERENCE - TRUSTEE'S  
JES #1 OBJECTION TO CLAIM NO. 11 OF GUY  
STOCKBRIDGE AND KARLEI  
STOCKBRIDGE [45]  
  
OPPOSITION BY GUY STOCKBRIDGE  
AND KARLEI STOCKBRIDGE  
  
JAMES SALVEN, TRUSTEE FOR FINDINGS OF FACT AND  
HILTON RYDER/Atty. for obj. CONCLUSIONS OF LAW

2. [08-13391](#)-A-7 ANDREW & DAWN STOKES PRETRIAL CONFERENCE - TRUSTEE'S  
JES #2 OBJECTION TO ALLOWANCE OF CLAIM  
NO. 12 OF STOCKBRIDGE  
DEVELOPMENT, INC. [49]  
  
OPPOSITION BY STOCKBRIDGE  
DEVELOPMENT, INC.  
  
JAMES SALVEN, TRUSTEE FOR FINDINGS OF FACT AND  
HILTON RYDER/Atty. for obj. CONCLUSIONS OF LAW

9:30 a.m.

1. [09-12292](#)-B-13 CLAY & DEBORAH SAUNDERS HEARING - EXPEDITED BAPCPA  
PBB #1 MOTION FOR EXTENSION OF

PETER BUNTING/Atty. for dbt.

2. [09-12959](#)-A-13 CESAR A. BETANCOURT  
SL #1  
PETITION FILED 4/3/09

HEARING - FIRST EXPEDITED  
BAPCPA MOTION TO IMPOSE THE  
AUTOMATIC STAY [[10](#)]

OPPOSITION BY CARYN CAIN  
REQUEST FOR JUDICIAL NOTICE

SCOTT LYONS/Atty. for dbt.  
JOSEPH HORSWILL/Atty. for obj.

**1:30 P.M.**

1. [08-11200](#)-A-11 BALDO V. CISNEROS  
WW #1  
ENNIS COMMERCIAL PROPERTIES,  
LLC, VS.

HEARING - MOTION FOR APPROVAL  
OF A STIPULATION REJECTING  
LEASE, PROVIDING RELIEF FROM  
THE AUTOMATIC STAY AND  
ESTABLISHING ADMINISTRATIVE  
CLAIM [[338](#)]

BAKERSFIELD CASE  
MICHAEL WILHELM/Atty. for mv.

**The matter is resolved without oral argument. The court's records indicate that no timely written opposition has been filed. The motion is granted. No appearance is necessary.**

2. [09-10848](#)-A-11 ENNIS HOMES, INC.

CONT'D HEARING - CHAPTER 11  
STATUS CONFERENCE [[11](#)]

HAGOP BEDOYAN/Atty. for dbt.

3. [09-11779](#)-A-11 GOLD COUNTRY HOMES LLC

HEARING - CHAPTER 11 STATUS  
CONFERENCE [[8](#)]

