

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto  
Hearing Date: Wednesday, January 13, 2016  
Place: Department B – Courtroom #13  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:  
  
Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:  
  
If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:  
  
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 tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:  
  
If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

**THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

**9:30 A.M.**

1. [15-14702](#)-B-7 CHAD/ZANDRA VILLANUEVA MOTION FOR RELIEF FROM  
VVF-1 AUTOMATIC STAY AND/OR MOTION  
AMERICAN HONDA FINANCE FOR ADEQUATE PROTECTION  
CORPORATION/MV 12-17-15 [[11](#)]  
VINCENT FROUNJIAN/Atty. for mv.
2. [15-13503](#)-B-7 JANA RIPIPORTELLA OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
11-23-15 [[15](#)]  
EDWARD KERNS/Atty. for dbt.

**This matter will be continued to January 27, 2016, at 9:30 a.m. If the debtor appears at her continued meeting of creditors and the trustee is satisfied that all documents have been provided, the trustee shall withdraw his motion. The deadline for parties to file actions under 11 U.S.C. §523, § 707(b), and § 727, will be extended if the case is not dismissed. Debtor's counsel shall notify his client that no appearance is necessary at this hearing.**

3. [15-14331](#)-B-7 ROBIN KERR MOTION FOR RELIEF FROM  
DJP-1 AUTOMATIC STAY  
EDUCATIONAL EMPLOYEES CREDIT 12-23-15 [[13](#)]  
UNION/MV  
RANDY RISNER/Atty. for dbt.  
DON POOL/Atty. for mv.  
EDUCATIONAL EMPLOYEES CREDIT  
UNION VS.

**This motion for relief from the automatic stay will be denied as moot. The debtor is an individual. The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by 11 U.S.C. §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. No appearance is necessary.**

4. [15-14439](#)-B-7 MARIE SUSTAITA  
MARIE SUSTAITA/MV  
MARIE SUSTAITA/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
FEE  
11-16-15 [[5](#)]

**The debtor's application to waive the chapter 7 filing fee will be deemed withdrawn. The trustee's objection will be overruled as moot. In response to the trustee's objection, the debtor has consented to pay the filing fee in installments. No appearance is necessary.**

5. [15-13745](#)-B-7 MARIA MORALES  
TMT-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
11-25-15 [[15](#)]

THOMAS GILLIS/Atty. for dbt.

**This matter will be continued to January 27, 2016, at 9:30 a.m. If the debtor appears at her continued meeting of creditors and the trustee is satisfied that all documents have been provided, the trustee shall withdraw her motion. The deadline for parties to file actions under 11 U.S.C. §523, § 707(b), and § 727, will be extended if the case is not dismissed. Debtor's counsel shall notify his client that no appearance is necessary at this hearing.**

6. [15-13747](#)-B-7 MIKE DURON  
AMC-2  
CENTRAL MORTGAGE COMPANY/MV  
VARDUHI PETROSYAN/Atty. for dbt.  
VANESSA WIDENER/Atty. for mv.  
DISCHARGED, RESPONSIVE  
PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-19-15 [[16](#)]

7. [15-14057](#)-B-7 CLAUDINA ESPUDO  
PFT-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
11-23-15 [[11](#)]

THOMAS GILLIS/Atty. for dbt.

**This matter will be continued to January 27, 2016, at 9:30 a.m. If the debtor appears at her continued meeting of creditors and the trustee is satisfied that all documents have been provided, the trustee shall withdraw his motion. The deadline for parties to file actions under 11 U.S.C. §523, § 707(b), and § 727, will be extended if the case is not dismissed. Debtor's counsel shall notify his client that no appearance is necessary at this hearing.**

8. [15-13365](#)-B-7 JACINTO SANTOS AND REBECA MOTION TO AVOID LIEN OF CMRE  
MJA-1 SILVA FINANCIAL SERVICES, INC  
JACINTO SANTOS/MV 11-19-15 [[24](#)]  
MICHAEL ARNOLD/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

9. [15-14270](#)-B-7 ELPIDIO BARBOSA AND DELIA MOTION TO COMPEL ABANDONMENT  
EPE-1 DE BERBER 11-25-15 [[17](#)]  
ELPIDIO BARBOSA/MV  
ERIC ESCAMILLA/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

10. [13-13180](#)-B-7 MARK MURANE MOTION TO AVOID LIEN OF  
DEB-2 DISCOVER BANK  
MARK MURANE/MV 12-14-15 [[23](#)]  
DONNY BRAND/Atty. for dbt.

**The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). In re Villar, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.**

11. [13-17082](#)-B-7 RONALD RUSHING MOTION FOR COMPENSATION FOR  
FLG-8 FEAR LAW GROUP, P.C., TRUSTEES  
ATTORNEY(S)  
12-16-15 [[226](#)]  
SCOTT LYONS/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

12. [11-63785](#)-B-7 ANNA URREA  
TCS-2  
TRUDI MANFREDO/MV  
TRUDI MANFREDO/Atty. for mv.

MOTION TO AVOID LIEN OF THE  
BEST SERVICE CO. INC.  
12-30-15 [[21](#)]

13. [15-12689](#)-B-7 MARK HANSEN  
MRH-1  
MARK HANSEN/MV  
  
MARK HANSEN/Atty. for mv.

MOTION TO AVOID LIEN OF  
AMERICAN EXPRESS BANK, FSB,  
FEDERAL SAVINGS BANK  
12-1-15 [[49](#)]

The motion will be denied without prejudice. The form of the proof of service does not comply with Local Bankruptcy Rule 9014-1(d) (2) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (5)).

In addition, the record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b) (1) (service on an individual), 7004(b) (3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

Service of the motion on the attorney in the civil litigation does not constitute service on the holder of this lien. The court will prepare a minute order. No appearance is necessary.

14. [15-12689](#)-B-7 MARK HANSEN  
MRH-2  
MARK HANSEN/MV  
MARK HANSEN/Atty. for mv.

MOTION TO AVOID LIEN OF CMRE  
FINANCIAL SERVICES, INC.  
12-1-15 [[55](#)]

The motion will be denied without prejudice. The form of the proof of service does not comply with Local Bankruptcy Rule 9014-1(d) (2) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (5)).

In addition, the record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b) (1) (service on an individual), 7004(b) (3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idas/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

Service of the motion on the attorney in the civil litigation does not constitute service on the holder of this lien. The court will prepare a minute order. No appearance is necessary.

15. [15-14291](#)-B-7 JOEL GONZALEZ  
RHT-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
12-11-15 [[14](#)]

This matter will be continued to February 10, 2016, at 9:30 a.m. If the debtor appears at his continued meeting of creditors and the trustee is satisfied that all documents have been provided, the trustee shall withdraw his motion. The deadline for parties to file actions under 11 U.S.C. §523, § 707(b), and § 727, will be extended if the case is not dismissed.

16. [15-13692](#)-B-7 HARACIO VIZCARRA  
PFT-1

CONTINUED OPPOSITION RE:  
TRUSTEE'S MOTION TO DISMISS FOR  
FAILURE TO APPEAR AT SEC.  
341(A) MEETING  
10-26-15 [[14](#)]

RALPH AVILA/Atty. for dbt.  
PETER FEAR/Atty. for mv.

**This matter will be dropped from calendar as moot. The record reflects that the meeting of creditors has been concluded since the motion was filed. 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 11 U.S.C. §707(b), is extended to 60 days after the conclusion of the meeting of creditors. The court will issue a minute order. Debtor's counsel shall inform his client that no appearance is necessary.**

17. [14-10398](#)-B-7 LAURA GEIGER  
JES-2  
JAMES SALVEN/MV  
PETER FEAR/Atty. for dbt.  
JAMES SALVEN/Atty. for mv.

CONTINUED MOTION TO SELL  
10-20-15 [[60](#)]

18. [14-10398](#)-B-7 LAURA GEIGER  
JES-3  
JAMES SALVEN/MV  
PETER FEAR/Atty. for dbt.

MOTION TO SELL  
12-15-15 [[76](#)]

19. [14-14998](#)-B-7 SILARDO/OLIVIA CHAVANA  
RH-5  
JAMES SALVEN/MV  
MARK ZIMMERMAN/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

MOTION TO PAY  
12-9-15 [[97](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

20. 16-10039-B-7 JANETTA SCONIERS  
  
G. SLATER/Atty. for mv.

OBJECTION TO CERTIFICATION BY A  
DEBTOR  
1-11-16 [11]

**10:00 A.M.**

1. [15-13730](#)-B-7 LARRY CASTEEL  
JES-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341 (A) MEETING  
OF CREDITORS  
11-22-15 [[21](#)]

SCOTT LYONS/Atty. for dbt.



11:00 A.M.

1. [15-13700](#)-B-7 MARTIN RODRIGUEZ

REAFFIRMATION AGREEMENT WITH  
ALLY FINANCIAL  
12-17-15 [[14](#)]

THOMAS GILLIS/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor's attorney signed the reaffirmation agreement certifying that he has explained the agreement to the debtor, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Counsel shall notify his client that no appearance is necessary.

2. [15-14326](#)-B-7 FRITZI MARTINEZ

PRO SE REAFFIRMATION AGREEMENT  
WITH TOYOTA MOTOR CREDIT  
CORPORATION  
12-16-15 [[18](#)]

3. [15-13234](#)-B-7 ROBERT/ANGIELINA SOTO

REAFFIRMATION AGREEMENT WITH  
HARLEY-DAVIDSON CREDIT CORP  
12-7-15 [[21](#)]

MARK ZIMMERMAN/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. In addition, the agreement shows that the debtors were behind in the payments on the motorcycle at the time the reaffirmation agreement was filed. Counsel shall notify his client that no appearance is necessary.

4. [15-14656](#)-B-7 WILLA COATS-TAYLOR

PRO SE REAFFIRMATION AGREEMENT  
WITH FRESNO COUNTY FEDERAL  
CREDIT UNION  
12-22-15 [[11](#)]

5. [15-13760](#)-B-7 JOEY PEREZ

REAFFIRMATION AGREEMENT WITH  
ALLY FINANCIAL  
11-27-15 [[20](#)]

MARK ZIMMERMAN/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor's attorney signed the reaffirmation agreement certifying that he has explained the agreement to the debtor, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The reaffirmation is incomplete, in that there is no financial information in Part D which would support a finding of no undue hardship. In addition, the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Counsel shall notify his client that no appearance is necessary.

6. [15-14479](#)-B-7 DANIEL BRUCE

REAFFIRMATION AGREEMENT WITH  
SPRINGLEAF FINANCIAL SERVICES,  
INC.  
12-17-15 [[13](#)]

JEFF REICH/Atty. for dbt.

This hearing to review and approve a reaffirmation agreement will be dropped from calendar. No hearing or order is required. The form of the Reaffirmation Agreement complies with 11 U.S.C. §524(c) and 524(k), and it was signed by the debtors' attorney with the appropriate attestations. Pursuant to 11 U.S.C. §524(d), the court need not approve the agreement. Debtor(s)' counsel shall notify the debtor that no appearance is necessary.

7. [15-14587](#)-B-7 JULIANNA LAMBERT

REAFFIRMATION AGREEMENT WITH  
CAB WEST, LLC  
12-22-15 [[10](#)]

SUSAN HEMB/Atty. for dbt.

This reaffirmation agreement will be dropped from calendar without a disposition. The agreement relates to a lease of personal property. The debtor's Statement of Intention provides that the lease will be assumed pursuant to 11 U.S.C. § 365(p)(2)(A). That section and § 365(p)(2)(B) provide for assumption of a lease by the debtor. Debtors' counsel will inform debtors that no appearance is necessary.

8.     15-14088-B-7     GILBERTO ALMENDAREZ AND     REAFFIRMATION AGREEMENT WITH  
                          HORTENCIA ALMANDAREZ     NISSAN MOTOR ACCEPTANCE  
  CORPORATION  
  11-25-15 [[13](#)]

TIMOTHY SPRINGER/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Counsel shall notify his client that no appearance is necessary.

1:30 P.M

1. [15-11311](#)-B-7 CHRISTOPHER/KERRI TYSON CONTINUED STATUS CONFERENCE RE:  
[15-1082](#) AMENDED COMPLAINT  
SMITH V. TYSON 10-14-15 [[30](#)]  
MELISSA SMITH/Atty. for pl.
2. [14-15851](#)-B-7 DAVID/SHANNON WEECE STATUS CONFERENCE RE: COMPLAINT  
[15-1138](#) 11-11-15 [[1](#)]  
WEECE ET AL V. FINANCIAL  
CREDIT NETWORK, INC.  
DAVID JENKINS/Atty. for pl.  
DISMISSED

**This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed. No appearance is necessary.**

3. [15-13779](#)-B-13 CHRISTOPHER NIEBLAS CONTINUED STATUS CONFERENCE RE:  
[15-1119](#) COMPLAINT  
NIEBLAS V. FEDERAL NATIONAL 10-5-15 [[1](#)]  
MORTGAGE ASSOCIATION ET AL  
FRANCISCO ALDANA/Atty. for pl.

**This matter will be dropped from calendar without a disposition. The main case has already been dismissed. No appearance is necessary.**

4. [15-13779](#)-B-13 CHRISTOPHER NIEBLAS RESCHEDULED HEARING RE: MOTION  
[15-1119](#) TRF-1 TO DISMISS ADVERSARY  
NIEBLAS V. FEDERAL NATIONAL PROCEEDING/NOTICE OF REMOVAL  
MORTGAGE ASSOCIATION ET AL 11-6-15 [[11](#)]  
TIMOTHY RYAN/Atty. for mv.

**This matter will be dropped as moot. The main case has already been dismissed. No appearance is necessary.**

5. [15-13779](#)-B-13 CHRISTOPHER NIEBLAS RESCHEDULED HEARING RE: MOTION  
[15-1119](#) TRF-2 TO STRIKE  
NIEBLAS V. FEDERAL NATIONAL 11-6-15 [[13](#)]  
MORTGAGE ASSOCIATION ET AL  
TIMOTHY RYAN/Atty. for mv.

**This matter will be dropped as moot. The main case has already been dismissed. No appearance is necessary.**

6. [15-13779](#)-B-13 CHRISTOPHER NIEBLAS MOTION TO VALUE COLLATERAL OF  
FJA-4 PAN AMERICAN BANK  
CHRISTOPHER NIEBLAS/MV 12-22-15 [[62](#)]  
FRANCISCO ALDANA/Atty. for dbt.  
DISMISSED

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.**

7. [15-12591](#)-B-13 CHRISTOPHER NIEBLAS CONTINUED STATUS CONFERENCE RE:  
[15-1116](#) COMPLAINT  
NIEBLAS V. FEDERAL NATIONAL 9-23-15 [[1](#)]  
MORTGAGE ASSOCIATION ET AL  
FRANCISCO ALDANA/Atty. for pl.

**This matter will be dropped as moot. The main case has already been dismissed. No appearance is necessary.**

8. [15-12591](#)-B-13 CHRISTOPHER NIEBLAS RESCHEDULED HEARING RE: MOTION  
[15-1116](#) TRF-2 TO DISMISS ADVERSARY  
NIEBLAS V. FEDERAL NATIONAL PROCEEDING/NOTICE OF REMOVAL  
MORTGAGE ASSOCIATION ET AL 11-9-15 [[7](#)]  
TIMOTHY RYAN/Atty. for mv.

**This matter will be dropped as moot. The main case has already been dismissed. No appearance is necessary.**

9. [15-12591](#)-B-13 CHRISTOPHER NIEBLAS RESCHEDULED HEARING RE: MOTION  
[15-1116](#) TRF-5 TO STRIKE  
NIEBLAS V. FEDERAL NATIONAL 11-9-15 [[10](#)]  
MORTGAGE ASSOCIATION ET AL  
TIMOTHY RYAN/Atty. for mv.

**This matter will be dropped as moot. The main case has already been dismissed. No appearance is necessary.**