

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, January 20, 2016
Place: Department C – Courtroom #12
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.

1:30 P.M.

1. [13-10302](#)-C-11 GMC DAIRY FARMS LP MOTION TO DISMISS CASE
UST-2 12-2-15 [[787](#)]
TRACY DAVIS/MV
CHRISTIAN JINKERSON/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there was no opposition. The debtor has filed a notice of non-opposition. Accordingly, the motion will be granted without oral argument for cause shown. The case will be dismissed. The U.S. Trustee shall submit a proposed order. No appearance is necessary.

2. [15-10705](#)-C-11 CHARLOTTE SALWASSER STATUS CONFERENCE RE: AMENDED
[15-1113](#) COMPLAINT
5T FARMS ET AL V. SALWASSER 1-4-16 [[23](#)]
RILEY WALTER/Atty. for pl.

This status conference will be dropped from calendar. The court has reissued the summons and a new status conference has been set for a later date. No appearance is necessary.

3. [15-10705](#)-C-11 CHARLOTTE SALWASSER CONTINUED MOTION TO ABANDON
DMG-17 11-12-15 [[709](#)]
CHARLOTTE SALWASSER/MV
D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING

This matter was continued from December 16, 2015 for a possible resolution with the objecting parties. Nothing else has been filed.

Based on the opposition that has been filed and the court's review of the status of this case, the court is not persuaded that "abandonment" and destruction of the subject business records is appropriate at this time. Accordingly, the court intends to deny this motion without prejudice. No appearance is necessary.

4. 15-10705-C-11 CHARLOTTE SALWASSER MOTION TO SELL
DMG-26 12-23-15 [771]
CHARLOTTE SALWASSER/MV
D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING

5. [15-10705](#)-C-11 CHARLOTTE SALWASSER MOTION FOR COMPENSATION FOR D.
DMG-27 MAX GARDNER, DEBTORS
CHARLOTTE SALWASSER/MV ATTORNEY(S)
12-30-15 [[794](#)]
D. GARDNER/Atty. for dbt.

In light of the opposition that has been filed, this motion will be continued to February 18, 2016, at 1:30 p.m., for a reply. The applicant's reply shall include additional evidence showing the fees charged by project category for the services rendered. No appearance is necessary.

6. [15-10705](#)-C-11 CHARLOTTE SALWASSER MOTION FOR COMPENSATION FOR
SAS-3 SHERYL A. STRAIN, ACCOUNTANT(S)
SHERYL STRAIN/MV 12-4-15 [[730](#)]
D. GARDNER/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.

7. [15-10705](#)-C-11 CHARLOTTE SALWASSER MOTION TO EXTEND DEADLINE TO
WJH-4 FILE A COMPLAINT OBJECTING TO
CENTRAL VALLEY COMMUNITY DISCHARGEABILITY OF A DEBT
BANK/MV 12-15-15 [[748](#)]
D. GARDNER/Atty. for dbt.
KURT VOTE/Atty. for mv.

The motion is untimely and will be denied. Pursuant to a stipulation with the debtor and an order dated June 9, 2015, the bar date for objecting to the debtor's discharge and the dischargeability of debts was extended until December 8, 2015. Pursuant to FRBP 4007(c), a motion to extend that time must be filed before the time expires. This motion was not filed until December 15, 2015. The court cannot approve the stipulation or grant the motion. No appearance is necessary.

8. [15-10705](#)-C-11 CHARLOTTE SALWASSER MOTION TO DISMISS CASE AND/OR
WW-2 MOTION TO APPOINT TRUSTEE
5T FARMS/MV 12-30-15 [[788](#)]
D. GARDNER/Atty. for dbt.
RILEY WALTER/Atty. for mv.

9. [13-16062](#)-C-7 MICHAEL WEILERT, M.D., MOTION FOR ADMINISTRATIVE
RHT-3 INC. EXPENSES
ROBERT HAWKINS/MV 12-18-15 [[147](#)]
RILEY WALTER/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

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

10. [13-16062](#)-C-7 MICHAEL WEILERT, M.D., CONTINUED STATUS CONFERENCE RE:
[15-1073](#) INC. AMENDED COMPLAINT
BRIAN L. GWARTZ AND CHERYL A. 10-12-15 [[50](#)]
SKIGIN, CO-TRUSTEES V. WILD,
CHERYL SKIGIN/Atty. for pl.

This adversary proceeding has already been dismissed on notice from the plaintiff. No appearance is necessary.

11. [15-11079](#)-C-7 WEST COAST GROWERS, INC. CONTINUED: MOTION TO ABANDON
DMG-1 A CALIFORNIA CORPORATION 11-17-15 [[594](#)]
WEST COAST GROWERS, INC. A
CALIFORNIA CORPORATION/MV
HAGOP BEDOYAN/Atty. for dbt.
D. GARDNER/Atty. for mv.
RESPONSIVE PLEADING

This matter was continued from December 16, 2015 for a possible resolution with the objecting parties. Nothing else has been filed. Based on the opposition that has been filed and the court's review of the status of this case, the court is not persuaded that "abandonment" and destruction of the subject business records is appropriate at this time. Accordingly, the court intends to deny this motion without prejudice. No appearance is necessary.

12. [15-11080](#)-C-11 SALWASSER, INC. CONTINUED MOTION TO ABANDON
DMG-1 11-17-15 [[140](#)]
SALWASSER, INC./MV
PETER FEAR/Atty. for dbt.
D. GARDNER/Atty. for mv.
RESPONSIVE PLEADING

This matter was continued from December 16, 2015 for a possible resolution with the objecting parties. Nothing else has been filed. Based on the opposition that has been filed and the court's review of the status of this case, the court is not persuaded that "abandonment" and destruction of the subject business records is appropriate at this time. Accordingly, the court intends to deny this motion without prejudice. No appearance is necessary.

13. [08-18473](#)-A-7 CYRUS CERRO STATUS CONFERENCE RE: MOTION
ASW-2 FOR CIVIL CONTEMPT
CYRUS CERRO/MV 4-28-15 [[30](#)]
ADRIAN WILLIAMS/Atty. for dbt.
ORDER 1/15/16