

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, March 12, 2014
Place: Department B – 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.

9:00 A.M.

1. [13-10302](#)-B-11 GMC DAIRY FARMS LP NOTICE OF INTENT TO DISMISS
[13-1103](#) CASE/PROCEEDING
GMC DAIRY FARMS, L.P. V. SOLA 12-30-13 [[13](#)]
ET AL

This matter will be rescheduled to March 13, 2014, at 9:00 a.m., to be called after the continued status conference and motion to dismiss. The court will prepare a minute order. No appearance is necessary.

2. [13-17341](#)-B-7 HOWARD SAGASER CONTINUED MOTION TO QUASH
KDG-7 AND/OR MOTION FOR PROTECTIVE
HOWARD SAGASER/MV ORDER
2-13-14 [[210](#)]

HAGOP BEDOYAN/Atty. for dbt.
ORDER 2/26/14, RESPONSIVE
PLEADING

This matter has been rescheduled by stipulation and order to March 13, 2014, at 9:00 a.m. No appearance is necessary.

3. [11-12668](#)-B-13 ALVINA FISCHER CONTINUED STATUS CONFERENCE RE:
[13-1139](#) COMPLAINT
FISCHER V. EVERBANK ET AL 12-31-13 [[1](#)]
NANCY KLEPAC/Atty. for pl.
4. [11-12668](#)-B-13 ALVINA FISCHER MOTION TO DISMISS ADVERSARY
[13-1139](#) KK-1 PROCEEDING/NOTICE OF REMOVAL
FISCHER V. EVERBANK ET AL 2-4-14 [[8](#)]
KIANA KHAJEH/Atty. for mv.
RESPONSIVE PLEADING

10:00 A.M.

- | | |
|---|---|
| <p>1. <u>13-18110</u>-B-7 JUAN/CONNIE ABAD
 RHT-1
 ROBERT HAWKINS/MV
 ALBERT GARCIA/Atty. for dbt.
 ROBERT HAWKINS/Atty. for mv.</p> | <p>MOTION OPPOSING AUTOMATIC
 ABANDONMENT OF VEHICLE
 2-11-14 <u>[15]</u></p> |
| <p>2. <u>13-17720</u>-B-7 SHAWN CABLE
 SL-1
 SHAWN CABLE/MV
 SCOTT LYONS/Atty. for dbt.</p> | <p>MOTION TO CONVERT CASE FROM
 CHAPTER 7 TO CHAPTER 13
 2-20-14 <u>[22]</u></p> |
| <p>3. <u>13-17720</u>-B-7 SHAWN CABLE
 UST-1
 TRACY DAVIS/MV

 SCOTT LYONS/Atty. for dbt.
 ROBIN TUBESING/Atty. for mv.
 RESPONSIVE PLEADING</p> | <p>CONTINUED MOTION TO DISMISS
 CASE PURSUANT TO 11 U.S.C.
 SECTION 707(B)
 1-16-14 <u>[11]</u></p> |
| <p>4. <u>13-18028</u>-B-7 ANA BARNETT
 UST-1
 TRACY DAVIS/MV

 ROBIN TUBESING/Atty. for mv.
 DISMISSED 1/24/14</p> | <p>MOTION AGAINST MELODIE FURTADO
 FOR FINES AND PAYMENT TO DEBTOR
 PURSUANT TO 11 U.S.C. SECTION
 110
 2-6-14 <u>[24]</u></p> |

Based on the U.S. Trustee's status report and notice of pending settlement, this matter will be continued to April 9, 2014, at 10:00 a.m. The court will prepare a civil minute order. No appearance is necessary.

5. [13-17129](#)-B-7 JAVIER REYES AND MINERVA MOTION TO AVOID LIEN OF
TOG-6 SORIANO FINANCIAL CREDIT NETWORK, INC.
JAVIER REYES/MV 2-13-14 [[30](#)]
THOMAS GILLIS/Atty. for dbt.

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.

6. [13-18030](#)-B-7 MELISSA RUBALCAVA AND MOTION AGAINST MELODIE FURTADO
UST-1 JOSEPH MAESTAS FOR FINES AND PAYMENT TO
TRACY DAVIS/MV DEBTORS
2-6-14 [[21](#)]
ROBIN TUBESING/Atty. for mv.
DISMISSED 1/24/14

Based on the U.S. Trustee's status report and notice of pending settlement, this matter will be continued to April 9, 2014, at 10:00 a.m. The court will prepare a civil minute order. No appearance is necessary.

7. [13-18130](#)-B-7 TERI MULLER MOTION TO DISMISS CASE
SAS-1 2-10-14 [[12](#)]
SHERYL STRAIN/MV
SCOTT SAGARIA/Atty. for dbt.
SHERYL STRAIN/Atty. for mv.

The matter has been withdrawn. No appearance is necessary.

8. [12-60054](#)-B-7 DWIGHT/NELLIE LONG CONTINUED MOTION TO SELL
RHT-8 1-17-14 [[91](#)]
ROBERT HAWKINS/MV
LAYNE HAYDEN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
RESPONSIVE PLEADING

9. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION FOR COMPENSATION FOR
PLF-4 GENEVIEVE DE MONTREMARE PRUDENTIAL CALIFORNIA REALTY,
PETER FEAR/MV BROKER(S),
2-14-14 [[118](#)]
RILEY WALTER/Atty. for dbt.

10. [09-19960](#)-B-7 VICTOR FRANCO AND MARIA MOTION TO EMPLOY BLOCKSOM AND
SAS-1 MELENDEZ BLOCKSOM, LLC AS ASSET RECOVERY
SHERYL STRAIN/MV SPECIALIST
2-11-14 [[53](#)]

EDDIE RUIZ/Atty. for dbt.
SHERYL STRAIN/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.

11. [13-15266](#)-B-7 PAO LEE MOTION TO AVOID LIEN OF MAIN
JRL-2 STREET ACQUISITION CORP. AND/OR
PAO LEE/MV MOTION TO AVOID LIEN OF CAPITAL
ONE BANK (USA) N.A.
1-24-14 [[31](#)]

JERRY LOWE/Atty. for dbt.

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.

12. [13-15969](#)-B-7 JAMES BAGGOTT AND CAMILLE MOTION FOR SANCTIONS
UST-1 BRYANT 2-5-14 [[35](#)]
TRACY DAVIS/MV
YELENA GUREVICH/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

The matter has been resolved by stipulation of the parties and order signed February 24, 2014. No appearance is necessary.

13. [13-17569](#)-B-7 MARIA MONREAL MOTION AGAINST MELODIE FURTADO
UST-1 FOR FINES AND PAYMENT TO DEBTOR
TRACY DAVIS/MV PURSUANT TO 11 U.S.C. 110
2-6-14 [[32](#)]

ROBIN TUBESING/Atty. for mv.

Based on the U.S. Trustee's status report and notice of pending settlement, this matter will be continued to April 9, 2014, at 10:00 a.m. The court will prepare a civil minute order. No appearance is necessary.

14. [13-14675](#)-B-7 JERRY KUTUMIAN MOTION FOR CONTEMPT
KDG-2 1-28-14 [[42](#)]
JERRY KUTUMIAN/MV
HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING
15. [13-17978](#)-B-7 MARLENE RODRIGUEZ OBJECTION TO DEBTOR'S CLAIM OF
JES-1 EXEMPTIONS
JAMES SALVEN/MV 2-7-14 [[13](#)]
NELLIE AGUILAR/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

The objection will be overruled. The trustee objected to the debtor's use of the exemption schedule under CCP §703 in the absence of a waiver filed by her spouse. A waiver has been filed and it appears no further relief is required. No appearance is necessary.

16. [13-17279](#)-B-7 RANDY/ROWENA PETERS MOTION TO CONVERT CASE FROM
GH-1 CHAPTER 7 TO CHAPTER 13
RANDY PETERS/MV 2-13-14 [[42](#)]
GARY HUSS/Atty. for dbt.
17. [13-17082](#)-B-7 RONALD RUSHING MOTION TO CONVERT CASE FROM
CHAPTER 7 TO CHAPTER 13
RONALD RUSHING/MV 2-10-14 [[55](#)]
SCOTT LYONS/Atty. for dbt.
RYAN ELLIS/Atty. for mv.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

18. [13-16884](#)-B-7 LEONEL PRECIADO, SR. AND MOTION TO AVOID LIEN OF CAPITAL
SL-5 MARIA PRECIADO ONE BANK, N.A.
LEONEL PRECIADO, SR./MV 1-30-14 [[58](#)]
STEPHEN LABIAK/Atty. for dbt.

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.

19. [13-16884](#)-B-7 LEONEL PRECIADO, SR. AND MOTION TO EMPLOY TRUDI G.
TGM-1 MARIA PRECIADO MANFREDO AS ATTORNEY(S)
TRUDI MANFREDO/MV 2-11-14 [[68](#)]
STEPHEN LABIAK/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

The motion has been withdrawn. No appearance is necessary.

20. [14-10487](#)-B-7 CRAIG MILLER MOTION TO COMPEL ABANDONMENT
PBB-1 2-26-14 [[17](#)]
CRAIG MILLER/MV
PETER BUNTING/Atty. for dbt.

21. [12-16698](#)-B-7 RICARDO/MAYRA DEL TORO MOTION TO COMPROMISE
RHT-1 CONTROVERSY/APPROVE SETTLEMENT
ROBERT HAWKINS/MV AGREEMENT WITH RICARDO GUERRERO
DEL TORO AND MAYRA ALEJANDRA
DEL TORO
2-12-14 [[34](#)]
MARIA JAIME/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.

10:30 A.M.

1. [13-18120](#)-B-7 JOAQUIN/MARILYN DUTRA MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
FORD MOTOR CREDIT COMPANY/MV 2-3-14 [[11](#)]
RILEY WALTER/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
RESPONSIVE PLEADING

This motion for relief from the automatic stay 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. No appearance is necessary.

2. [14-10124](#)-B-7 ALVARO/LIDIA GOMEZ MOTION FOR RELIEF FROM
SMK-1 AUTOMATIC STAY
THE BANK OF NEW YORK MELLON/MV 2-5-14 [[15](#)]
REYNALDO PULIDO/Atty. for dbt.
SHERI KANESAKA/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* 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. No appearance is necessary.

3. [13-16243](#)-B-7 WILLIAM/MICHELLE MORRIS MOTION FOR RELIEF FROM
NLG-1 AUTOMATIC STAY
NATIONSTAR MORTGAGE LLC/MV 1-30-14 [[31](#)]
NICHOLE GLOWIN/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* 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. No appearance is necessary.

4. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION FOR RELIEF FROM
VVF-1 GENEVIEVE DE MONTREMARE AUTOMATIC STAY
AMERICAN HONDA FINANCE 2-10-14 [[110](#)]
CORPORATION/MV
RILEY WALTER/Atty. for dbt.
VINCENT FROUNJIAN/Atty. for mv.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

5. [13-16062](#)-B-7 MICHAEL WEILERT, M.D., MOTION FOR RELIEF FROM
VVF-1 INC. AUTOMATIC STAY
AMERICAN HONDA FINANCE 2-10-14 [[76](#)]
CORPORATION/MV
RILEY WALTER/Atty. for dbt.
VINCENT FROUNJIAN/Atty. for mv.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

6. [13-18085](#)-B-7 PROVISIONS FOOD COMPANY, MOTION TO CONFIRM TERMINATION
NAM-1 INC. OR ABSENCE OF STAY
MILK SPECIALTIES COMPANY/MV 2-19-14 [[14](#)]
DAVID JENKINS/Atty. for dbt.
NICHOLAS MERRELL/Atty. for mv.
OST 2/24
7. [13-16593](#)-B-7 JASPAL AMROKE AND BALJIT MOTION FOR RELIEF FROM
THA-2 KAUR AUTOMATIC STAY
MID VALLEY SERVICES, INC./MV 2-24-14 [[84](#)]
THOMAS GILLIS/Atty. for dbt.
THOMAS ARMSTRONG/Atty. for mv.

11:00 A.M.

1. [13-16801](#)-B-7 GARY/THERESA POLZIEN CONTINUED REAFFIRMATION
AGREEMENT WITH CAPITAL ONE AUTO
FINANCE (JFLF)
1-17-14 [[17](#)]

MARK ZIMMERMAN/Atty. for dbt.

The debtors appeared with their counsel at a prior hearing and were fully advised. After review of the amended schedules the court finds that the reaffirmation agreement does not represent an undue hardship to the debtors. The court will enter an order approving the reaffirmation agreement. No appearance is necessary.

2. [13-18104](#)-B-7 LINDA SADLER PRO SE REAFFIRMATION AGREEMENT
WITH GOLDEN 1 CREDIT UNION
2-24-14 [[14](#)]

3. [13-17655](#)-B-7 MANUEL/SUSAN MERCADO RESCHEDULED HEARING RE: PRO SE
REAFFIRMATION AGREEMENT WITH
MERCED SCHOOL EMPLOYEES FCU
(LBEF)
1-17-14 [[13](#)]