

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Thursday, April 7, 2016
Place: U.S. Courthouse, 510 19th Street
Bakersfield, 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.

9:00 A.M.

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| 1. <u>15-11200</u> -B-7 ROSA BALMORI
<u>15-1132</u>
U.S. TRUSTEE V. BALMORI | ORDER TO SHOW CAUSE REGARDING
DISMISSAL OF CASE
3-9-16 [<u>12</u>] |
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Based on the U.S. Trustee's status report, the adversary proceeding will be dismissed. No appearance is necessary. The court will enter a civil minute order dismissing the adversary proceeding.

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| 2. <u>15-14034</u> -B-13 MICHAEL/LUCIA LOPEZ
<u>15-1133</u>
U.S. TRUSTEE V. LOPEZ ET AL
TERRI DIDION/Atty. for pl.
RESPONSIVE PLEADING | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
10-29-15 [<u>1</u>] |
| 3. <u>15-14034</u> -B-13 MICHAEL/LUCIA LOPEZ
<u>15-1133</u> UST-2
U.S. TRUSTEE V. LOPEZ ET AL
TERRI DIDION/Atty. for mv. | MOTION FOR SUMMARY JUDGMENT
2-29-16 [<u>13</u>] |
| 4. <u>15-14549</u> -B-13 RAMON SANTAMARIA
<u>15-1149</u>
U.S. TRUSTEE V. SANTAMARIA
TERRI DIDION/Atty. for pl. | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
12-16-15 [<u>1</u>] |

This matter will be dropped from calendar as moot. The court intends to grant the plaintiff's unopposed motion for a default judgment in this adversary proceeding below. No appearance is necessary.

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| 5. <u>15-14549</u> -B-13 RAMON SANTAMARIA
<u>15-1149</u> UST-1
U.S. TRUSTEE V. SANTAMARIA
TERRI DIDION/Atty. for mv. | MOTION FOR ENTRY OF DEFAULT
JUDGMENT
2-18-16 [<u>10</u>] |
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This motion for a default judgement 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 U.S. Trustee shall submit a proposed judgment. No appearance is necessary.

6. [14-12570](#)-B-13 STEPHEN/CAROL CHOAT
[16-1019](#)
CHOAT ET AL V. CHEVRON VALLEY
CREDIT UNION ET AL
D. GARDNER/Atty. for pl.

STATUS CONFERENCE RE: AMENDED
COMPLAINT
2-25-16 [[21](#)]

7. [15-14193](#)-B-7 JAMIE CANNING
[16-1006](#)
CANNING V. DEPT OF
EDUCATION/NELNET ET AL
DISMISSED

STATUS CONFERENCE RE: AMENDED
COMPLAINT
2-12-16 [[9](#)]

**The status conference will be dropped from calendar without a disposition.
The plaintiff filed a notice of voluntary dismissal on February 25, 2016
and the adversary proceeding has already been dismissed. No appearance is
necessary.**

9:30 A.M.

1. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, INC. MOTION FOR COMPENSATION FOR
LKW-15 LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
3-9-16 [[172](#)]

LEONARD WELSH/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.

2. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, INC. MOTION TO REJECT LEASE OR
LKW-16 EXECUTORY CONTRACT
B&L EQUIPMENT RENTALS, INC./MV
LEONARD WELSH/Atty. for dbt. 3-16-16 [[184](#)]

This motion will be denied. No appearance is necessary. Pursuant to 11 U.S.C. §365(d)(4), in absence of a court order granting an extension for cause, the time to assume or reject an unexpired lease of nonresidential real property under which the debtor is the lessee expires the earlier of, 120 days after the order for relief, or the date a plan is confirmed. This case was filed November 30, 2015. No plan has been confirmed. Because the lease was not assumed by March 29, 2016, it is deemed rejected.

In addition, the record does not show that the motion was served on the respondent lessor in compliance with either the lease or FRBP 7004. The proof of service shows UC One, LLC, was served "c/o Fawn K. Dessy, Esq., 1301 L Street, Bakersfield, CA 93301." The only addresses provided for the lessor in the subject lease are: "C/o Premier Management Co., P.O. Box 9116, Bakersfield, CA 93389," and "Grub & Ellis ASU & Associates, Martin J. Starr, Vice President, 2000 Oak Street, Suite 100, Bakersfield, CA 93301." The agent for service of process registered with the California Secretary of State for UC One, LLC, is Melissa Fortune, 5100 California Ave., STE 230, Bakersfield, CA 93309.

3. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, INC. MOTION TO ABSTAIN AND/OR MOTION
LKW-17 FOR RELIEF FROM AUTOMATIC STAY
B&L EQUIPMENT RENTALS, INC./MV
LEONARD WELSH/Atty. for dbt. 3-16-16 [[190](#)]

4. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, INC. MOTION FOR AUTHORITY TO ENTER
LKW-18 INTO INSURANCE PREMIUM FINANCE
B&L EQUIPMENT RENTALS, INC./MV AGREEMENT AND/OR MOTION FOR
ADEQUATE PROTECTION
3-17-16 [[202](#)]

LEONARD WELSH/Atty. for dbt.

5. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, INC.
LKW-19
B&L EQUIPMENT RENTALS, INC./MV
LEONARD WELSH/Atty. for dbt. MOTION TO EMPLOY WILLIAM ALEXANDER AS SPECIAL COUNSEL
3-17-16 [[208](#)]
6. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, INC.
LKW-20
B&L EQUIPMENT RENTALS, INC./MV
LEONARD WELSH/Atty. for dbt. MOTION TO REJECT LEASE OR EXECUTORY CONTRACT
3-23-16 [[217](#)]

This motion will be denied without prejudice. No appearance is necessary. Pursuant to 11 U.S.C. §365(d)(2), an executory contract may be assumed or rejected anytime before the confirmation of a plan. No plan has been confirmed.

However, the record does not show that the motion was served on the respondent lessor in compliance with either the lease or FRBP 7004. The proof of service shows Aramark Uniform Services, a division of Aramark Uniform & Career Apparel, LLC, was served "Aramark Uniform Services, 2949 Petrol Road, Bakersfield, CA 93308." The representative identified in the contract for respondent is "Gilbert J. Ortiz, District Manager." No address is provided. The agent for service of process registered with the California Secretary of State for Aramark Uniform Services, a division of Aramark Uniform & Career Apparel, LLC, is CT Corporation System.

10:00 A.M.

1. [13-16728](#)-B-7 BERNARDO/MARIA GALLARDO MOTION FOR RELIEF FROM
 BHT-1 AUTOMATIC STAY
 DEUTSCHE BANK NATIONAL TRUST 3-7-16 [[40](#)]
 COMPANY/MV
 THOMAS GILLIS/Atty. for dbt.
 BRIAN TRAN/Atty. for mv.
 DISCHARGED

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtors because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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 California Civil Code 2923.5. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 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.

2. [16-10272](#)-B-7 KONNIE COPETE ORDER TO SHOW CAUSE - FAILURE
 TO PAY FEES
 2-17-16 [[11](#)]

 PHILLIP GILLET/Atty. for dbt.
 FILING FEE PAID IN FULL
 2/22/16

The record shows that the required fee has been paid in full. The OSC will be vacated. No appearance is necessary.

3. [16-10324](#)-B-7 JENARO VALDOVINOS AND
JMV-1 ALBERTA REYES

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
3-4-16 [[11](#)]

THOMAS GILLIS/Atty. for dbt.

No appearance is necessary. The debtors shall attend the meeting of creditors rescheduled for April 8, 2016, at 1:30 p.m. If the debtors fail to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtors' discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

Debtors' counsel shall notify his clients that no appearance is necessary at this hearing.

11:00 A.M.

1. [15-14683](#)-B-7 SHANE/KELLY MERKLING REAFFIRMATION AGREEMENT WITH
A-L FINANCIAL CORP.
2-29-16 [[18](#)]
SHAWN DOAN/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 amended Reaffirmation Agreement filed March 1, 2016, 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.

Debtors' counsel shall notify the debtors that no appearance is necessary.

1:30 P.M.

1. [15-11302](#)-B-13 DENISE WILEY
RSW-3
DENISE WILEY/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
2-19-16 [[54](#)]

The motion to confirm or modify a chapter 13 plan 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 debtor shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

2. [15-15004](#)-B-13 MARK/CAMELIA TEUTIMEZ
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-16-16 [[18](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

3. [15-11808](#)-B-13 SHERRY SIMPSON
RDW-1
DRRF II SPE LLC/MV

ROBERT WILLIAMS/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
2-29-16 [[62](#)]

This motion for relief from the automatic stay will be denied as moot. The court intends to grant the motion to confirm the modified plan filed February 16, 2016. The secured claim relating to the debtor's real property is treated by the modified plan in Section 6.03: "Section 2.12 is modified to provide that real estate secured creditor BSI Financial Services/DRRF Trust 2015 on 4408 Steeplechase Dr., Bakersfield, CA, which is no longer provided for in the plan as a Class 1, 2, 3 or 4 creditor, shall be paid a total of \$11,642.70 in regular monthly payments and \$2,944.93 in real estate arrears and upon confirmation of this plan shall have relief from stay." Accordingly, upon confirmation of the chapter 13 plan, below, the automatic stay will be modified for this claim to permit enforcement of the creditor's remedies with regard to the collateral in the event of a default under applicable law. No attorney's fees will be awarded in relation to this motion. No appearance is necessary.

4. [15-11808](#)-B-13 SHERRY SIMPSON
RSW-3
SHERRY SIMPSON/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
2-16-16 [[52](#)]

The motion to confirm or modify a chapter 13 plan 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 debtor shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

5. [15-14809](#)-B-13 ARTURO SERRATO
MHM-1
MICHAEL MEYER/MV
LAUREN RODE/Atty. for dbt.

MOTION TO DISMISS CASE
2-16-16 [[29](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that the debtor has failed to provide the trustee with, *inter alia*, all of the documentation required by 11 U.S.C. §521(a)(3)(4). Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

6. [16-10211](#)-B-7 TERRY CARGILL
MHM-1
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO DISMISS CASE
3-9-16 [[23](#)]

This motion will be denied as moot. The debtor has converted the case to chapter 7 and a chapter 7 trustee has been appointed. No appearance is necessary.

7. [11-63220](#)-B-13 LARRY/ANNAMARIE FRIESON
PK-5

MOTION FOR COMPENSATION FOR
PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
3-9-16 [[67](#)]

PATRICK KAVANAGH/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.

8. [16-10321](#)-B-13 PABLO/ELIZABETH GUZMAN
APN-1
WELLS FARGO BANK, N.A./MV
NEIL SCHWARTZ/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-25-16 [[10](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtors' default will be entered and 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 California Civil Code 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rules of Bankruptcy Procedure 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.

9. [14-13922](#)-B-13 DAVID ARNONE
MHM-4
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
3-9-16 [[66](#)]

Based on the debtor's opposition, this matter will be continued to May 13, 2016, at 9:00 a.m., for a scheduling conference. An evidentiary hearing will be set at the conference. This matter is now deemed to be a contested matter. Pursuant to Federal Rules of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall immediately commence formal discovery, meet and confer, and set deposition dates if necessary. The court will prepare and enter a civil minute order. No appearance is necessary.

10. [15-14729](#)-B-13 SANDRA RUIZ
MHM-1
MICHAEL MEYER/MV
WILLIAM OLCOTT/Atty. for dbt.

MOTION TO DISMISS CASE
2-12-16 [[29](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that the debtor has failed to provide the trustee with, *inter alia*, all of the documentation required by 11 U.S.C. §521(a)(3)(4). Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

11. [15-14330](#)-B-13 JOSE/PAULA BUSTAMANTE
DMG-3
JOSE BUSTAMANTE/MV
D. GARDNER/Atty. for dbt.
MODIFIED PLAN WITHDRAWN

MOTION TO CONFIRM PLAN
2-16-16 [[74](#)]

This matter will be dropped from calendar without disposition. The motion has been withdrawn. No appearance is necessary.

12. [15-13336](#)-B-13 ELIZABETH GRACIA
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
1-28-16 [[35](#)]

13. [13-18038](#)-B-13 MARK MOORE AND TAMILEE
MHM-5 DERINGTON-MOORE
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
2-11-16 [[106](#)]

14. [15-14646](#)-B-13 RANDAL/GRETTA STUDY
DMG-2
RANDAL STUDY/MV
D. GARDNER/Atty. for dbt.

MOTION TO CONFIRM PLAN
2-12-16 [[42](#)]

The motion to confirm or modify a chapter 13 plan 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 debtors shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

15. [14-11754](#)-B-13 BRETT/RENEE SMITH
MHM-2
MICHAEL MEYER/MV
NEIL SCHWARTZ/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
1-11-16 [[61](#)]

16. [14-11754](#)-B-13 BRETT/RENEE SMITH
NES-2
BRETT SMITH/MV
NEIL SCHWARTZ/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
2-25-16 [[70](#)]

This motion to confirm a modified chapter 13 plan will be denied without prejudice. The record does not show that the debtors either filed, or served the proposed modified plan, or anything else, on anyone. LBR 3015-1(c) (3) & (d) (1).

In addition, the moving papers do not include an appropriate docket control number as required by Local Bankruptcy Rule 9014-1(c). The docket control number, NES-2, has already been used for a different and unrelated motion.

In addition, the motion was filed without admissible supporting evidence as required by Local Bankruptcy Rule 9014-1(d) (7).

Finally, the trustee also notes in his opposition to confirmation, in addition to other problems, the modified plan creates a delinquency and does not fund. No appearance is necessary.

17. [15-12954](#)-B-13 MICHAEL HALL
MHM-1
MICHAEL MEYER/MV
STEVEN WOLVEK/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
WITHDRAWN

MOTION TO DISMISS CASE
3-8-16 [[39](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

18. [15-12954](#)-B-13 MICHAEL HALL
RP-1
RANDELL PARKER/MV

STEVEN WOLVEK/Atty. for dbt.

MOTION FOR COMPENSATION FOR
RANDALL PARKER, CHAPTER 7
TRUSTEE(S)
3-16-16 [[45](#)]

The motion will be denied without prejudice. The moving papers were not served on the debtor or the debtor's bankruptcy attorney at the address of record in effect at the time of service, nor were the creditors served. No appearance is necessary.

19. [15-14857](#)-B-13 RONALD STARR
MHM-1
MICHAEL MEYER/MV
LESLIE RICHARDS/Atty. for dbt.

MOTION TO DISMISS CASE
2-10-16 [[36](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows the debtor has failed to appear at the initial or continued §341 meeting of creditors. In addition, the record shows that the debtor has failed to provide the trustee with all of the documentation required by 11 U.S.C. §521(a)(3)(4). Moreover, this case was filed December 20, 2015, and the debtor has failed to set a plan for hearing with notice to creditors. The debtor has failed to commence making plan payments pursuant to the filed plan. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

20. [15-14857](#)-B-13 RONALD STARR
RDW-1
CAM IX TRUST/MV

LESLIE RICHARDS/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY CAM IX
TRUST
2-10-16 [[33](#)]

The objection will be overruled as moot. The court intends to dismiss the case on the trustee's unopposed motion above. No appearance is necessary.

21. [15-11859](#)-B-13 ARTURO/BERENICE FLORES
RSW-1
ARTURO FLORES/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
2-23-16 [[45](#)]

22. [11-10760](#)-B-13 RUBEN CARRILLO AND
MHM-2 SOCORRO LOPEZ
MICHAEL MEYER/MV
D. GARDNER/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-8-16 [[71](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

23. [12-14264](#)-B-13 JOSE GONZALES
RSW-3
JOSE GONZALES/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
1-29-16 [[68](#)]

The motion to confirm or modify a chapter 13 plan 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 debtors shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

24. [15-11067](#)-B-13 FREDERICK/HAYLEY JAMES
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-8-16 [[37](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

25. [16-10168](#)-B-13 MOISES TURCIOS
PK-2
MOISES TURCIOS/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
2-25-16 [[23](#)]

Based on the trustee's objection and the debtor's response, this matter will be continued to May 13, 2016, at 1:30 p.m. The court will prepare a minute order. No appearance is necessary.

26. [15-14771](#)-B-7 GEORGE/ESTELLA MAGALLANES
BF-6
FINANCIAL FREEDOM/MV

ROBERT WILLIAMS/Atty. for dbt.
BRANDYE FOREMAN/Atty. for mv.
CASE CONVERTED 4/1/16

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
FINANCIAL FREEDOM
2-9-16 [[22](#)]

The objection will be overruled as moot. The debtors have voluntarily converted their case to chapter 7 and a chapter 7 trustee has been appointed. No appearance is necessary.

27. [15-14771](#)-B-7 GEORGE/ESTELLA MAGALLANES MOTION TO DISMISS CASE
MHM-1 2-16-16 [[27](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
CASE CONVERTED 4/1/16

The motion will be denied as moot. The debtors have voluntarily converted their case to chapter 7 and a chapter 7 trustee has been appointed. No appearance is necessary.

28. [11-61974](#)-B-13 DAVID/ERIN BROWN MOTION FOR COMPENSATION FOR
PK-3 PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
3-9-16 [[57](#)]

PATRICK KAVANAGH/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.

29. [15-10677](#)-B-13 JOHN KING MOTION TO MODIFY PLAN
RSW-4 2-23-16 [[69](#)]
JOHN KING/MV
ROBERT WILLIAMS/Atty. for dbt.

The motion to confirm or modify a chapter 13 plan 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 debtor shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

30. [15-10184](#)-B-13 PIERRE ROSADO MOTION TO DISMISS CASE
MHM-2 2-12-16 [[36](#)]
MICHAEL MEYER/MV
STEVEN ALPERT/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

31. [12-18488](#)-B-13 RONALD/BARBARA PIERCE MOTION TO DISMISS CASE
MHM-4 2-10-16 [[67](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

32. [16-10189](#)-B-13 RUBEN ARAMBULA AND IRMA MOTION TO DISMISS CASE
MHM-1 GOMEZ 3-8-16 [[24](#)]
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
33. [16-10189](#)-B-13 RUBEN ARAMBULA AND IRMA MOTION TO VALUE COLLATERAL OF
TOG-1 GOMEZ BANK OF AMERICA, N.A.
RUBEN ARAMBULA/MV 2-26-16 [[15](#)]
THOMAS GILLIS/Atty. for dbt.
WITHDRAWN BY CIVIL MINUTE
ORDER

This matter will be dropped from calendar pursuant to the civil minute order dated March 31, 2016. No appearance is necessary.

34. [13-14390](#)-B-13 SHIN/MICHIKO YOSHIKAWA MOTION TO DISMISS CASE
MHM-1 2-12-16 [[69](#)]
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

35. [13-14390](#)-B-13 SHIN/MICHIKO YOSHIKAWA MOTION TO SELL
PK-3 3-17-16 [[77](#)]
SHIN YOSHIKAWA/MV
PATRICK KAVANAGH/Atty. for dbt.

This motion will be denied without prejudice. The motion to sell was served only on the U.S. Trustee, the chapter 13 trustee, the debtors, and the buyer. A motions to sell or use property of the estate outside of the ordinary course of business is subject to 11 U.S.C. § 363(b)(1); FRBP 2002(a)(2) and 6004(a). See *In re Moix-McNutt*, 220 B.R. 631, 636-37 (E.D. Ark. 1998); *In re Burton*, 442 B.R. 421, n. 14 (Bankr. W.D.N.C. 2009) (In chapter 13 case, "Per Bankruptcy Rule 2002(a)(2) and 6004, a proposed sale requires a twenty-three day notice to all creditors, unless the time period is shortened for cause." Emphasis added.) No appearance is necessary.

36. [13-14390](#)-B-13 SHIN/MICHIKO YOSHIKAWA MOTION TO SELL
PK-4 3-17-16 [[81](#)]
SHIN YOSHIKAWA/MV
PATRICK KAVANAGH/Atty. for dbt.

This motion will be denied without prejudice. The motion to sell was served only on the U.S. Trustee, the chapter 13 trustee, the debtors, and the buyer. A motion to sell or use property of the estate outside of the ordinary course of business is subject to 11 U.S.C. § 363(b)(1); FRBP 2002(a)(2) and 6004(a). See *In re Moix-McNutt*, 220 B.R. 631, 636-37 (E.D. Ark. 1998); *In re Burton*, 442 B.R. 421, n. 14 (Bankr. W.D.N.C. 2009) (In chapter 13 case, "Per Bankruptcy Rule 2002(a)(2) and 6004, a proposed sale requires a twenty-three day notice to all creditors" Emphasis added.) No appearance is necessary.

37. [16-10299](#)-B-13 KARINA PIMENTEL
RCO-1
PRIMARY RESIDENTIAL MORTGAGE,
INC./MV
PHILLIP GILLET/Atty. for dbt.
JONATHAN DAMEN/Atty. for mv.

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
2-5-16 [[9](#)]

38. [15-14857](#)-B-13 RONALD STARR
RDW-2
CAM IX TRUST/MV

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY,
MOTION FOR ADEQUATE
PROTECTION
3-24-16 [[52](#)]

LESLIE RICHARDS/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.

This motion will be denied as moot. The court intends to grant the trustee's unopposed motion to dismiss the case above. No appearance is necessary.

1:45 P.M.

1. [15-13167](#)-B-12 DOUG KOPHAMER FARMS
LKW-14

MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
3-8-16 [[226](#)]

LEONARD WELSH/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.