

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable René Lastreto**  
**Hearing Date: Wednesday, April 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

1. [15-14801](#)-B-7 DAVID ESCALANTE MOTION TO CONVERT CASE FROM  
MJA-1 CHAPTER 7 TO CHAPTER 13  
DAVID ESCALANTE/MV 3-3-16 [[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 case will be converted to chapter 13. The court will enter a civil minute order. No appearance is necessary.**

2. [15-14801](#)-B-7 DAVID ESCALANTE CONTINUED OBJECTION TO DEBTOR'S  
RHT-1 CLAIM OF EXEMPTIONS  
ROBERT HAWKINS/MV 1-27-16 [[14](#)]  
MICHAEL ARNOLD/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
RESPONSIVE PLEADING

**The chapter 7 trustee's objection will be overruled as moot. The case will be converted to chapter 13 on the debtor's unopposed motion above and any objection to exemptions will be a matter for the chapter 13 trustee. No appearance is necessary.**

3. [16-10003](#)-B-7 MELLANIE RAPOZO  
EAT-1  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY/MV  
MELLANIE MARSHALL/Atty. for dbt.  
DARLENE VIGIL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
3-15-16 [[24](#)]

**This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor(s) 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.**

4. [16-10104](#)-B-7 YOLANDA MARTINEZ  
EPE-1  
YOLANDA MARTINEZ/MV  
ERIC ESCAMILLA/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT  
3-10-16 [[21](#)]

5. [16-10512](#)-B-7 JOHN/LINDI JORDAN  
CJO-1  
THE BANK OF NEW YORK MELLON/MV  
GARY HOOD/Atty. for dbt.  
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
3-16-16 [[13](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor(s) 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.

6. [15-13932](#)-B-7 VICTOR PASNICK  
RHT-2  
ROBERT HAWKINS/MV

MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH CAROL  
BRECKENRIDGE, DUSTIN PASNICK,  
AND PLATTE RIVER PARTNERS LLC  
3-10-16 [[51](#)]

PETER FEAR/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

This motion to compromise a controversy and approve a settlement 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 court is making no finding either express or implied that the estate has an interest in Bergman's claims in the UFTA action. The moving party shall submit a proposed order. No appearance is necessary.

7. [16-10142](#)-B-7 MICHAEL/STEPHANIE OPPOSITION RE: TRUSTEE'S MOTION  
TMT-1 FEDERICO TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
3-2-16 [[15](#)]

**No appearance is necessary. The debtors shall attend the meeting of creditors rescheduled for April 25, 2016, at 8:30 a.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 debtor(s) 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.**

8. [16-10545](#)-B-7 VICTORIA MEJIA MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
FEE  
VICTORIA MEJIA/MV 2-25-16 [[5](#)]  
VICTORIA MEJIA/Atty. for mv.  
RESPONSIVE PLEADING  
WITHDRAWN

**The application for a waiver of the chapter 7 filing fee will be granted. The trustee's opposition been withdrawn. No appearance is necessary. The court will enter a civil minute order.**

9. [16-10548](#)-B-7 MARK MARIN MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
FEE RE:  
MARK MARIN/MV 2-25-16 [[5](#)]  
MARK MARIN/Atty. for mv.  
RESPONSIVE PLEADING  
WITHDRAWN

**The application for a waiver of the chapter 7 filing fee will be granted. The trustee's opposition been withdrawn. No appearance is necessary. The court will enter a civil minute order.**

10. [15-13455](#)-B-7 HIROAKI TERANISHI OBJECTION TO DEBTOR'S CLAIM OF  
TGM-2 EXEMPTIONS  
PETER FEAR/MV 3-9-16 [[62](#)]  
ROSALINA NUNEZ/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**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 objection will be sustained without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

11. [15-10763](#)-B-7 STEVE/CONSTANCE SANFORD MOTION TO SELL AND/OR MOTION  
JES-2 FOR COMPENSATION FOR STRATEGIC  
JAMES SALVEN/MV REALTY, BROKER(S)  
3-3-16 [[22](#)]  
PETER FEAR/Atty. for dbt.

12. [10-17476](#)-B-7 MARIA MEJIA CONTINUED MOTION TO AVOID LIEN  
PBB-3 OF VION HOLDINGS LLC  
MARIA MEJIA/MV 2-15-16 [[36](#)]  
PETER BUNTING/Atty. for dbt.

**This matter was continued for submission of evidence to show that the debtor possessed an interest in the subject property to which the judgment lien could have attached at the time the judgment lien was recorded. *Farrey v. Sanderfoot*, 111 S.Ct. 667 (1991). Such evidence having been submitted, and the motion being fully noticed in compliance with the Local Rules without opposition, 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.**

13. [15-14595](#)-B-7 STANLEY/ANITA NAVARRO MOTION TO SELL  
TMT-1 3-9-16 [[17](#)]  
TRUDI MANFREDO/MV  
GEOFFREY ADALIAN/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**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.**

**11:00 A.M.**

1. [16-10227](#)-B-7 OSCAR/IRENE LOYA PRO SE REAFFIRMATION AGREEMENT  
WITH GOLDEN 1 CREDIT UNION  
3-28-16 [[16](#)]
2. [16-10229](#)-B-7 MONICA MEHIA PRO SE REAFFIRMATION AGREEMENT  
WITH AMERICAN HONDA FINANCE  
CORP.  
3-22-16 [[16](#)]
3. [16-10345](#)-B-7 JOSHUA BANKSTON PRO SE REAFFIRMATION AGREEMENT  
WITH FRESNO COUNTY FEDERAL  
CREDIT UNION  
3-17-16 [[11](#)]

1:30 P.M.

1. [15-13308](#)-B-7 WILLIAM BURNINGHAM STATUS CONFERENCE RE: COMPLAINT  
[15-1142](#) 11-24-15 [[1](#)]  
BURNINGHAM V. BURNINGHAM  
MICHAEL GERMAIN/Atty. for pl.

**By stipulation of the parties and order of the court this matter has been continued to June 15, 2016, at 1:30 p.m. The court is issuing an OSC re: dismissal for lack of prosecution to be heard on the same date and time. If the matter is finally resolved and the adversary proceeding terminated before that date, the OSC will be vacated. No appearance is necessary.**

2. [16-10110](#)-B-7 KIO YOON STATUS CONFERENCE RE: COMPLAINT  
[16-1023](#) 2-17-16 [[1](#)]  
YOON V. WEST RIDGE RENTALS,  
LLC ET AL  
KIO YOON/Atty. for pl.

**The status conference will be continued to April 27, 2016, at 9:30 a.m. to be heard with the trustee's motion to dismiss the case. No appearance is necessary.**

3. [16-10112](#)-B-7 CHANG WOO STATUS CONFERENCE RE: COMPLAINT  
[16-1024](#) 2-17-16 [[1](#)]  
WOO V. WEST RIDGE RENTALS, LLC  
ET AL  
CHANG WOO/Atty. for pl.

**The status conference will be continued to April 27, 2016, at 9:30 a.m. to be heard with the trustee's motion to dismiss the case. No appearance is necessary.**

4. [16-10115](#)-B-7 KYOUNG HAN STATUS CONFERENCE RE: COMPLAINT  
[16-1022](#) 2-17-16 [[1](#)]  
HAN V. WEST RIDGE RENTALS, LLC  
ET AL  
KYOUNG HAN/Atty. for pl.

**The status conference will be continued to April 27, 2016, at 9:30 a.m. to be heard with the trustee's motion to dismiss the case. No appearance is necessary.**

5. [15-14225](#)-B-7 LETICIA CAMACHO CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
12-23-15 [[15](#)]  
CARLOS GARCIA/MV  
GLEN GATES/Atty. for dbt.  
CYNTHIA ARROYO/Atty. for mv.  
DISCHARGED, RESPONSIVE  
PLEADING

**Based on the status report filed by the plaintiff in the related adversary proceeding, this matter will be continued to May 25, 2016, at 1:30 p.m., to be heard with the continued status conference. The court adopts the previous 11 U.S.C. § 362(e) findings. No appearance is necessary.**

6. [15-14225](#)-B-7 LETICIA CAMACHO CONTINUED STATUS CONFERENCE RE:  
[16-1009](#) COMPLAINT  
CAMACHO V. GARCIA ET AL 1-19-16 [[1](#)]  
GLEN GATES/Atty. for pl.

**Based on the status report filed by the plaintiff this matter will be continued to May 25, 2016, at 1:30 p.m. A further status report shall be filed by May 18, 2016. No appearance is necessary.**

**The court notes that the use of a docket control number, GEG-1, is not appropriate in connection with the status report.**

7. [15-14228](#)-B-13 OSCAR GUTIERREZ CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
12-23-15 [[21](#)]  
CARLOS GARCIA/MV  
GLEN GATES/Atty. for dbt.  
CYNTHIA ARROYO/Atty. for mv.

**Based on the status report filed by the plaintiff in the related adversary proceeding, this matter will be continued to May 25, 2016, at 1:30 p.m., to be heard with the continued status conference. The court adopts the previous U.S.C. § 362(e) findings. No appearance is necessary.**

8. [15-14228](#)-B-13 OSCAR GUTIERREZ CONTINUED STATUS CONFERENCE RE:  
[16-1010](#) COMPLAINT  
GUTIERREZ V. GARCIA ET AL 1-19-16 [[1](#)]  
GLEN GATES/Atty. for pl.

**Based on the status report filed by the plaintiff this matter will be continued to May 25, 2016, at 1:30 p.m. A further status report shall be filed by May 18, 2016. No appearance is necessary.**

**The court notes that the use of a docket control number, GEG-1, is not appropriate in connection with the status report.**

9. [11-61329](#)-B-7 SHERREY DEEVER  
[16-1021](#)  
U.S. TRUSTEE V. DEEVER  
ROBIN TUBESING/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT  
2-16-16 [[1](#)]

**This matter will be dropped from calendar. The record shows that the defendant's default has been entered. No appearance is necessary.**

10. [14-16135](#)-B-7 GILBERT FLORES  
[15-1064](#)  
FORD MOTOR CREDIT COMPANY V.  
FLORES  
AUSTIN NAGEL/Atty. for pl.

CONTINUED PRE-TRIAL CONFERENCE  
RE: COMPLAINT  
5-20-15 [[1](#)]

**This matter will be dropped from calendar without a disposition. The court intends to grant the motion for summary judgment below. No appearance is necessary.**

11. [14-16135](#)-B-7 GILBERT FLORES  
[15-1064](#) APN-1  
FORD MOTOR CREDIT COMPANY V.  
FLORES  
AUSTIN NAGEL/Atty. for mv.

MOTION FOR SUMMARY JUDGMENT  
3-4-16 [[35](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The allegations contained in the plaintiff's Request for Admissions are deemed admitted. The Admissions can be relied upon and establish the claim in the amount of \$24,281.23 plus costs. In addition the well-pled facts in the complaint are supported by the Didur declaration and the record even without considering the debtor's Admissions.**

**The debtor completed his credit counseling on May 7, 2014. Seven months later he listed a monthly income of \$8,000 in a credit application submitted to the plaintiff, which loaned the debtor \$47,076.09 at 12.49% interest for the purchase the vehicle that is the subject of this complaint. Only nine days after this purchase the debtor filed his bankruptcy petition, schedules and documents, under penalty of perjury, in which he stated that he had no current income nor had any income during the prior two years.**

**Accordingly, the defendant's default will be entered and the motion for summary judgment will be granted without oral argument for cause shown. The plaintiff shall submit a proposed order granting the motion and a separate judgement. No appearance is necessary.**

12. [15-14169](#)-B-13 MICHELLE AVILA  
[15-1157](#) UST-1  
U.S. TRUSTEE V. AVILA  
ROBIN TUBESING/Atty. for mv.

CONTINUED MOTION FOR ENTRY OF  
DEFAULT JUDGMENT  
2-10-16 [[10](#)]

13. [13-10692](#)-B-7 LUDOVICO PEREZ  
[14-1116](#) BB-4  
MAURICIO'S GRILL AND CANTINA,  
INC. V. PEREZ  
KERI BLAND/Atty. for mv.

MOTION FOR ENTRY OF DEFAULT  
JUDGMENT  
3-17-16 [[122](#)]