

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, May 1, 2019
Place: Department B - Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS 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 AM

1. [18-10509](#)-B-7 **IN RE: GERALDINE LARSON**
[RH-3](#)

MOTION FOR COMPENSATION FOR ROBERT HAWKINS, TRUSTEES
ATTORNEY(S)
4-3-2019 [\[85\]](#)

MARK ZIMMERMAN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED. Trustee's counsel, Robert Hawkins, requests fees of \$5,000.00 and costs of \$77.55 for a total of \$5,077.55 for services rendered from November 14, 2019 through April 3, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Analyzing and assisting the trustee in the recovery and sale of the

debtor's stock interests not claimed exempt, and (2) Preparing and filing employment and compensation applications. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$5,000.00 in fees and \$77.55 in costs.

2. [18-14858](#)-B-7 **IN RE: LAVON/ROSE COLES**
[JES-2](#)

MOTION TO EMPLOY JEFFREY S. BAIRD AS AUCTIONEER, AUTHORIZING
SALE OF PROPERTY AT PUBLIC AUCTION AND AUTHORIZING PAYMENT
OF AUCTIONEER FEES AND EXPENSES
4-3-2019 [\[26\]](#)

JAMES SALVEN/MV
ROSALINA NUNEZ

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. 11 U.S.C. § 328(a) permits employment of "professional persons" on "reasonable terms and conditions" including "contingent fee basis."

Trustee is authorized to employ Baird Auctions & Appraisals ("Auctioneer") as auctioneer to sell property of the estate consisting of a 1978 Gulf Stream boat, CF 5162 GJ and Carrier trailer at a public auction, which is set for May 7, 2019 at Baird Auctions & Appraisals located at 1328 N. Sierra Vista, Suite B in Fresno, California.

The trustee proposes to compensate Auctioneer on a percentage collected basis. The percentage is 15% of the gross proceeds from the sale. Doc. #18. Trustee is also authorized to reimburse Auctioneer up to \$250.00 for expenses.

The court finds the proposed arrangement reasonable in this instance. If the arrangement proves improvident, the court may allow different compensation under 11 U.S.C. § 328(a).

Trustee is authorized to employ and pay Auctioneer for his services as outlined above, and the proposed sale at auction of the 1978 Gulf Stream boat, CF 5162 GJ and Carrier trailer is approved.

3. [18-15061](#)-B-7 **IN RE: JHINGER TRUCKING, INC**
[SAP-2](#)

MOTION TO COMPEL ABANDONMENT
4-3-2019 [\[30\]](#)

VOLVO FINANCIAL SERVICES/MV
PETER FEAR
SHELBY POTEET/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." In order to grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and

inconsequential benefit to the estate. In re Vu, 245 B.R. 644, 647 (9th Cir. B.A.P. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." In re K.C. Mach. & Tool Co., 816 F.2d 238, 246 (6th Cir. 1987). And in evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. In re Johnson, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). In re Galloway, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at 16-17 (B.A.P. 9th Cir. 2014).

Party in interest Volvo Financial Services ("Movant") asks this court to compel the chapter 7 trustee to abandon the estate's interest, if any, in insurance proceeds stemming from damage to Movant's collateral, a 2016 Volvo VNL64T 670 tractor ("Proceeds").

The court finds that Movant has standing to compel abandonment because Movant is a "party in interest" pursuant to § 554(b) because Movant is a "loss payee" listed on the insurance policy that covered the 2016 Volvo VNL64T 670 tractor. Doc. #32. The Proceeds are of inconsequential value to the estate because the estate has no interest in it above the remaining balance due Movant. See In re Endoscopy Ctr. of S. Nev., LLC, 451 B.R. 527, 544-46 (Bankr. D. Nev. 2011) (citing Houston v. Edgeworth (In re Edgeworth), 993 F.2d 51, 55 (5th Cir. 1993)). Therefore, this motion is GRANTED.

The order shall include specifically list the property abandoned.

4. [18-15061](#)-B-7 **IN RE: JHINGER TRUCKING, INC**
[SAP-3](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
4-3-2019 [\[35\]](#)

VOLVO FINANCIAL SERVICES/MV
PETER FEAR
SHELBY POTEET/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver

of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The movant, Volvo Financial Services, a division of VFS US LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1). Movant seeks to pursue its rights against insurance proceeds stemming from damage done to its collateral, a 2016 Volvo VNL64T 670 ("Proceeds"). Movant alleges that as the loss payee under the insurance policy covering the Volvo VNL64T 670, Movant is entitled to the proceeds.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because Movant is entitled to the Proceeds related to the property damage to the Collateral as the loss payee under the insurance policy. Doc. #35, 37.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit the movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

5. [18-14689](#)-B-7 **IN RE: JAVIER GONZALEZ**
[FW-3](#)

MOTION FOR TURNOVER OF PROPERTY
4-15-2019 [\[22\]](#)

JAMES SALVEN/MV
THOMAS GILLIS
PETER FEAR/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing unless the court otherwise orders

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. 11 U.S.C. § 541(a)(1) defines property of the estate as "all legal or equitable interests of the debtor in property as of the commencement of the case."

On the bankruptcy petition date, the chapter 7 trustee ("Trustee") believes that debtor had a right to a 4.78 acre parcel of real property consisting of citrus groves, adjacent to debtor's residence ("Property"). Doc. #24. 11 U.S.C. § 542(a) requires debtor to turn over property of the estate that was in their possession, custody or control during the case or its value.

Unless opposition is presented at the hearing, the court finds that Trustee has made his prima facie case and this motion is GRANTED. Debtor is ordered to turnover the Property to Trustee, including but not limited to, granting Trustee or his agents access to the Property, including the adjacent residence, and to provide to Trustee (or his agents) all keys and codes to gain access to the Property and residence. Debtor is further enjoined from preventing or interfering with Trustee or his agent's access to the Property or residence.

The order shall specify the precise property at issue by street address or legal description.

6. [19-11289](#)-B-7 **IN RE: KEVIN/RAQUELLE POSEY**
[TCS-1](#)

MOTION TO COMPEL ABANDONMENT
4-16-2019 [\[10\]](#)

KEVIN POSEY/MV
TIMOTHY SPRINGER

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." In order to grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. In re Vu, 245 B.R. 644, 647 (9th Cir. B.A.P. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." In re K.C. Mach. & Tool Co., 816 F.2d 238, 246 (6th Cir. 1987). And in evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. In re Johnson, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). In re Galloway, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at 16-17 (B.A.P. 9th Cir. 2014).

Debtor asks this court to compel the chapter 7 trustee to abandon the estate's interest in debtor's business "Posey's Auto Repair." The assets include tools of the trade, inventory, and goodwill ("Business Assets").

The court finds that the Business Assets are of inconsequential value and benefit to the estate. The Business Assets were accurately scheduled and exempted in their entirety. Therefore, unless opposition is presented at the hearing, this motion is GRANTED.

The order shall include a specific list of the property abandoned.

7. [19-11491](#)-B-7 **IN RE: STEVEN GONZALES**
[TCS-1](#)

MOTION TO COMPEL ABANDONMENT
4-16-2019 [\[8\]](#)

STEVEN GONZALES/MV
TIMOTHY SPRINGER

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

LBR 9014-1(e)(2) requires a proof of service, in the form of a certificate of service, to be filed with the Clerk of the court concurrently with the pleadings or documents served, or not more than three days after the papers are filed.

In this case, no proof of service was filed. Therefore this motion is DENIED WITHOUT PREJUDICE.

8. [09-61798](#)-B-7 **IN RE: JEFFREY FAIRBAIRN**
[FW-2](#)

MOTION TO EMPLOY ANNA ROL AS SPECIAL COUNSEL
4-5-2019 [\[68\]](#)

JAMES SALVEN/MV
PETER FEAR/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. Pursuant to 11 U.S.C. § 327(e), the trustee may employ, with the court's approval and for a specified special purpose, an attorney that has represented the debtor if it is in the best interest of the estate and if the attorney does not represent nor hold an adverse interest to the debtor or to the estate with respect to the matter on which such attorney is to be employed. Trustee wishes to employ Baron & Budd, P.C. ("Counsel") to advise him with regard to the terms and conditions of the proposed settlement, to finalize the settlement, or to litigate the case if Trustee finds the settlement unacceptable.

"Whether to grant or deny a nunc pro tunc application is committed to the discretion of the bankruptcy court." In re Gutterman, 239 B.R. 828, 831 (Bankr. N.D. Cal. 1999) (citing Atkins v. Wain, 69 F.3d 970, 974 (9th Cir. 1995)). "Retroactive approval should be limited to situations in which 'exceptional circumstances' exist." In re THC Corp., 837 F.2d 389, 392 (9th Cir. 1988). For the court to find 'exceptional circumstances,' Movant must (1) satisfactorily explain their failure to receive prior judicial approval and (2) demonstrate that their services benefitted the bankrupt estate in a significant manner. Id.

After review of the evidence, and unless any opposition is given at the hearing, the court finds that 'exceptional circumstances' exist to justify nunc pro tunc employment. The first prong is satisfied because debtor did not inform Counsel that he had filed for bankruptcy previously and that it had been closed for three years, therefore Counsel did not investigate. Doc. #71. Debtor was prescribed, and took, medicine that allegedly caused injury pre-petition, but did not receive a diagnosis of his alleged injury until April 22, 2011 - over a year from when he received his discharge. Doc. #71. Debtor did not pursue legal action until approximately July 7, 2014. Id.

The second prong is satisfied because through their services Counsel has received a settlement offer, which will benefit the estate. Doc. #71, 72. Counsel has not yet been paid - this motion proposes a 40% contingency fee agreement. Doc. #68. The motion however does not state the effective date of counsel's employment. Trustee must appear at the hearing and clarify the date.

The court also finds that Counsel does not represent nor hold an adverse interest to the debtor or to the estate with respect to the matter on which Counsel is to be employed.

Trustee is authorized to employ Counsel for the purposes stated above and in the motion; Counsel shall be employed retroactive from the date proven, and the payment, if any, to which Counsel is entitled to shall be a 40% contingency fee, plus costs and expenses.

11:00 AM

1. [19-11223](#)-B-7 **IN RE: LISA HUNTER**

PRO SE REAFFIRMATION AGREEMENT WITH HYUNDAI CAPITAL AMERICA
DBA HYUNDAI MOTOR FINANCE
4-15-2019 [\[14\]](#)

NO RULING.

2. [19-10767](#)-B-7 **IN RE: MARIA DURAN**

PRO SE REAFFIRMATION AGREEMENT WITH MERCED SCHOOL EMPLOYEES
FCU
4-12-2019 [\[13\]](#)

NO RULING.

3. [19-10197](#)-B-7 **IN RE: ROBERTO/MARIBEL CASTRO**

REAFFIRMATION AGREEMENT WITH FORD MOTOR CREDIT COMPANY
4-3-2019 [\[18\]](#)

THOMAS GILLIS

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied.

ORDER: The court will issue an order.

Counsel shall inform his clients that no appearance is necessary at this hearing.

Debtor was represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "'if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney' attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok. 2009) (emphasis in original). In this case, the debtors' attorney affirmatively represented that the agreement established a presumption of undue hardship and that his opinion the debtors were not able to make the required payments. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

REAFFIRMATION AGREEMENT WITH WELLS FARGO BANK, N.A
4-3-2019 [\[20\]](#)

THOMAS GILLIS

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied.

ORDER: The court will issue an order.

Counsel shall inform his clients that no appearance is necessary at this hearing.

Debtor was represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), “if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor’s attorney’ attesting to the referenced items before the agreement will have legal effect.” *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok. 2009) (emphasis in original). In this case, the debtors’ attorney affirmatively represented that the agreement established a presumption of undue hardship and that his opinion the debtors were not able to make the required payments. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

1:30 PM

1. [18-13802](#)-B-7 **IN RE: ELVIA OLIVA**
[18-1080](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
11-19-2018 [\[1\]](#)

SORIANO V. OLIVA
GREGORIO SORIANO/ATTY. FOR PL.
REISSUED SUMMONS FOR 5/15/19

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: This matter will be continued to May 15, 2019 at
1:30 p.m.

ORDER: The court will issue the order.

Plaintiff shall file a motion for entry of default and judgment or dismissal before the continued hearing. If such a motion is filed, the status conference will be dropped and the court will hear the motion when scheduled. If no motion for default and judgment or dismissal is filed prior to the continued hearing, the court will issue an order to show cause on why this case should not be dismissed.

2. [19-10516](#)-B-13 **IN RE: FRANK CRUZ**
[19-1034](#) [NEA-1](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
3-29-2019 [\[7\]](#)

CRUZ V. ABDELAZIZ
UNKNOWN TIME OF FILING/ATTY. FOR MV.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

ORDER: The court will issue the order.

The court notes than an identical motion, seemingly without the procedural problems outlined by Mr. Cruz in his opposition (doc. #11), set for hearing on May 29, 2019. Doc. #15. The court makes no findings on the procedural correctness of that motion (NEA-2) in this ruling.

Because an identical motion has been set for a later date, the court deems this motion as WITHDRAWN. The court will issue an order.

3. [19-10516](#)-B-13 **IN RE: FRANK CRUZ**
[19-1035](#) [NEA-1](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
3-29-2019 [[10](#)]

CRUZ V. ABDELAZIZ
UNKNOWN TIME OF FILING/ATTY. FOR MV.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

ORDER: The court will issue the order.

The court notes than an identical motion, seemingly without the procedural problems outlined by Mr. Cruz in his opposition (doc. #14), set for hearing on May 29, 2019. Doc. #18. The court makes no findings on the procedural correctness of that motion (NEA-2) in this ruling.

Because an identical motion has been set for a later date, the court deems this motion as WITHDRAWN. The court will issue an order.

4. [19-10560](#)-B-7 **IN RE: MATILDE OCEGUEDA**
[19-1029](#)

STATUS CONFERENCE RE: COMPLAINT
3-3-2019 [[1](#)]

OCEGUEDA V. PERSOLVE LEGAL
GROUP, LLP
TIMOTHY SPRINGER/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: An order dismissing the case has already been entered. Doc. #10.

5. [18-13678](#)-B-11 **IN RE: VERSA MARKETING, INC.**
[19-1032](#)

STATUS CONFERENCE RE: COMPLAINT
3-6-2019 [\[1\]](#)

VERSA MARKETING, INC. V. WEST
LIBERTY FOODS, LLC
C. MEINE/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to May 15, 2019 at 1:30 p.m.

ORDER: The court will issue an order.

The parties previously stipulated to allow Defendant to answer or respond to the complaint to May 10, 2019. Doc. #6. West Liberty Foods, LLC intends to file a motion to dismiss. Doc. #12. Therefore this Status Conference is continued to May 15, 2019 at 1:30 p.m. If the dismissal motion is filed and served prior to the status conference, the status conference will be continued to be heard in conjunction with the motion to dismiss.