

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, May 7, 2015
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.

- | | | | |
|----|---------------------------------------|--|--|
| 1. | <u>14-14734</u> -B-13 | JAMES ZOPPE
LK-1
ZOPPE V. OCWEN LOAN SERVICING
LLC ET AL | MOTION TO DISMISS ADVERSARY
PROCEEDING/NOTICE OF REMOVAL
AND/OR MOTION FOR A MORE
DEFINITE STATEMENT
4-3-15 [<u>8</u>] |
| | | LESLIE KLOTT/Atty. for mv. | |
| 2. | <u>12-12945</u> -B-7 | STEVEN AYLER
<u>15-1003</u> MDP-1
CATERPILLAR FINANCIAL SERVICES
CORPORATION V. AYLER
MARK PONIATOWSKI/Atty. for mv. | MOTION FOR ENTRY OF DEFAULT
JUDGMENT
3-27-15 [<u>17</u>] |
| 3. | <u>14-13358</u> -B-7 | THOMAS BRILL
<u>14-1126</u>
RODRIGUEZ V. BRILL
STEVEN SMITH/Atty. for pl.
RESPONSIVE PLEADING | CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
2-26-15 [<u>39</u>] |
| 4. | <u>14-10594</u> -B-7 | LEOPOLDO/YESENIA VARGAS
<u>14-1074</u>
U.S. TRUSTEE V. VARGAS ET AL
GREGORY POWELL/Atty. for pl. | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
7-23-14 [<u>1</u>] |
| 5. | <u>14-15994</u> -B-7 | JAMES CONLEY
<u>15-1028</u>
CHEVRON VALLEY CREDIT UNION V.
CONLEY, JR.
BRANDON ORMONDE/Atty. for pl. | STATUS CONFERENCE RE: COMPLAINT
3-12-15 [<u>1</u>] |

It appears this adversary proceeding has been settled or the defendant(s) default has been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 90 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.

10:00 A.M.

1. [15-11012](#)-B-7 KACIE CRAVEN
APN-1
SANTANDER CONSUMER USA INC./MV
FRANK SAMPLES/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-2-15 [[13](#)]

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 to the extent that it applies. 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.

2. [14-15530](#)-B-7 TONYA MCCLAIN-ALI

CONTINUED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
3-23-15 [[24](#)]

\$30 FILING FEE PAID 4/2/15,
RESPONSIVE PLEADING

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

13-16845-B-7 KEYSTONE MINE MANAGEMENT
KDG-5 II
VINCENT GORSKI/MV

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH BUSH MANAGEMENT
COMPANY
4-15-15 [399]

PHILLIP GILLET/Atty. for dbt.
LISA HOLDER/Atty. for mv.

This matter will be continued and set for final hearing on June 4, 2015, at 9:00 a.m. Responsive pleadings shall be filed and served by May 21, 2015. The trustee appears to be trying to settle claims asserted in BMC's adversary proceeding No. 15-1041. However, not all parties to those claims have joined in the settlement agreement and none of the defendants have filed responsive pleadings in the adversary proceeding.

Further, BMC's offer to limit its credit bid appears to be illusory if it retains the right to offset its full secured claim against any cash bid pursuant to §363(k). Any difference between a right to credit bid and a right to offset against a cash bid is unclear to the court. The court will prepare a minute order. No appearance is necessary.

13-16845-B-7 KEYSTONE MINE MANAGEMENT
KDG-6 II
VINCENT GORSKI/MV

MOTION TO ESTABLISH BIDDING
PROCEDURES FOR KEYSTONE AND
EIGHT OUNCE UNPATENTED MINING
CLAIMS, MILL SITE CLAIMS AND
EQUIPMENT AND/OR MOTION TO
ESTABLISH PROCEDURES REGARDING
WBW'S CREDIT BID
4-15-15 [406]

PHILLIP GILLET/Atty. for dbt.
LISA HOLDER/Atty. for mv.

This matter will be continued and set for final hearing on June 4, 2015, at 9:00 a.m. Responsive pleadings shall be filed and served by May 21, 2015. The trustee wants to establish procedures for the sale of BMC's collateral and the credit bidding of BMC's claim. BMC's interest in the collateral is the subject of adversary proceeding No. 15-1041, which BMC filed. Not all the defendants have filed responsive pleadings in the adversary proceeding.

Further, BMC's offer to limit its credit bid appears to be illusory if it retains the right to offset its full secured claim against any cash bid pursuant to §363(k). Any difference between a right to credit bid and a right to offset against a cash bid is unclear to the court. The court will prepare a minute order. No appearance is necessary.

5. [15-10364](#)-B-7 ASHLEY FISET
PPR-1
CITIBANK, N.A./MV
JOSEPH GARIBYAN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-7-15 [[13](#)]

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 to the extent that it applies. 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.

The motion for an order under §362(d)(4) is denied without prejudice. The court is not persuaded, based on the evidence provided, that the single conveyance in June 2014 was part of a scheme to hinder, delay or defraud the movant. No appearance is necessary.

6. [15-10166](#)-B-7 JOE/ARLENE VIZCARRA
PK-1
DVP, LP/MV
ROBERT WILLIAMS/Atty. for dbt.
PATRICK KAVANAGH/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-22-15 [[48](#)]

7. [14-15267](#)-B-7 DINNY MATHEW AND JESSY
KDG-2 JACOB
VINCENT GORSKI/MV

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH DINNY T. MATHEW
AND JESSY JACOB
4-9-15 [[46](#)]

MUFTHIHA SABARATNAM/Atty. for dbt.
LISA HOLDER/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.

8. [15-11171](#)-B-7 ANGELITA OZUNA
NLG-1
DEUTSCHE BANK NATIONAL TRUST
COMPANY/MV
LAUREN RODE/Atty. for dbt.
NICHOLE GLOWIN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-1-15 [[7](#)]

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 to the extent that it applies. 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.

9. [15-10680](#)-B-7 EDEN GARCIA
APN-1
SANTANDER CONSUMER USA INC./MV
ROBERT WILLIAMS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-31-15 [[9](#)]

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 to the extent that it applies. 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.

10. [15-10081](#)-B-7 EVELYN PEREZ
CJO-1
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION/MV
PHILLIP GILLET/Atty. for dbt.
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-20-15 [[22](#)]

11. [14-15684](#)-B-7 RAMI FARRAJ AND NADIA
FPS-1 HADDAD
RAMI FARRAJ/MV
FRANK SAMPLES/Atty. for dbt.

MOTION TO AVOID LIEN OF EQUABLE
ASCENT FINANCIAL, LLC
3-20-15 [[17](#)]

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.

12. [15-11098](#)-B-7 JOHN/SUSAN PRIVETT

LARRY COX/Atty. for dbt.
RESPONSIVE PLEADNG

ORDER TO APPEAR AND SHOW CAUSE
WHY A PATIENT CARE OMBUDSMAN
SHOULD NOT BE APPOINTED
3-24-15 [[7](#)]

13. [15-10399](#)-B-7 DIANA/JOSE GUERRERO
AMM-1
NATIONSTAR MORTGAGE LLC/MV
MICHAEL SHEMTOUB/Atty. for dbt.
ANGIE MARTH/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-17-15 [[17](#)]

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 to the extent that it applies. 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.

1:30 P.M.

1. [11-17100](#)-B-13 KENNETH/BRANDY CEMO
RSW-5
KENNETH CEMO/MV
ROBERT WILLIAMS/Atty. for dbt. MOTION TO MODIFY PLAN
3-19-15 [[57](#)]
2. [11-17100](#)-B-13 KENNETH/BRANDY CEMO
RSW-6
KENNETH CEMO/MV
ROBERT WILLIAMS/Atty. for dbt. MOTION TO SELL
3-19-15 [[61](#)]
3. [14-15303](#)-B-13 JOSE VARGAS SIERRA AND
ILV-2 ANITA VARGAS
JOSE VARGAS SIERRA/MV
IVAN LOPEZ VENTURA/Atty. for dbt. MOTION TO CONFIRM PLAN
2-23-15 [[38](#)]

This motion to confirm a modified chapter 13 plan will be denied without prejudice. The record does not show that the debtor(s) filed and served the proposed modified plan with the moving papers in compliance with Local Rule 3015-1(c) (3) & (d) (1). No appearance is necessary.

4. [15-10011](#)-B-13 ASHLEY RANDOLPH
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY MICHAEL
H. MEYER
3-12-15 [[20](#)]

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

5. [15-10011](#)-B-13 ASHLEY RANDOLPH
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING CONTINUED MOTION TO DISMISS
CASE FOR FAILURE TO PROVIDE TAX
DOCUMENTS
3-12-15 [[20](#)]

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

6. [10-18021](#)-B-13 BRYANT/PATRICIA WISHEROPP
WDO-2
BRYANT WISHEROPP/MV
WILLIAM OLCOTT/Atty. for dbt. MOTION TO MODIFY PLAN
3-27-15 [[67](#)]

The motion will be denied. The court has already denied the debtors' motion to confirm the first modified plan (DC # WDO-2) at a hearing on April 2, 2014. No new plan has been filed and no new motion has been filed. No appearance is necessary.

7. [10-18021](#)-B-13 BRYANT/PATRICIA WISHEROPP MOTION TO VALUE COLLATERAL OF
WDO-3 TUCOEMAS FEDERAL CREDIT UNION
BRYANT WISHEROPP/MV 3-30-15 [[71](#)]
WILLIAM OLCOTT/Atty. for dbt.

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$6,885. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

8. [10-18021](#)-B-13 BRYANT/PATRICIA WISHEROPP MOTION TO VALUE COLLATERAL OF
WDO-4 BANK OF AMERICA/CAPITAL ONE
BRYANT WISHEROPP/MV HOME LOANS, LLC
3-30-15 [[77](#)]
WILLIAM OLCOTT/Atty. for dbt.

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted as to the named respondent, Bank of America, N.A. only, for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling.

The motion is denied as to named respondent Capital One Home Loans, LLC. The motion was not served on Capital One Home Loans and Capital One Home Loans does not appear to be a party to this claim. No appearance is necessary.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

9. [10-18021](#)-B-13 BRYANT/PATRICIA WISHEROPP MOTION TO VALUE COLLATERAL OF
WDO-5 TUCOEMAS FEDERAL CREDIT UNION
BRYANT WISHEROPP/MV 3-30-15 [[83](#)]
WILLIAM OLCOTT/Atty. for dbt.

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$5,810. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

10. [10-62522](#)-B-13 JUSTIN/MICHELLE EMERSON OBJECTION TO DISCHARGE BY
MHM-1 MICHAEL H. MEYER
MICHAEL MEYER/MV 3-25-15 [[46](#)]
PHILLIP GILLET/Atty. for dbt.
WITHDRAWN

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

11. [14-14826](#)-B-13 SOO LEE MOTION TO DISMISS CASE
MHM-1 3-6-15 [[57](#)]
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

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

12. [15-10928](#)-B-13 DAVID FOX MOTION TO VALUE COLLATERAL OF
DMG-1 BANK OF AMERICA HOME LOANS
DAVID FOX/MV 3-30-15 [[15](#)]
D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING

Based on the respondent's opposition, this matter will be continued to June 4, 2015, at 1:30 p.m. This matter is now deemed to be a contested matter. Pursuant to FRBP 9014(c), the federal rules of discovery apply to contested matters. The debtor(s) shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date. The court will prepare a civil minute order. No appearance is necessary.

13. [15-10928](#)-B-13 DAVID FOX
DMG-2
DAVID FOX/MV
D. GARDNER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
FORD MOTOR CREDIT
3-30-15 [[19](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$5,000. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

14. [15-10233](#)-B-13 PEDRO/ZENAIDA NAVEIRAS
APN-1
WELLS FARGO BANK, N.A./MV
NEIL SCHWARTZ/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-3-15 [[36](#)]

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 to the extent that it applies. 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.

15. [14-14734](#)-B-13 JAMES ZOPPE
[15-1023](#)
ZOPPE V. OCWEN LOAN SERVICING
LLC ET AL
JAMES ZOPPE/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
3-4-15 [[1](#)]

This matter will be advanced and called at 9:00 a.m. with the motion to dismiss. No appearance is necessary at 1:30 p.m.

16. [13-14435](#)-B-13 DAVID/ANGELEE MARTINEZ
JLH-1
KERN FEDERAL CREDIT UNION/MV
WILLIAM OLCOTT/Atty. for dbt.
JOSEPH HORSWILL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-7-15 [[56](#)]

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 to the extent that it applies. 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.

17. [14-15035](#)-B-13 DONALD MARTIN
MHM-1
MICHAEL MEYER/MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
3-12-15 [[29](#)]

ROBERT WILLIAMS/Atty. for dbt.

This objection will be overruled as moot and dropped from calendar. The court intends to dismiss this case on the trustee's unopposed motion below. No appearance is necessary.

18. [14-15035](#)-B-13 DONALD MARTIN
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

CONTINUED MOTION TO DISMISS
CASE
3-12-15 [[29](#)]

This matter was set for a final hearing pursuant to this court's civil minute order dated April 9, 2015. The debtor did not file a timely response. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown, including unreasonable delay that is prejudicial to creditors. No appearance is necessary.

19. [10-17747](#)-B-13 STEVEN/TRICIA STANKORB
PK-7
STEVEN STANKORB/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING
MOTION TO INCUR DEBT
4-15-15 [[103](#)]
20. [10-17747](#)-B-13 STEVEN/TRICIA STANKORB
PK-8
STEVEN STANKORB/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING
MOTION FOR COMPENSATION FOR
PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
4-15-15 [[109](#)]
21. [14-15948](#)-B-13 KRISTAN CAFFEE
LKW-1
KRISTAN CAFFEE/MV
LEONARD WELSH/Atty. for dbt.
MOTION TO VALUE COLLATERAL OF
INTERNAL REVENUE SERVICE
4-7-15 [[17](#)]

This motion to value collateral will be denied as moot based on the IRS' amended proof of claim filed February 20, 2015. There is no case or controversy. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. In the Eastern District of California, the amount and classification of a claim is determined by the proof of claim and applicable non-bankruptcy law. No further relief is required unless the granting of a motion will affect the treatment of the claim. No appearance is necessary.

22. [15-10462](#)-B-13 CAROLYN MINER
[15-1022](#)
U.S. TRUSTEE V. MINER
ROBIN TUBESING/Atty. for pl.
RESPONSIVE PLEADING
STATUS CONFERENCE RE: COMPLAINT
2-27-15 [[1](#)]

This matter will be rescheduled to June 4, 2015, at 9:00 a.m., to be called with the U.S. Trustee's motion for summary judgment. The court will prepare a minute order. No appearance is necessary.

23. [15-10462](#)-B-13 CAROLYN MINER
JCW-1
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION/MV
JENNIFER WONG/Atty. for mv.
OBJECTION TO CONFIRMATION OF
PLAN BY JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION
4-20-15 [[47](#)]

This matter will be continued to June 4, 2015, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.

24. [15-10462](#)-B-13 CAROLYN MINER
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
4-16-15 [[43](#)]

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on June 4, 2015, at 1:30 p.m. A response with evidence shall be filed by May 28, 2015. No appearance is necessary.

Unless the chapter 13 trustee files a notice of withdrawal of this motion, the Debtor shall voluntarily dismiss this case, voluntarily convert the case to chapter 7, or file and serve a written response to this motion, supported by evidence, to show why the case should not be dismissed on the grounds stated in the motion, including unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). The debtor's responsive pleading, with admissible supporting evidence, shall be filed and served not later than May 28, 2015. At the final hearing, the court will make a ruling based on the evidence presented and, if relevant, judicial notice of the record. If timely opposition is not filed, the case may be dismissed by predisposition without oral argument.

25. [09-60563](#)-B-13 EDDIE BUSTOS AND DINA
MHM-2 CASTILLO
MICHAEL MEYER/MV
PHILLIP GILLET/Atty. for dbt.
WITHDRAWN

OBJECTION TO DISCHARGE BY
MICHAEL H. MEYER
3-25-15 [[76](#)]

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

26. [15-10076](#)-B-13 ESTEBAN ZAVALA
CAM VII TRUST/MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY CAM VII
TRUST
3-12-15 [[35](#)]

PATRICK KAVANAGH/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.
RESPONSIVE PLEADING

27. [15-10076](#)-B-13 ESTEBAN ZAVALA
MHM-1

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
4-16-15 [[55](#)]

PATRICK KAVANAGH/Atty. for dbt.

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

28. [15-10076](#)-B-13 ESTEBAN ZAVALA
RDW-1
CAM VII TRUST/MV
PATRICK KAVANAGH/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.
CAM VII TRUST VS.

OBJECTION TO CONFIRMATION OF
PLAN BY CAM VII TRUST
4-27-15 [[64](#)]

29. [14-15877](#)-B-13 DANIEL/LINDA MONTES
RSW-1
DANIEL MONTES/MV

ROBERT WILLIAMS/Atty. for dbt.

CONTINUED MOTION TO VALUE
COLLATERAL OF U.S. BANK
NATIONAL ASSOCIATION
2-23-15 [[16](#)]

This motion will be denied without prejudice. The debtors have not responded to the court's civil minute order dated April 9, 2015, requesting additional evidence to support their motion. No appearance is necessary.

30. [11-19880](#)-B-13 KENNETH/LUZ JOHNSON
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
4-1-15 [[76](#)]

The motion will be denied without prejudice. The debtors have timely filed and set for hearing a modified chapter 13 plan which appears to cure the default referenced in the trustee's motion. No appearance is necessary.

31. [13-16480](#)-B-13 MICHAEL/CATHERINE WHORF
RSW-2
MICHAEL WHORF/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
3-26-15 [[38](#)]

32. [15-10581](#)-B-13 ANGEL BELTRAN
SJS-2
ANGEL BELTRAN/MV
SUSAN SALEHI/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
WELLS FARGO BANK, N.A.
4-7-15 [[22](#)]

The motion to value the collateral of Wells Fargo Bank, N.A., will be denied. The debtor has not offered into evidence copies of the recorded trust deeds and the information stated in the motion does not support the relief requested. It appears from the moving papers that Wells Fargo Bank's lien, the recording date of which is given as September 28, 2006, is actually senior to that of JP Morgan Chase/Nationstar Mortgage, the recording date of which is given as May 30, 2012. The amount owed to Wells Fargo Bank, N.A., is less than the value of the property. Since Wells Fargo is the senior lien holder, the junior lien is not wholly unsecured based on the value of the property.

The debtor's chapter 13 plan does not properly provide for the treatment of Wells Fargo's secured claim. Within 14 days the debtor shall file, serve, and set for hearing a modified plan that properly provides for Wells Fargo's claim. The court will enter a civil minute order. No appearance is necessary.

33. [14-14683](#)-B-13 SHERLYN BULL
PK-1

MOTION FOR COMPENSATION FOR
PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
4-9-15 [[53](#)]

PATRICK KAVANAGH/Atty. for dbt.

The motion will be denied. The application is incomplete. It does not indicate whether or not the attorney opted out of the "no look" fee provision. In addition, the chapter 13 plan has not yet been confirmed. No appearance is necessary.

34. [11-19393](#)-B-13 MICHAEL/LYNNETTE DAVIES
RSW-3
MICHAEL DAVIES/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING,

CONTINUED MOTION TO INCUR DEBT
3-26-15 [[71](#)]

This motion was set for a final hearing and the trustee's objection has been withdrawn. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

35. [14-15496](#)-B-13 NADER HADDAD
TGF-1
THE PROBATE ESTATE OF WAYNE
LEE VAUGHN, SR./MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY THE
PROBATE ESTATE OF WAYNE LEE
VAUGHN, SR.
1-15-15 [[27](#)]

PATRICK KAVANAGH/Atty. for dbt.
VINCENT GORSKI/Atty. for mv.
RESPONSIVE PLEADNG

36. [14-15496](#)-B-13 NADER HADDAD
[15-1021](#)
HADDAD V. CARRIAGE HOMES ET AL
PATRICK KAVANAGH/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
2-26-15 [[1](#)]