

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, June 12, 2014
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

9:00 A.M.

1. [13-10302](#)-B-11 GMC DAIRY FARMS LP
LRP-6
FARM CREDIT WEST, FLCA/MV

THOMAS GILLIS/Atty. for dbt.
RENE LASTRETO/Atty. for mv.

CONTINUED MOTION TO APPROVE
DISCLOSURE STATEMENT FILED BY
CREDITORS FARM CREDIT WEST,
FLCA, FARM CREDIT WEST, PCA
AND/OR MOTION TO APPROVE FORM
OF BALLOT , MOTION TO APPROVE
BALLOT TABULATION PROCEDURES ,
MOTION/APPLICATION TO FIX
RELATED DEADLINES AND
PROCEDURES
4-3-14 [[494](#)]
2. [13-10302](#)-B-11 GMC DAIRY FARMS LP
RAC-5

THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF BLAKELEY & BLAKELEY LLP FOR
RONALD CLIFFORD, CREDITOR COMM.
ATY(S) .
4-29-14 [[505](#)]
3. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA
WW-10

RILEY WALTER/Atty. for dbt.

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF WALTER & WILHELM
LAW GROUP FOR RILEY C. WALTER,
DEBTOR'S ATTORNEY(S) .
5-20-14 [[162](#)]
4. [13-16954](#)-B-11 MADERA ROOFING, INC.
SES-1
BONADELLE DEVELOPMENT
CORPORATION/MV
ERIC FROMME/Atty. for dbt.
SARAH SINGER/Atty. for mv.

MOTION TO APPROVE STIPULATION
FOR RELIEF FROM THE AUTOMATIC
STAY
5-5-14 [[278](#)]

The motion will be denied without prejudice. The chapter 11 trustee is not a party to the stipulation. The motion was not served on the trustee or on his counsel. The motion was not served on the debtor's counsel at his current address of record. No appearance is necessary.

5. [13-16954](#)-B-11 MADERA ROOFING, INC.
TL-3
RANCHWOOD RESIDENTIAL, INC./MV
ERIC FROMME/Atty. for dbt.
THEODORE LIEU/Atty. for mv.
- MOTION TO APPROVE STIPULATION
FOR RELIEF FROM THE AUTOMATIC
STAY
5-8-14 [[297](#)]

The motion will be denied without prejudice. The chapter 11 trustee is not a party to the stipulation. The motion was not served on the trustee or on his counsel. The motion was not served on the debtor's counsel at his current address of record. No appearance is necessary.

6. [07-10271](#)-B-12 JOHN/LINDA MENEZES
KDG-18
JOHN MENEZES/MV
JACOB EATON/Atty. for dbt.
- MOTION FOR ENTRY OF DISCHARGE
5-15-14 [[408](#)]

The debtors' motion for entry of a chapter 12 discharge upon conclusion of the case was fully noticed in compliance with the Local Rules and there was no opposition. The motion shall be granted without oral argument. Based on the evidence presented, the court finds that the debtors are eligible for a chapter 12 discharge pursuant to 11 U.S.C. § 1228(a). Once the chapter 12 trustee's final report has been approved, the case manager may enter the debtors' discharge. The court will enter a civil minute order. No appearance is necessary.

7. [13-13388](#)-B-11 GEORGE/MARILYN LANTING
LRP-6
FARM CREDIT WEST, PCA/MV
NANCY KLEPAC/Atty. for dbt.
RENE LASTRETO/Atty. for mv.
- CONTINUED MOTION FOR ORDER
APPROVING THE DISCLOSURE
STATEMENT FILED BY CREDITORS
FARM CREDIT WEST, FLCA, FARM
CREDIT WEST, PCA , MOTION FOR
ORDER APPROVING FORM OF BALLOT
, MOTION FOR ORDER APPROVING
BALLOT TABULATION PROCEDURES ,
MOTION FOR ORDER FIXING RELATED
DEADLINES AND PROCEDURES
4-3-14 [[196](#)]
8. [14-10588](#)-B-11 J & D WILSON AND SONS
DAIRY
JACOB EATON/Atty. for dbt.
RESCHEDULED PER ORDER #157
- CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
2-7-14 [[1](#)]

This matter will be dropped from the calendar. The status conference was rescheduled and heard on June 4, 2014, in Bakersfield. No appearance is necessary.

9. [14-10695](#)-B-11 ROSENDO PEREZ AND MARIA
TOG-12 JAIME
ROSENDO PEREZ/MV

MOTION FOR APPROVAL OF
DISCLOSURE STATEMENT , AND/OR
MOTION FOR ORDER FIXING
DEADLINES
4-7-14 [[53](#)]

THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

**This matter will be dropped from calendar without a disposition. The case
has already been dismissed. No appearance is necessary.**

10:30 A.M.

1. [13-17617](#)-B-7 DEONE BRAXTON
[14-1015](#)
SNIDER LEASING CORP. V.
BRAXTON
JOHN BRITTON/Atty. for pl.
RESPONSIVE PLEADING
CONTINUED STATUS CONFERENCE RE:
COMPLAINT
1-27-14 [[1](#)]
2. [12-15129](#)-B-7 KRISTAL/ROBERT WILLIAMS
[14-1039](#)
HAWKINS V. MARTINEZ ET AL
GABRIEL WADDELL/Atty. for pl.
RESPONSIVE PLEADING
STATUS CONFERENCE RE: COMPLAINT
4-10-14 [[1](#)]
3. [14-11131](#)-B-7 ANTHONY/IRENE SILVA
[14-1043](#)
SILVA V. ASSET ACCEPTANCE, LLC
TIMOTHY SPRINGER/Atty. for pl.
STATUS CONFERENCE RE: COMPLAINT
4-17-14 [[1](#)]
4. [11-12668](#)-B-13 ALVINA FISCHER
[13-1139](#)
FISCHER V. EVERBANK ET AL
NANCY KLEPAC/Atty. for pl.
CONTINUED STATUS CONFERENCE RE:
COMPLAINT
12-31-13 [[1](#)]
5. [14-11674](#)-B-7 CHEWEETA RICHARDSON
[14-1045](#)
RICHARDSON V. MIDLAND FUNDING,
LLC
TIMOTHY SPRINGER/Atty. for pl.
STATUS CONFERENCE RE: COMPLAINT
4-17-14 [[1](#)]

It appears 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 60 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.

6. [14-11774](#)-B-7 ROY/ERMA PEREZ
[14-1046](#)
PEREZ V. CAVALRY INVESTMENTS,
LLC
TIMOTHY SPRINGER/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
4-17-14 [[1](#)]

It appears that 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 60 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.

1:30 P.M.

1. [14-12702](#)-B-13 GABRIEL/SANDRA AYALA
PBB-1
GABRIEL AYALA/MV
PETER BUNTING/Atty. for dbt. MOTION TO EXTEND AUTOMATIC STAY
6-3-14 [[8](#)]
2. [11-16017](#)-B-13 ANTHONY DIMAGGIO
PLF-4
ANTHONY DIMAGGIO/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING MOTION TO MODIFY PLAN
4-10-14 [[65](#)]
3. [14-10626](#)-B-13 ORVILLE/PATRICIA BISHOP
SL-1
ORVILLE BISHOP/MV
SCOTT LYONS/Atty. for dbt. MOTION TO CONFIRM PLAN
4-25-14 [[20](#)]

The motion will be deemed withdrawn and will be dropped from calendar. The debtors have filed and served a modified plan and set the confirmation hearing at a later date. No appearance is necessary.

4. [10-13227](#)-B-13 KENNETH/LIANE MAZZELLA
MBB-1
THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A./MV
GABRIEL WADDELL/Atty. for dbt.
CORI JONES/Atty. for mv. MOTION TO APPROVE LOAN
MODIFICATION
5-1-14 [[45](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtor(s) to enter into a modification agreement on terms to be negotiated between the debtor(s) and the mortgagee so long as modification of the mortgage does not interfere with the debtor(s) duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.

5. [13-13431](#)-B-13 GREGORY VALENZUELA
TCS-2
GREGORY VALENZUELA/MV
NANCY KLEPAC/Atty. for dbt.

MOTION TO INCUR DEBT
5-28-14 [[37](#)]

6. [12-11734](#)-B-13 ALBERT HUGHES
PLF-5

MOTION FOR COMPENSATION FOR
PETER L. FEAR, DEBTOR'S
ATTORNEY(S).
5-5-14 [[61](#)]

PETER FEAR/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

7. [14-11640](#)-B-13 CLETO AGUAYO MARTINEZ AND
LUPE AGUAYO
CLETO AGUAYO MARTINEZ/MV
TIMOTHY REED/Atty. for dbt.
CASE DISMISSED 4/2/14

MOTION TO VACATE DISMISSAL OF
CASE
5-27-14 [[21](#)]

The motion will be denied without prejudice. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c).

Also, the form of the proof of service does not comply with LBR 9014-1(d)(1) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)).

Also, the form and/or content of the notice do not comply with Local Rule 9014-1(d).

In addition, the motion was not served on the debtors, the U.S. Trustee, all scheduled creditors, and the creditor that requested special notice.

This petition was filed incomplete on March 31, 2014. The missing schedules and related documents were due by April 14, 2014. Debtors' counsel was served with notice of the incomplete filing. Debtors' counsel made no request for additional time to accommodate the problems referenced in the motion. The case was dismissed by the court clerk on April 21, 2014. The missing schedules and documents were not filed until May 27, 2014, six weeks after the case was dismissed and two weeks after the scheduled §341 meeting of creditors. The dismissal order was noticed to all creditors on April 21, 2014. The motion in its present form cannot be granted and the moving papers do not show that this case was dismissed as a result of mistake, surprise, inadvertence or excusable neglect. No appearance is necessary.

8. [14-11671](#)-B-13 GLENN BAILES
BHT-1
OCWEN LOAN SERVICING, LLC/MV

F. GIST/Atty. for dbt.
BRIAN TRAN/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY OCWEN LOAN SERVICING,
LLC
4-30-14 [[19](#)]

This matter will be continued to July 10, 2014, 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.

9. [13-17973](#)-B-13 MARIA VASQUEZ

MARIA VASQUEZ/MV
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO AVOID LIEN OF KINGS
CREDIT SERVICES
5-9-14 [[56](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

10. [13-18074](#)-B-13 PATRICIA SANDOVAL
MHM-1
MICHAEL MEYER/MV

CONTINUED MOTION TO DISMISS
CASE FOR UNREASONABLE DELAY
THAT IS PREJUDICIAL TO
CREDITORS AND/OR MOTION TO
DISMISS CASE
4-22-14 [[35](#)]

RANDY RISNER/Atty. for dbt.

11. [13-18074](#)-B-13 PATRICIA SANDOVAL
RJR-1
PATRICIA SANDOVAL/MV
RANDY RISNER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
5-5-14 [[39](#)]

12. [12-19275](#)-B-13 LAURA REIS
PLF-3

MOTION FOR COMPENSATION FOR
PETER L. FEAR, DEBTOR'S
ATTORNEY(S) .
5-12-14 [[53](#)]

PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

13. [10-12189](#)-B-13 PHYLLIS SPRADLEY
PLF-2

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. DEBTOR'S ATTORNEY(S).
5-15-14 [[77](#)]

PETER FEAR/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2:00 P.M.

1. [14-11012](#)-B-13 EUGENE/LINDA WALDRON
 MHM-1

TIMOTHY SPRINGER/Atty. for dbt.
 2. [14-10684](#)-B-13 NADER SHOKRY
 MHM-1

RABIN POURNAZARIAN/Atty. for dbt.
 3. [14-11487](#)-B-13 WILLIE THOMPSON
 MHM-1
 MICHAEL MEYER/MV
- OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
5-20-14 [[23](#)]
- OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
5-20-14 [[40](#)]
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
AND/OR MOTION TO DISMISS CASE
5-15-14 [[32](#)]