

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, June 25, 2015
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.

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. [15-11001](#)-B-13 DENISE PADILLA MOTION FOR ENTRY OF DEFAULT
[15-1031](#) UST-1 JUDGMENT
 U.S. TRUSTEE V. PADILLA 5-13-15 [[12](#)]
 ROBIN TUBESING/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence presented, the court is persuaded that the debtor is a serial filer who has abused the bankruptcy system. Accordingly, the respondent's default will be entered and the motion for injunctive relief will be granted without oral argument for cause shown. The motion for dismissal will be denied as moot. The main case has already been dismissed based on the debtor's failure to file documents. The U.S. Trustee shall submit a proposed order and judgment. No appearance is necessary.

2. [15-10905](#)-B-13 HERIBERTO AVILA MOTION FOR ENTRY OF DEFAULT
[15-1030](#) UST-1 JUDGMENT
 U.S. TRUSTEE V. AVILA, JR. 5-13-15 [[11](#)]
 ROBIN TUBESING/Attv. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence presented, the court is persuaded that the debtor is a serial filer who has abused the bankruptcy system. Accordingly, the respondent's default will be entered and the motion for injunctive relief will be granted without oral argument for cause shown. The motion for dismissal will be denied as moot. The main case has already been dismissed based on the debtor's failure to file documents. The U.S. Trustee shall submit a proposed order and judgment. No appearance is necessary.

3. [15-10909](#)-B-7 CHRISTOPHER/MERRY HALL MOTION FOR ENTRY OF DEFAULT
[15-1032](#) TCS-1 JUDGMENT
 HALL V. ATLANTIC CREDIT & 5-18-15 [[11](#)]
 FINANCE, INC
 TIMOTHY SPRINGER/Atty. for mv.
 DISMISSED

This motion will be deemed withdrawn and dropped from calendar without a disposition. The adversary proceeding has been dismissed at the request of the plaintiff. No appearance is necessary.

4. [14-14514](#)-B-7 GREGORY/MEREDITH LEISLE CONTINUED STATUS CONFERENCE RE:
[14-1149](#) AMENDED COMPLAINT
MORENO V. LEISLE 5-7-15 [[19](#)]
WALTER WHELAN/Atty. for pl.
RESPONSIVE PLEADING

5. [15-10118](#)-B-7 JOHN CHRISTENSEN STATUS CONFERENCE RE: COMPLAINT
[15-1052](#) 4-22-15 [[1](#)]
FIRST NATIONAL BANK OF OMAHA
V. CHRISTENSEN
DONALD DUNNING/Atty. for pl.
DEFAULT ENTERED

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 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.

6. [15-10432](#)-B-7 WILLIE/MICHELLE JONES STATUS CONFERENCE RE: COMPLAINT
[15-1051](#) 4-20-15 [[1](#)]
JONES V. JONES, JR. ET AL
KYLA JONES/Atty. for pl.
DROPPED BY ORDER 5/13/15

This matter has been dropped from calendar by order dated May 13, 2015. The summons has been reissued and a new status conference has been set. No appearance is necessary.

7. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED MOTION FOR SUMMARY
[13-1104](#) GENEVIEVE DE MONTREMARE
CAS-4 JUDGMENT AND/OR MOTION FOR
BRIAN L. GWARTZ AND CHERYL A. SUMMARY ADJUDICATION
SKIGIN, CO-TRUSTEES V. WEILERT 3-23-15 [[34](#)]
CHERYL SKIGIN/Atty. for mv.
RESPONSIVE PLEADING

8. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED STATUS CONFERENCE
RE:
[13-1134](#) GENEVIEVE DE MONTREMARE AMENDED COMPLAINT
BRIAN L. GWARTZ AND CHERYL A. 8-28-14 [[47](#)]
SKIGIN, CO-TRUSTEES V. WEILERT
CHERYL SKIGIN/Atty. for pl.
RESPONSIVE PLEADING

Based on the status report and review of the record, this matter will be continued to July 23, 2015, at 9:00 a.m., to be called with the plaintiff's motion for summary judgment. The court will prepare a minute order. No appearance is necessary.

9. [13-16171](#)-B-7 FRANCES PASS CONTINUED STATUS CONFERENCE RE:
[15-1033](#) COMPLAINT
GALLI V. PASS 3-23-15 [[1](#)]
ALLEN GALLI/Atty. for pl.
RESPONSIVE PLEADING
10. [14-14382](#)-B-7 CRAIG/ANGELA MUNDY STATUS CONFERENCE RE: AMENDED
[15-1013](#) COMPLAINT
MUFG UNION BANK, N.A. V. MUNDY 6-9-15 [[41](#)]
ET AL
MARK SERLIN/Atty. for pl.

9:30 A.M.

1. [13-17082](#)-B-7 RONALD RUSHING
[14-1138](#)
MANFREDO V. RUSHING
GABRIEL WADDELL/Atty. for pl.

PRETRIAL CONFERENCE RE:
COMPLAINT
11-11-14 [[1](#)]

The pretrial conference will be dropped from calendar. This matter has been fully adjudicated with a stipulated judgment. The adversary proceeding has been closed. No appearance is necessary.

10:00 A.M.

1. [15-11201](#)-B-7 ROSEMARY AVILA
BHT-106275
OCWEN LOAN SERVICING, LLC/MV
PETER FEAR/Atty. for dbt.
BRIAN TRAN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-26-15 [[12](#)]

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. [15-10006](#)-B-7 JUAN TREVINO
RDW-1
CAM IX TRUST/MV
RICHARD STURDEVANT/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-28-15 [[23](#)]

Based on the chapter 7 trustee's response, this motion for relief from the automatic stay will be denied provided the movant may reset this matter for further consideration after 90 days if the property is not sold or in a bona fide escrow. The movant appears to be adequately protected by equity in the property. The movant shall first meet and confer with the chapter 7 trustee regarding the status of his/her marketing effort. The trustee and the movant may submit a stipulation for relief from stay in lieu of a further hearing after the debtor's discharge has been entered. The debtor must join in the stipulation before the discharge is entered. The court will enter a civil minute order. No appearance is necessary.

3. [15-11316](#)-B-7 ANNETTE SCHLEFSTEIN MOTION TO SELL
TMT-1 5-22-15 [[12](#)]
TRUDI MANFREDO/MV
STUART SPENCER/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 motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

4. [15-11128](#)-B-7 JOSE/MORENA LOPEZ MOTION TO AVOID LIEN OF
GMA-1 FINANCIAL CREDIT NETWORK, INC.
JOSE LOPEZ/MV 5-21-15 [[15](#)]
GEOFFREY ADALIAN/Atty. for dbt.

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

5. [15-11128](#)-B-7 JOSE/MORENA LOPEZ MOTION TO AVOID LIEN OF KINGS
GMA-2 CREDIT SERVICES
JOSE LOPEZ/MV 5-21-15 [[20](#)]
GEOFFREY ADALIAN/Atty. for dbt.

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

6. [14-12536](#)-B-7 THOMAS CUTLER MOTION TO SELL AND/OR MOTION TO
RHT-4 PAY
ROBERT HAWKINS/MV 6-2-15 [[62](#)]
PETER FEAR/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

7. [14-12536](#)-B-7 THOMAS CUTLER MOTION TO SELL AND/OR MOTION TO
RHT-5 PAY
ROBERT HAWKINS/MV 6-2-15 [[68](#)]
PETER FEAR/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

This motion has been withdrawn. No appearance is necessary.

8. [15-12237](#)-B-7 SERGIO SANDOVAL MOTION FOR RELIEF FROM
DVW-1 AUTOMATIC STAY
U.S. BANK, NA/MV 6-10-15 [[14](#)]
DIANE WEIFENBACH/Atty. for mv.

9. [12-19945](#)-B-7 COMAC BAR & GRILL, INC. MOTION TO SELL
RHT-3 5-20-15 [[42](#)]
ROBERT HAWKINS/MV
DAVID JENKINS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

This motion to sell assets was fully noticed in compliance with the Local Rules and there is no opposition. However, the terms of payment are not disclosed in the motion. The motion will be granted without oral argument for cause shown, provided the terms of the transaction require payment in full, to be received by the trustee within 30 days of court approval. The time for payment shall be set forth in the court's order. Unless the court orders otherwise, the trustee may not release any property of the bankruptcy estate unless and until the purchase price has been paid in full. If the agreed terms permit payment to be made in installments, or after 30 days, the motion will be denied based on failure to disclose a material term of the transaction. The trustee shall submit an appropriate order in conformity with this ruling. No appearance is necessary.

10. [15-10259](#)-B-7 JOE/LINDA ZIMMERMAN MOTION TO SELL
RHT-1 5-22-15 [[19](#)]
ROBERT HAWKINS/MV
MARK ZIMMERMAN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

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

11. [15-11463](#)-B-7 JAIME HERNANDEZ
JRL-1
JAIME HERNANDEZ/MV

JERRY LOWE/Atty. for dbt.

MOTION FOR CONTEMPT AND/OR
MOTION FOR SANCTIONS FOR
VIOLATION OF THE AUTOMATIC STAY
6-10-15 [[26](#)]

This motion will be continued to July 23, 2015, at 10:00 a.m., for further briefing. The debtor seeks actual damages, emotional distress damages, punitive damages, and attorneys fees, all based on an alleged violation of the automatic stay of §362 by the respondent in its retention of the debtor's automobile which was repossessed between the pendency of the debtor's prior chapter 13 case and the current chapter 7 case. The debtor shall file a reply to the issues raised in the respondent's opposition. In addition the debtor shall brief and distinguish, from the facts in this case if possible, the holdings in, *In re Zavala*, 444 B.R. 181 (Bankr. E.D. Cal., 2011) (Chapter 7 debtors lack standing to bring action based on violation of the automatic stay as it applies to property of the estate), and in, *In re Mwangi*, 764 F.3d 1168 (C.A.9, 2014) (Chapter 7 debtors had no right to possess or control property of the estate before it reverted in the debtors. After reverting, property was no longer subject to §362(a)(3)).

The debtor's brief shall be filed and served by July 9, 2015. No appearance is necessary.

12. [14-15764](#)-B-7 DANIEL/LEAH GARZA
RDW-1
CAM IX TRUST/MV
ROBERT WILLIAMS/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
5-4-15 [[43](#)]

This motion will be denied without prejudice. The moving papers were not served on the chapter 7 trustee in compliance with the court's civil minute order dated June 5, 2015. No appearance is necessary.

13. [15-10968](#)-B-7 ALEXANDRO GOMES
RHT-2
ROBERT HAWKINS/MV
MARK ZIMMERMAN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
WITHDRAWN

MOTION TO SELL
5-21-15 [[19](#)]

This motion has been withdrawn. No appearance is necessary.

14. 15-11469 -B-7 HORACIO GARCIA JES-1 JAMES SALVEN/MV TIMOTHY SPRINGER/Atty. for dbt.	OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS 5-28-15 [11]
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The trustee's objection will be overruled as moot. The debtor filed an amended waiver on June 8, 2015, which appears to resolve the objection. No appearance is necessary.

15. 15-12275 -B-7 CHARLES THOMPSON	ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED 6-10-15 [31]
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16. 15-10483 -B-7 LAURA RAZO DE ALVAREZ JES-1 JAMES SALVEN/MV MARK ZIMMERMAN/Atty. for dbt.	MOTION TO SELL 5-22-15 [20]
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This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

17. 15-12187 -B-7 DAVID RAMIREZ SL-1 DAVID RAMIREZ/MV SCOTT LYONS/Atty. for dbt.	MOTION TO COMPEL ABANDONMENT 6-8-15 [17]
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18. 15-12187 -B-7 DAVID RAMIREZ TMT-1 TRUDI MANFREDO/MV SCOTT LYONS/Atty. for dbt. TRUDI MANFREDO/Atty. for mv.	MOTION FOR ORDER REQUIRING DEBTOR TO SHUT DOWN BUSINESS 6-5-15 [11]
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19. 14-15688 -B-7 KAREN CURRIE TMT-2 TRUDI MANFREDO/MV DAVID JENKINS/Atty. for dbt. TRUDI MANFREDO/Atty. for mv.	CONTINUED MOTION FOR IN CAMERA REVIEW OF SETTLEMENT AGREEMENT 5-28-15 [29]
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20. 14-15688 -B-7 KAREN CURRIE TMT-3 TRUDI MANFREDO/MV DAVID JENKINS/Atty. for dbt. TRUDI MANFREDO/Atty. for mv.	MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION 6-3-15 [35]
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11:00 A.M.

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| 1. | <u>15-11101</u> -B-7 | ANGELICA PATIENT | PRO SE REAFFIRMATION AGREEMENT
WITH GTE FEDERAL CREDIT UNION
6-8-15 [<u>17</u>] |
| 2. | <u>15-11615</u> -B-7 | MAXIMILIANO/PEARLA
VELASCO | REAFFIRMATION AGREEMENT WITH
CAPITAL ONE AUTO FINANCE
6-3-15 [<u>18</u>] |
| | THOMAS GILLIS/Atty. for dbt. | | |

The court intends to deny approval of the reaffirmation agreement and the hearing will be dropped from calendar. Debtors were 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 he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

3. [15-10634](#)-B-7 ENRIQUE/VIOLETA CAIRO PRO SE REAFFIRMATION AGREEMENT
WITH CARMAX AUTO FINANCE
6-5-15 [[19](#)]
THOMAS GILLIS/Atty. for dbt.

The court intends to deny approval of the reaffirmation agreement and the hearing will be dropped from calendar. Debtors were 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 he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

1:30 P.M.

1. [14-14001](#)-B-13 JOHN/NANCY ALVA
TCS-3
JOHN ALVA/MV
TIMOTHY SPRINGER/Atty. for dbt. MOTION TO MODIFY PLAN
5-19-15 [[37](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown.

The debtors' declaration is not signed. The debtors may submit a proposed confirmation order for approval to the chapter 13 trustee only after a properly signed declaration is filed. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

2. [15-10004](#)-B-13 LARRY VALENCIA
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN MOTION TO DISMISS CASE
5-26-15 [[31](#)]

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

3. [15-10004](#)-B-13 LARRY VALENCIA
TCS-2
LARRY VALENCIA/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING MOTION TO VALUE COLLATERAL OF
NCEP, LLC
5-20-15 [[27](#)]

Based on the respondent's opposition, this matter will be continued to July 23, 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 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.

4. [10-11606](#)-B-13 JOEL/KIM SCHOLAR
MHM-1
MICHAEL MEYER/MV
M. ENMARK/Atty. for dbt.
WITHDRAWN MOTION TO DISMISS CASE
5-13-15 [[73](#)]

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

5. [11-12508](#)-B-13 RAUL PEREZ
CJO-1
GREEN TREE SERVICING LLC/MV

SCOTT LYONS/Atty. for dbt.
CHRISTINA O/Atty. for mv.
OPPOSITION

MOTION FOR CONSENT TO ENTER
INTO LOAN MODIFICATION
AGREEMENT
6-8-15 [[42](#)]

6. [14-15710](#)-B-13 RHONDA HUBBARD
MHM-1
MICHAEL MEYER/MV

PETER BUNTING/Atty. for dbt.

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY MICHAEL
H. MEYER
4-21-15 [[26](#)]

This matter will be dropped from calendar without a disposition. The court intends to dismiss the case on the trustee's unopposed motion below. No appearance is necessary.

7. [14-15710](#)-B-13 RHONDA HUBBARD
MHM-2
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

CONTINUED MOTION TO DISMISS
CASE
4-21-15 [[26](#)]

This matter was set for a final hearing pursuant to this court's civil minute order dated May 14, 2015. The debtor has failed to file a response. Accordingly, the debtor's default will be entered and motion will be granted without oral argument. The case will be dismissed for cause shown, including unreasonable delay that is prejudicial to creditors. The court will enter a civil minute order. No appearance is necessary.

8. [15-10822](#)-B-13 STEVE VALDIVIESO
[15-1056](#)
WRIGHT, M.D. ET AL V.
VALDIVIESO ET AL
CRAIG FRY/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: NOTICE OF
REMOVAL
4-26-15 [[1](#)]

Based on the parties' status reports, this matter will be continued to July 28, 2015, at 1:30 p.m. If the issues have not been fully resolved through BDRP, the parties shall file a joint status report. The debtor has not yet responded to the adversary proceeding. However, it appears to this court that the debtor is seeking, or intends to seek, relief that may need to be adjudicated in his prior bankruptcy case. If the disputed issues are not fully resolved through BDRP, the parties shall file a joint statement detailing exactly what issues they intend to litigate in the bankruptcy court and a brief addressing the question of whether this is a proper forum for litigation of those issues. The court will prepare a minute order. No appearance is necessary.

9. [15-10822](#)-B-13 STEVE VALDIVIESO
LRP-1
KENNETH WRIGHT/MV

DAVID JENKINS/Atty. for dbt.
CRAIG FRY/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY KENNETH
WRIGHT M.D. AND KAREN WRIGHT
4-21-15 [[29](#)]

Based on the parties' status reports, this matter will be continued to July 28, 2015, at 1:30 p.m. If the issues have not been fully resolved through BDRP, the parties shall file a joint status report. The debtor has not yet responded to the adversary proceeding. However, it appears to this court that the debtor is seeking, or intends to seek, relief that may need to be adjudicated in his prior bankruptcy case. If the disputed issues are not fully resolved through BDRP, the parties shall file a joint statement detailing exactly what issues they intend to litigate in the bankruptcy court and a brief addressing the question of whether this is a proper forum for litigation of those issues. The court will prepare a minute order. No appearance is necessary.

10. [14-14123](#)-B-13 PETER OCHOA AND BEATRICE MOTION TO CONFIRM PLAN
RR-1 OLIVARES 5-11-15 [[52](#)]
PETER OCHOA/MV
RANDY RISNER/Atty. for dbt.
DISMISSED

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

11. [14-14123](#)-B-13 PETER OCHOA AND BEATRICE MOTION TO VALUE COLLATERAL OF
RR-4 OLIVARES REAL TIME RESOLUTIONS, INC.
PETER OCHOA/MV 5-13-15 [[57](#)]
RANDY RISNER/Atty. for dbt.
DISMISSED

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

12. [15-10024](#)-B-13 LAO CHA MOTION TO DISMISS CASE
MHM-2 5-11-15 [[46](#)]
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

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

13. [14-14826](#)-B-13 SOO LEE MOTION TO INCUR DEBT
PK-3 6-11-15 [[106](#)]
SOO LEE/MV
PATRICK KAVANAGH/Atty. for dbt.
OST 6/10/15

14. [15-11627](#)-B-13 TOMASA HUSTED ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-1-15 [[20](#)]

15. [15-11734](#)-B-13 GEORGE SOUSA ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-4-15 [[16](#)]

16. [10-64941](#)-B-13 MARK/LISA PRITSCH
CJO-1
GREEN TREE SERVICING LLC/MV

ADRIAN WILLIAMS/Atty. for dbt.
CHRISTINA O/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR CONSENT TO ENTER
INTO LOAN MODIFICATION
AGREEMENT
6-8-15 [[56](#)]

Based on the trustee's opposition, and the debtors' concurring response, it appears that the debtors are no longer willing to enter into the proposed loan modification agreement. Accordingly, there is no agreement for the court to authorize and the motion will be denied. No appearance is necessary.

17. [15-10247](#)-B-13 GRISELDA LOPEZ
MHM-2
MICHAEL MEYER/MV
DISMISSED

MOTION TO DISMISS CASE
5-12-15 [[35](#)]

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

18. [15-10660](#)-B-13 STEVEN/BRANDI AVALOS

ERIC ESCAMILLA/Atty. for dbt.
DISMISSED

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-1-15 [[53](#)]

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

19. [15-10660](#)-B-13 STEVEN/BRANDI AVALOS
MHM-2
MICHAEL MEYER/MV
ERIC ESCAMILLA/Atty. for dbt.
DISMISSED

MOTION TO DISMISS CASE
5-15-15 [[48](#)]

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

20. [14-15462](#)-B-13 JULIAN/LEAH DAUGHERTY
PLG-3
JULIAN DAUGHERTY/MV
RABIN POURNAZARIAN/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CITIFINANCIAL
5-18-15 [[32](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. Accordingly, the respondent's default will be entered and 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 \$2,586. 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.

21. [14-15968](#)-B-13 BRADLEY JAURIQUE
TCS-1
BRADLEY JAURIQUE/MV
NANCY KLEPAC/Atty. for dbt.

MOTION TO CONFIRM PLAN
5-19-15 [[30](#)]

Based on the trustee's response, this motion will be continued to July 9, 2015, at 1:30 p.m., to be considered after the court rules on the trustee's motion to dismiss. The court will not confirm the chapter 13 plan if the debtor has not filed all required tax returns. The court will prepare a minute order. No appearance is necessary.

22. [12-11970](#)-B-13 RANDY DESHAZIER
TCS-5
RANDY DESHAZIER/MV
TIMOTHY SPRINGER/Atty. for dbt.

OBJECTION TO CLAIM OF RENTON
COLLECTION INC., CLAIM NUMBER 8
5-11-15 [[96](#)]

The objection will be sustained as modified below. Claim # 8 was untimely and will not receive any distribution in this chapter 13 proceeding. However, if this case is converted to a case under any other chapter, and a new bar date is set for the filing of claims, this claim shall be deemed timely and, in the absence of a new objection, shall be allowed pursuant to 11 U.S.C. § 502(a), without the necessity of filing a new proof of claim. The objecting party shall submit a proposed order consistent with this ruling. No appearance is necessary.

23. [14-14074](#)-B-13 DAVID ALMANZA
HDN-1
DAVID ALMANZA/MV
HENRY NUNEZ/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
3-27-15 [[51](#)]

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

24. [14-14074](#)-B-13 DAVID ALMANZA
MHM-2
MICHAEL MEYER/MV
HENRY NUNEZ/Atty. for dbt.

CONTINUED MOTION TO DISMISS
CASE
4-27-15 [[57](#)]

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

25. [14-15875](#)-B-13 RICHARD/VERONICA ESPINOZA
TCS-2
RICHARD ESPINOZA/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CITIMORTGAGE INC.
5-21-15 [[28](#)]

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 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. 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.

26. [11-16478](#)-B-13 KEENAN/SHEILA KELLEY
CJO-1
GREEN TREE SERVICING LLC/MV
SHANE REICH/Atty. for dbt.
CHRISTINA O/Atty. for mv.

MOTION TO APPROVE LOAN
MODIFICATION
6-8-15 [[32](#)]

27. [15-10281](#)-B-13 JOSEPH/MELINDA BRIGGS
MHM-1
MICHAEL MEYER/MV

DIANA TORRES-BRITO/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY MICHAEL
H. MEYER
4-21-15 [[26](#)]

This matter will be dropped from calendar without a disposition. The court intends to dismiss the case on the trustee's unopposed motion below. No appearance is necessary.

28. [15-10281](#)-B-13 JOSEPH/MELINDA BRIGGS CONTINUED MOTION TO DISMISS
MHM-2 CASE
MICHAEL MEYER/MV 4-21-15 [[26](#)]
DIANA TORRES-BRITO/Atty. for dbt.
RESPONSIVE PLEADING

This matter was set for a final hearing pursuant to this court's civil minute order dated May 14, 2015. The debtors have failed to file a response. Accordingly, the debtors' default will be entered and motion will be granted without oral argument. The case will be dismissed for cause shown, including unreasonable delay that is prejudicial to creditors. The court will enter a civil minute order. No appearance is necessary.

29. [14-14888](#)-B-13 BRIAN TRUONG AND NANCY LE CONTINUED MOTION TO DISMISS
MHM-2 CASE
MICHAEL MEYER/MV 4-21-15 [[27](#)]
SCOTT LYONS/Atty. for dbt.

This matter was set for a final hearing pursuant to this court's civil minute order dated May 14, 2015. The debtors have failed to file a response. Accordingly, the debtors' default will be entered and motion will be granted without oral argument. The case will be dismissed for cause shown, including unreasonable delay that is prejudicial to creditors. The court will enter a civil minute order. No appearance is necessary.

30. [14-14888](#)-B-13 BRIAN TRUONG AND NANCY LE MOTION TO CONFIRM PLAN
SL-1 5-7-15 [[32](#)]
BRIAN TRUONG/MV
SCOTT LYONS/Atty. for dbt.
RESPONSIVE PLEADING

This matter will be dropped from the calendar without disposition. The court intends to dismiss the case on the trustee's unopposed motion above. No appearance is necessary.

31. [15-11788](#)-B-13 MARK/AMY AVILA ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-5-15 [[18](#)]
MARCUS TORIGIAN/Atty. for dbt.

32. [15-11897](#)-B-13 KIMBERLY ESTES MOTION FOR RELIEF FROM
HAR-1 AUTOMATIC STAY
SCOTT ESTES/MV 5-28-15 [[8](#)]
VARDUHI PETROSYAN/Atty. for dbt.
HILTON RYDER/Atty. for mv.
RESPONSIVE PLEADING

33. [12-18699](#)-B-13 GARY/LISA RIGGINS
BCS-4
GARY RIGGINS/MV
BENJAMIN SHEIN/Atty. for dbt.

MOTION TO MODIFY PLAN
5-11-15 [[87](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

34. [12-18699](#)-B-13 GARY/LISA RIGGINS
MHM-2
MICHAEL MEYER/MV
BENJAMIN SHEIN/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
4-21-15 [[81](#)]

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

35. [14-14399](#)-B-13 CYNTHIA WILLIAMS
HTP-1
EDIE BENITES/MV
TIMOTHY SPRINGER/Atty. for dbt.
HANNO POWELL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
6-11-15 [[18](#)]

This motion has been withdrawn. No appearance is necessary.

36. [15-12256](#)-B-13 PEDRO VELASQUEZ
SL-1
PEDRO VELASQUEZ/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
6-18-15 [[12](#)]

2:30 P.M.

1. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-15

THOMAS ARMSTRONG/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.
 2. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-16
CHARLOTTE SALWASSER/MV
THOMAS ARMSTRONG/Atty. for dbt.
RESPONSIVE PLEADING
 3. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-17
CHARLOTTE SALWASSER/MV

THOMAS ARMSTRONG/Atty. for dbt.
RESPONSIVE PLEADING
 4. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-18
CHARLOTTE SALWASSER/MV
THOMAS ARMSTRONG/Atty. for dbt.
OST 6/5/15
 5. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA
WW-17
ANTONIO PARREIRA/MV
RILEY WALTER/Atty. for dbt.
OST 6/3/15
 6. [15-11079](#)-B-11 WEST COAST GROWERS, INC.
KDG-5 A CALIFORNIA CORPORATION
WEST COAST GROWERS, INC. A
CALIFORNIA CORPORATION/MV

HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING
- MOTION FOR COMPENSATION FOR
THOMAS H. ARMSTRONG, DEBTORS
ATTORNEY(S)
5-28-15 [[300](#)]
- MOTION TO SELL
5-28-15 [[306](#)]
- MOTION FOR AUTHORITY TO ASSUME
UNEXPIRED AGRICULTURAL REAL
PROPERTY LEASES PURSUANT TO 11
U.S.C. 365 (A), AND ASSIGN THE
SAME PURSUANT TO 11 U.S.C. 365
(F)
6-2-15 [[316](#)]
- MOTION TO SELL
6-4-15 [[325](#)]
- MOTION FOR AUTHORITY TO BORROW
AND GIVE SECURITY
6-3-15 [[324](#)]
- CONTINUED MOTION FOR ORDER
AUTHORIZING
DEBTOR-IN-POSSESSION TO MAKE
FIRST INTERIM DISTRIBUTION TO
2014 GROWERS
4-23-15 [[117](#)]

7. [15-11079](#)-B-11 WEST COAST GROWERS, INC.
RAC-1 A CALIFORNIA CORPORATION
OFFICIAL COMMITTEE OF
UNSECURED CREDITORS/MV
HAGOP BEDOYAN/Atty. for dbt.
RONALD CLIFFORD/Atty. for mv.

MOTION TO EMPLOY RONALD A.
CLIFFORD AS ATTORNEY(S)
6-12-15 [[270](#)]