

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: THURSDAY
DATE: JUNE 29, 2017
CALENDAR: 10:00 A.M. CHAPTER 7 ADVERSARY PROCEEDINGS

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

ORAL ARGUMENT

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [16-13939](#)-A-7 YVETTE ANTUNA CONTINUED STATUS CONFERENCE RE:
[17-1007](#) COMPLAINT
ALVARADO V. ANTUNA 1-27-17 [[1](#)]
NICHOLAS ANIOTZBEHERE/Atty. for pl.
RESPONSIVE PLEADING

Final Ruling

At the suggestion of the parties, the status conference is continued to July 6, 2017, at 10:00 a.m.

2. [16-13860](#)-A-7 JANNET ANTUNA STATUS CONFERENCE RE: OBJECTION
RHT-1 TO DEBTOR'S CLAIM OF EXEMPTIONS
ROBERT HAWKINS/MV 2-10-17 [[14](#)]
OSCAR SWINTON/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
RESPONSIVE PLEADING

No tentative ruling

3. [16-13860](#)-A-7 JANNET ANTUNA CONTINUED STATUS CONFERENCE RE:
[17-1008](#) COMPLAINT
GABRIEL ALVARADO, BY AND 1-30-17 [[1](#)]
THROUGH HIS SUCCESSOR IN V.
NICHOLAS ANIOTZBEHERE/Atty. for pl.
DISMISSED, CLOSED

Final Ruling

The adversary proceeding dismissed the status conference is concluded.

4. [15-10966](#)-A-7 RODNEY HARON CONTINUED PRE-TRIAL CONFERENCE
[16-1015](#) RE: COMPLAINT
HARVEYS TAHOE MANAGEMENT 2-1-16 [[1](#)]
COMPANY, INC. ET AL V. HARON
MARGARET FOLEY/Atty. for pl.
RESPONSIVE PLEADING

No tentative ruling

5. [15-11079](#)-A-7 WEST COAST GROWERS, INC. CONTINUED STATUS CONFERENCE RE:
[17-1011](#) A CALIFORNIA CORPORATION COMPLAINT
HAWKINS V. CENTRAL CAL AG 2-17-17 [[1](#)]
HAGOP BEDOYAN/Atty. for pl.

Final Ruling

Judgment having been entered, the status conference is concluded.

6. [15-11079](#)-A-7 WEST COAST GROWERS, INC. CONTINUED STATUS CONFERENCE RE:
[17-1012](#) A CALIFORNIA CORPORATION COMPLAINT
HAWKINS V. GIGI AG 2-17-17 [[1](#)]
HAGOP BEDOYAN/Atty. for pl.
DISMISSED, CLOSED

Final Ruling

The adversary proceeding dismissed, the status conference is concluded.

7. [15-11079](#)-A-7 WEST COAST GROWERS, INC. CONTINUED AMENDED MOTION FOR
[17-1020](#) A CALIFORNIA CORPORATION ENTRY OF DEFAULT JUDGMENT
KDG-1 6-15-17 [[32](#)]
HAWKINS V. DAUER
HAGOP BEDOYAN/Atty. for mv.

Tentative Ruling

Motion: Entry of Default Judgment

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted in part, denied in part

Order: Prepared by moving party

The clerk has entered default against the defendant in this proceeding. The default was entered because the defendant failed to appear, answer or otherwise defend against the action brought by the plaintiff. Fed. R. Civ. P. 55(b)(2), *incorporated by* Fed. R. Bankr. P. 7055. The plaintiff has moved for default judgment.

CLAIM UNDER § 502(d)

The court denies the motion in part as to the third claim for relief for disallowance of defendant's claim. The plaintiff admits that defendant has not filed a proof of claim. Therefore, the relief sought is not ripe.

CLAIMS UNDER §§ 547 AND 550

The court will grant the motion as to the §§ 547 and 550 claims. Under Federal Rule of Civil Procedure 8(b)(6), the allegations of the complaint are admitted except for allegations relating to the amount of damages. Fed. R. Civ. P. 8(b)(6), *incorporated by* Fed. R. Bankr. P. 7008(a).

Having accepted the well-pleaded facts in the complaint as true, and for the reasons stated in the motion and supporting papers, the court finds that default judgment should be entered against the defendant with some modifications as to the amounts. Fed. R. Civ. P. 55(b)(2), *incorporated by* Fed. R. Bankr. P. 7055.

The complaint and motion describe a variety of prepetition transfers that occurred within the 90-day preference period before the petition was filed by the debtor. These transfers are identified in detail in the application for default judgment and the amended application for default judgment, and each transfer's check or ACH number is identified.

The court will render a default judgment for \$112,694.80 plus prejudgment interest in the amount of \$1843.62 from the demand letter date until the default date, plus prejudgment interest of \$12.35 per day from the default date until judgment is entered.

8. [16-14487](#)-A-7 HOMER/GRACIELA GONZALES CONTINUED STATUS CONFERENCE RE:
[17-1036](#) COMPLAINT
DE LA ISLA V. GONZALES 3-24-17 [[1](#)]
THORNTON DAVIDSON/Atty. for pl.
RESPONSIVE PLEADING

No tentative ruling