

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable W. Richard Lee**  
**Hearing Date: Wednesday, August 7, 2013**  
**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 Marlene Medina, 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.

**10:00 A.M.**

1. [10-13705](#)-B-7 JOEL/JUANA ALVAREZ  
TGM-1  
SHERYL STRAIN/MV  
  
CYNTHIA ARROYO/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.  
  
MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH SELMA AUTO MALL  
III, INC.  
7-16-13 [[62](#)]
2. [10-13705](#)-B-7 JOEL/JUANA ALVAREZ  
TGM-2  
TRUDI MANFREDO/MV  
  
CYNTHIA ARROYO/Atty. for dbt.  
  
MOTION FOR COMPENSATION FOR  
NICHOLAS WAGNER, SPECIAL  
COUNSEL(S)  
7-16-13 [[67](#)]
3. [13-10505](#)-B-7 GLEN/MARILYN PRUETT  
JES-1  
JAMES SALVEN/MV  
PETER BUNTING/Atty. for dbt.  
  
MOTION TO SELL  
6-28-13 [[22](#)]

**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.**

4. [13-12905](#)-B-7 KHUBAIB SHEIKH  
TMT-1  
TRUDI MANFREDO/MV  
  
PETER BUNTING/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.  
  
MOTION TO EXTEND DEADLINE TO  
FILE A COMPLAINT OBJECTING TO  
DISCHARGE OF THE DEBTOR  
7-5-13 [[12](#)]

**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 bar date for an objection to discharge set forth in FRBP 4004(a) is extended for the trustee and the U.S. Trustee to September 30, 2013. The moving party shall submit a proposed order. No appearance is necessary.**

5. [12-17507](#)-B-7 DOUGLAS/JUDY LOFLIN  
ALG-2  
JAMES SALVEN/MV  
  
MARK ZIMMERMAN/Atty. for dbt.  
JANINE OJI/Atty. for mv.  
  
OBJECTION TO CLAIM OF VF, INC.,  
A WASHINGTON CORPORATION, CLAIM  
NUMBER 2  
6-20-13 [[44](#)]

6. [10-17511](#)-B-7 CHARLES/PAMELA DUNCAN MOTION TO SELL AND/OR MOTION TO  
RH-2 PAY  
SHERYL STRAIN/MV 7-25-13 [[46](#)]  
DAVID JENKINS/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
OST 7/26/13

7. [13-14513](#)-A-7 LEONOR MARTINEZ MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
LEONOR MARTINEZ/MV FEE  
6-28-13 [[5](#)]  
GARY HUSS/Atty. for dbt.  
RESPONSIVE PLEADING

**This case was filed in Department A. Accordingly, this matter will be rescheduled to August 15, 2013, at 9:00 a.m., in Department A. No appearance is necessary.**

8. [12-14321](#)-B-7 DAVID ARMAS OBJECTION TO CLAIM OF PAWNEE  
TMT-3 LEASING CORPORATION, CLAIM  
TRUDI MANFREDO/MV NUMBER 3  
6-24-13 [[36](#)]  
RILEY WALTER/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**The objection will be sustained and/or modified as follows: Claim # 4 is deemed to supersede and replace claim # 3. The fact that this claim may be an amendment of, or duplicate of another filed claim is not a ground for disallowance of a claim enumerated in 11 U.S.C. § 502(b). Section 502(b) sets forth the sole grounds for objecting to a claim and the court must allow the claim unless one of the exceptions applies. *In re Heath*, 331 B.R. 424, 435 (9th Cir. BAP 2005), citing *In re Dove-Nation*, 318 B.R. 147, 150-51 (8th Cir. BAP 2004). The objecting party shall submit a proposed order consistent with this ruling. No appearance is necessary.**

9. [13-11123](#)-B-7 MARIO/RACHEL GUTIERREZ RESCHEDULED HEARING RE:  
PLF-2 OBJECTION TO DEBTOR'S CLAIM OF  
JAMES SALVEN/MV EXEMPTIONS AND/OR MOTION FOR  
TURNOVER OF PROPERTY  
6-21-13 [[38](#)]  
ALBERT GARCIA/Atty. for dbt.  
PETER FEAR/Atty. for mv.  
RESPONSIVE PLEADING

10. [13-14225](#)-B-7 CHRIS HERNANDEZ MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
CHRIS HERNANDEZ/MV FEE  
6-18-13 [[5](#)]  
RESPONSIVE PLEADING

**This matter will be continued to September 11, 2013, at 10:00 a.m., for completion of the meeting of creditors. The court will prepare a minute order. No appearance is necessary.**

11. [13-11841](#)-B-7 MIGUEL BATISTA CONTINUED MOTION TO SURCHARGE  
TMT-3 DEBTOR'S EXEMPTION  
TRUDI MANFREDO/MV 7-9-13 [[27](#)]  
THOMAS GILLIS/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

12. [13-11643](#)-B-7 PEGGY WIGGS MOTION TO AVOID LIEN OF  
THA-1 DISCOVER BANK  
PEGGY WIGGS/MV 6-28-13 [[14](#)]  
THOMAS ARMSTRONG/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.**

13. [12-60054](#)-B-7 DWIGHT/NELLIE LONG CONTINUED MOTION TO ABANDON  
RHT-3 6-14-13 [[38](#)]  
ROBERT HAWKINS/MV  
LAYNE HAYDEN/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
RESPONSIVE PLEADING FILED

14. [13-13454](#)-B-7 ROBERT/CARRI WARREN MOTION TO COMPEL ABANDONMENT  
DRJ-1 7-19-13 [[12](#)]  
ROBERT WARREN/MV  
DAVID JENKINS/Atty. for dbt.

15. [13-11860](#)-B-7 CHRISTINA SIERRA MOTION TO AVOID LIEN OF FRESNO  
JDM-1 CREDIT BUREAU  
CHRISTINA SIERRA/MV 6-13-13 [[21](#)]  
JAMES MILLER/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.**

16. [13-11860](#)-B-7 CHRISTINA SIERRA MOTION TO AVOID LIEN OF  
JDM-2 AMERICAN EXPRESS BANK, FSB  
CHRISTINA SIERRA/MV 6-13-13 [[25](#)]  
JAMES MILLER/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.**

17. [13-12765](#)-B-7 PEDRO MAGALLENES MOTION TO CONVERT CASE FROM  
TOG-2 CHAPTER 7 TO CHAPTER 13  
PEDRO MAGALLENES/MV 7-15-13 [[13](#)]  
THOMAS GILLIS/Atty. for dbt.
18. [11-18892](#)-B-7 EDWARD/JILL CALDERA MOTION TO AVOID LIEN OF  
THA-2 SPECIALIZED BICYCLE COMPONENTS,  
EDWARD CALDERA/MV INC.  
7-19-13 [[54](#)]  
THOMAS ARMSTRONG/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.**

19. [13-14299](#)-B-7 CARY MARSELLA MOTION TO COMPEL ABANDONMENT  
MTL-1 7-8-13 [[13](#)]  
CARY MARSELLA/MV  
MARIO LANGONE/Atty. for dbt.  
NON-OPPOSITION

**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.**

20. [13-15027](#)-B-7 JAVIER MALDONADO AND MOTION TO COMPEL ABANDONMENT  
MAZ-1 ESMERALDA TREVINO 7-29-13 [[17](#)]  
JAVIER MALDONADO/MV  
MARK ZIMMERMAN/Atty. for dbt.  
OST, NON-OPPOSITION

21. [13-13790](#)-B-7 EDDIE GRINNER OPPOSITION RE: TRUSTEE'S MOTION  
JES-1 TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
7-9-13 [[14](#)]

CASE DISMISSED

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary. On July 9, 2013, the trustee filed a notice of intention to request dismissal of this case. The debtor was required to file an opposition and request for a hearing by July 24, 2013. No such opposition was filed and the court signed a dismissal order on July 29, 2013.**

10:30 A.M.

1. [12-18909](#)-B-7 HARJINDER/JASVIR GILL MOTION FOR RELIEF FROM  
APN-1 AUTOMATIC STAY  
FORD MOTOR CREDIT COMPANY/MV 7-1-13 [[274](#)]  
THOMAS GILLIS/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.  
NON-OPPOSITION

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. 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. [13-12413](#)-B-7 WALTER/CAMALA  
MBB-1 SIEBENEICHER  
THE BANK OF NEW YORK MELLON/MV  
TRUDI MANFREDO/Atty. for dbt.  
L. JAQUEZ/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
7-2-13 [[15](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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. 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.

3. [09-17119](#)-B-7 GEORGE AGUILERA AND ANITA  
CJO-1 PRASAD-AGUILERA  
GREENTREE SERVICING LLC/MV  
DAVID JENKINS/Atty. for dbt.  
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
7-12-13 [[93](#)]

4. [13-11224](#)-B-7 DANIEL ARAIZA  
MBB-1  
BANK OF AMERICA, N.A./MV  
J. IRIGOYEN/Atty. for dbt.  
MARK DOMEYER/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
7-10-13 [[19](#)]

**This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.**

5. [13-11642](#)-B-7 MERCED MILLING COMPANY,  
LLC  
CONRAD KULIK/MV  
THOMAS ARMSTRONG/Atty. for dbt.  
NON-OPPOSITION BY TRUSTEE

RESCHEDULED HEARING RE: MOTION  
FOR RELIEF FROM AUTOMATIC STAY  
5-21-13 [[23](#)]

**This motion for relief from the automatic stay will be denied without prejudice. The movant failed to file a separate relief from stay information sheet pursuant to Local Rule 4001-1(c). Alternatively, the relief from stay information sheet is incomplete and fails to comply with Local Rule 4001-1(c).**

**In addition, the proof of service fails to comply with Local Rule 9014-1(e)(3).**

**Also, the moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c).**

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

**Finally, single-spaced pleadings do not comply with the court's Revised Guidelines for the Preparation of Documents (EDC 2-901). No appearance is necessary.**

6. [13-14759](#)-B-7 BUPPHA PIKUL  
THL-2  
MRO INVESTMENTS, INC./MV  
TIMOTHY SPRINGER/Atty. for dbt.  
TYLER LESTER/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
7-23-13 [[14](#)]



7. [09-12565](#)-B-7 SANDRA RODRIGUEZ MOTION FOR RELIEF FROM  
CJO-1 AUTOMATIC STAY  
SUNTRUST MORTGAGE, INC./MV 7-19-13 [[63](#)]  
NICHOLAS ANIOTZBEHERE/Atty. for dbt.  
CHRISTINA O/Atty. for mv.
8. [13-13497](#)-B-7 WAYNE PIKUL MOTION FOR RELIEF FROM  
THL-1 AUTOMATIC STAY  
MRO INVESTMENTS, INC./MV 7-23-13 [[53](#)]  
TIMOTHY SPRINGER/Atty. for dbt.  
TYLER LESTER/Atty. for mv.

**11:00 A.M.**

1. [13-13450](#)-B-7 HINDELIZA CONTRERAS  
JAREGUI PRO SE REAFFIRMATION AGREEMENT  
WITH ALLY FINANCIAL  
7-15-13 [[23](#)]
  
2. [13-12374](#)-B-7 APRIL BROOKS PRO SE REAFFIRMATION AGREEMENT  
WITH TUCOEMAS FEDERAL CREDIT  
UNION  
7-12-13 [[20](#)]
  
3. [13-13591](#)-B-7 NANCY MALPICA PRO SE REAFFIRMATION AGREEMENT  
WITH TOYOTA MOTOR CREDIT  
COPORATION  
7-15-13 [[15](#)]

ORDER DENYING REAFFIRMATION  
AGREEMENT

**The court has already denied approval of this reaffirmation agreement for the reasons stated on the record when the debtor appeared at a prior hearing on July 17, 2013, relating to a different reaffirmation agreement. No appearance is necessary.**