

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Friday, August 9, 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.

9:00 A.M.

1. [08-15101](#)-B-13 FRANK/LOLLY QUINTO STATUS CONFERENCE RE: COMPLAINT
[13-1061](#)
QUINTO ET AL V. JP MORGAN 5-31-13 [[1](#)]
CHASE BANK, N.A. ET AL
BATKHAND ZOLJARGAL/Atty. for pl.
RESPONSIVE PLEADING
2. [13-12201](#)-B-13 DIANE WILLIAMS MOTION TO CONFIRM PLAN
PBB-1 6-26-13 [[17](#)]
DIANE WILLIAMS/MV
PETER BUNTING/Atty. for dbt.
3. [13-11510](#)-B-13 RYAN/GLENDA CHAMPLIN MOTION TO CONFIRM PLAN
DSP-1 6-17-13 [[37](#)]
RYAN CHAMPLIN/MV
DEEPAK PARWATIKAR/Atty. for dbt.

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.

4. [13-12323](#)-B-13 KIM DIBELLO MOTION TO CONFIRM PLAN
JDW-1 6-28-13 [[19](#)]
KIM DIBELLO/MV
JOEL WINTER/Atty. for dbt.
RESPONSIVE PLEADING
5. [13-12323](#)-B-13 KIM DIBELLO COUNTER MOTION TO DISMISS
MHM-1 CASE/PROCEEDING
MICHAEL MEYER/MV 7-22-13 [[25](#)]
JOEL WINTER/Atty. for dbt.
6. [10-64628](#)-B-13 STEVEN/MARY FULMER MOTION TO MODIFY PLAN
RLF-11 6-21-13 [[179](#)]
STEVEN FULMER/MV
JEFF REICH/Atty. for dbt.

7. [11-13928](#)-B-13 MICHAEL/MARGARET FUNK
PLF-2
PETER FEAR/MV

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF LAW OFFICE OF PETER L. FEAR
FOR PETER L. FEAR, DEBTOR'S
ATTORNEY(S),
6-18-13 [[68](#)]

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.

8. [12-15633](#)-B-13 BRIAN GIBBS
RWR-3
FRESNO COUNTY FEDERAL CREDIT
UNION/MV
TIMOTHY SPRINGER/Atty. for dbt.
RUSSELL REYNOLDS/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-11-13 [[78](#)]

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.

9. [10-11251](#)-B-13 BOBBIE FULLER
PBB-3
BOBBIE FULLER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN
7-5-13 [[41](#)]

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.

10. [10-11251](#)-B-13 BOBBIE FULLER MOTION TO VALUE COLLATERAL OF
PBB-4 REAL TIME RESOLUTIONS, INC.
BOBBIE FULLER/MV 7-12-13 [[50](#)]
PETER BUNTING/Atty. for dbt.

The motion will be denied without prejudice. The notice of motion states that the respondent's unsecured claim will receive a 5% distribution under the second modified plan. However, the plan only requires a 4% distribution to unsecured creditors. No appearance is necessary.

11. [10-11251](#)-B-13 BOBBIE FULLER MOTION TO AVOID LIEN OF THE
PBB-5 GOLDEN 1 CREDIT UNION
BOBBIE FULLER/MV 7-12-13 [[56](#)]
PETER BUNTING/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.

12. [08-15460](#)-B-13 MICHAEL/SUSAN LANCASTER MOTION FOR ENTRY OF DISCHARGE
PBB-3 AND/OR MOTION FOR WAIVER OF
MICHAEL LANCASTER/MV DEBTOR'S 11 U.S.C. 1328
CERTIFICATE
7-24-13 [[51](#)]
PETER BUNTING/Atty. for dbt.

13. [12-11461](#)-B-13 ELEANOR GALAVIZ OBJECTION TO CLAIM OF
TCS-2 CITIFINANCIAL SERVICES, INC.,
ELEANOR GALAVIZ/MV CLAIM NUMBER 7
6-21-13 [[45](#)]
TIMOTHY SPRINGER/Atty. for dbt.

The objection will be sustained as modified below. Claim # 7 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 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.

14. [13-13061](#)-B-13 VANESSA FITZGERALD MOTION TO CONFIRM PLAN
GH-2 6-13-13 [[33](#)]
VANESSA FITZGERALD/MV
GARY HUSS/Atty. for dbt.
RESPONSIVE PLEADING

15. [13-13061](#)-B-13 VANESSA FITZGERALD COUNTER MOTION TO DISMISS
MHM-1 CASE/PROCEEDING
MICHAEL MEYER/MV 7-22-13 [[44](#)]
GARY HUSS/Atty. for dbt.

16. [13-13769](#)-B-13 RICARDO/MARY GARCIA
ALG-1
RICARDO GARCIA/MV

JANINE ESQUIVEL/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
HOUSEHOLD FINANCE CORPORATION
OF CALIFORNIA
7-9-13 [[14](#)]

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.

17. [13-14973](#)-A-13 CHRISTINE BROUGH
GH-2
CHRISTINE BROUGH/MV
GARY HUSS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
7-30-13 [[18](#)]

18. [13-13875](#)-B-13 GILBERT ROMERO
JRL-1
GILBERT ROMERO/MV
JERRY LOWE/Atty. for dbt.
DISMISSED

MOTION TO VALUE COLLATERAL OF
JPMORGAN CHASE BANK, N.A.
6-28-13 [[15](#)]

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

19. [11-10979](#)-B-13 DONALD/SHARON COLLINS
PPR-1
BANK OF AMERICA, N.A./MV
GARY HUSS/Atty. for dbt.
LALEH ENSAFI/Atty. for mv.
NON-OPPOSITION

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-11-13 [[47](#)]

20. [13-13479](#)-B-13 MARTIN PEREZ
MHM-1
MICHAEL MEYER/MV

CONTINUED MOTION TO DISMISS
CASE FOR FAILURE TO PROVIDE TAX
DOCUMENTS AND/OR MOTION TO
DISMISS CASE
6-28-13 [[28](#)]

21. [11-10081](#)-B-13 JESUS/ROCIO GARCIA
TOG-10
JESUS GARCIA/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO APPROVE LOAN
MODIFICATION
6-21-13 [[92](#)]

22. [10-63483](#)-B-13 OSCAR SOLIS
KMM-3
OSCAR SOLIS/MV

KARNEY MEKHITARIAN/Atty. for dbt.

AMENDED MOTION TO VALUE
COLLATERAL OF OCWEN LOAN
SERVICING, LLC
7-8-13 [[75](#)]

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).

In addition, 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)). The court will prepare a minute order. No appearance is necessary.

23. [08-14787](#)-B-13 BARRY/CAROL BEAVER
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

OBJECTION TO DEBTOR'S 11 U.S.C.
SEC. 1328 CERTIFICATION
6-25-13 [[45](#)]

The trustee's objection has been withdrawn. The debtors' discharge has been entered and the case has been closed. No appearance is necessary.

24. [13-14188](#)-B-13 VICENTE GUERRERO AND
BIBIANA LOPEZ-BUSTAMANTE

J. IRIGOYEN/Atty. for dbt.

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-22-13 [[19](#)]

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

25. [13-12790](#)-B-13 MARIA BEJARANO
SL-2
MARIA BEJARANO/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO CONFIRM PLAN
6-18-13 [[28](#)]

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.

26. [12-12198](#)-B-13 ANITRA AYTMAN-BILLOPS
VVF-1
STATEWIDE AUTO SALES/MV
MARK ZIMMERMAN/Atty. for dbt.
VINCENT FROUNJIAN/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-5-13 [[61](#)]

27. [09-16399](#)-B-13 JAMES SCAIFE
PBB-2
JAMES SCAIFE/MV
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN
7-5-13 [[49](#)]

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.

28. [12-18699](#)-B-13 GARY/LISA RIGGINS
BCS-2
GARY RIGGINS/MV
BENJAMIN SHEIN/Atty. for dbt.

MOTION TO MODIFY PLAN
7-3-13 [[38](#)]

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.

9:30 A.M.

1. [13-13431](#)-B-13 GREGORY VALENZUELA MOTION TO DISMISS CASE
MHM-1 6-28-13 [[15](#)]
MICHAEL MEYER/MV
NANCY KLEPAC/Atty. for dbt.

The motion has been withdrawn. No appearance is necessary.

2. [12-60436](#)-B-13 M WYATT MOTION TO DISMISS CASE FOR
MHM-3 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 7-19-13 [[48](#)]
TIMOTHY SPRINGER/Atty. for dbt.
3. [13-13452](#)-B-13 DARRYL WIMER MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 7-26-13 [[15](#)]
TIMOTHY SPRINGER/Atty. for dbt.
4. [13-13567](#)-B-13 ANA SANTOS MOTION TO DISMISS CASE FOR
MHM-1 UNREASONABLE DELAY THAT IS
MICHAEL MEYER/MV PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE FOR
FAILURE TO PROVIDE TAX
DOCUMENTS , MOTION TO DISMISS
CASE
7-17-13 [[31](#)]
5. [13-13271](#)-B-13 RONALD/ORALIA FLORES MOTION TO DISMISS CASE
MHM-1 6-28-13 [[18](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

The motion has been withdrawn. No appearance is necessary.

6. [13-13479](#)-B-13 MARTIN PEREZ MOTION TO DISMISS CASE FOR
MHM-2 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 7-19-13 [[43](#)]
7. [13-11089](#)-B-13 EUGENIA HERNANDEZ MOTION TO DISMISS CASE FOR
MHM-2 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 7-19-13 [[22](#)]
TIMOTHY SPRINGER/Atty. for dbt.