

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, August 27, 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.

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.

10:00 A.M.

1. [14-13101](#)-B-7 VONNETTE WRIGHT MOTION TO DISMISS CASE PURSUANT
 UST-1 TO 11 U.S.C. SECTION 707(B)
 TRACY DAVIS/MV 7-18-14 [[14](#)]
 SCOTT LYONS/Atty. for dbt.
 ROBIN TUBESING/Atty. for mv.

This motion will be continued to September 24, 2014, at 10:00 a.m. The U.S. Trustee shall file a statement of unresolved issues based on the debtor's amended Form 22C. The court will prepare a minute order. No appearance is necessary.

2. [14-13801](#)-B-7 JOSE/ERIKA CASTORENA MOTION TO COMPEL ABANDONMENT
 MAZ-1 8-4-14 [[12](#)]
 JOSE CASTORENA/MV
 MARK ZIMMERMAN/Atty. for dbt.
3. [13-17003](#)-B-7 CHRISTOPHER/JENNIFER MOTION TO COMPROMISE
 JES-1 CONTROVERSY/APPROVE SETTLEMENT
 JAMES SALVEN/MV AGREEMENT WITH DEBTORS
 CHRISTOPHER HOLDEN AND JENNIFER
 HOLDEN
 7-16-14 [[23](#)]

 RICHARD DWYER/Atty. for dbt.

This motion was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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.

4. [14-13103](#)-B-7 VICTORIA HOFFMAN MOTION TO COMPEL ABANDONMENT
 PBB-1 7-23-14 [[17](#)]
 VICTORIA HOFFMAN/MV
 PETER BUNTING/Atty. for dbt.
 RESPONSIVE PLEADING

This matter was fully noticed in compliance with the Local Rules and the trustee's opposition has been withdrawn. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The debtor's residence shall be abandoned from the estate on the grounds that the equity appears to be fully exempt. On the effective date of the abandonment, the debtor shall be barred from amending her exemptions to shift the available exemptions to other assets. The moving party shall submit a proposed order. No appearance is necessary.

5. [14-12733](#)-B-7 MANUEL LARA
UST-1
TRACY DAVIS/MV
GEORGE ALONSO/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

MOTION TO DISMISS CASE
7-18-14 [[13](#)]

The matter has been resolved by stipulation of the parties. Based on the stipulation, the case will be dismissed, however the court will reserve jurisdiction over the U.S. Trustee's motion for review of fees currently set for hearing on September 10, 2014. The U.S. Trustee may submit an order. No appearance is necessary.

6. [14-13038](#)-B-7 JOEL/WENDEE WINTER
JDW-2
JOEL WINTER/MV
JOEL WINTER/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT
7-21-14 [[18](#)]

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 debtor's residence shall be abandoned from the estate on the grounds that the equity appears to be fully exempt. On the effective date of the abandonment, the debtor shall be barred from amending her exemptions to shift the available exemptions to other assets. The moving party shall submit a proposed order. No appearance is necessary.

7. [14-11940](#)-B-7 JOHN HADDEN
TMT-2
TRUDI MANFREDO/MV

JEFF REICH/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO EXTEND DEADLINE TO
FILE A COMPLAINT OBJECTING TO
DISCHARGE OF THE DEBTOR
7-21-14 [[23](#)]

The motion has been withdrawn. No appearance is necessary.

8. [13-17341](#)-B-7 HOWARD SAGASER
TGM-3
HEIDI SAGASER/MV

HAGOP BEDOYAN/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO EXTEND DEADLINE TO
FILE A COMPLAINT OBJECTING TO
DISCHARGEABILITY OF A DEBT
7-31-14 [[439](#)]

9. [14-12341](#)-B-7 SALVADOR VALDEZ GOMEZ MOTION TO SELL AND/OR MOTION TO
JES-2 PAY
JAMES SALVEN/MV 7-29-14 [[19](#)]

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.

10. [13-15544](#)-B-7 RHONDA LEWIS MOTION TO COMPROMISE
JES-1 CONTROVERSY/APPROVE SETTLEMENT
JAMES SALVEN/MV AGREEMENT WITH RHONDA LEWIS
7-16-14 [[23](#)]

SUSAN HEMB/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.

11. [14-12051](#)-B-7 JOSE REYNA MOTION TO EXTEND DEADLINE TO
UST-1 FILE A COMPLAINT OBJECTING TO
TRACY DAVIS/MV DISCHARGE OF THE DEBTOR AND/OR
MOTION TO EXTEND TIME TO FILE A
MOTION TO DISMISS CASE UNDER
SEC. 707(B)
7-29-14 [[24](#)]

THOMAS GILLIS/Atty. for dbt.
GREGORY POWELL/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and the debtor filed a notice of non opposition. Accordingly, the motion will be granted without oral argument for cause shown. The bar date under Rules 4004(a) and 1017(e) (1) to object to discharge or file a motion to dismiss shall be extended for the chapter 7 trustee and the U.S. Trustee to October 15, 2014. The moving party shall submit a proposed order. No appearance is necessary.

12. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION FOR COMPENSATION FOR
PLF-5 GENEVIEVE DE MONTREMARE HAVEN PROPERTIES, BROKER(S).
JAMES SALVEN/MV 7-30-14 [[170](#)]
RILEY WALTER/Atty. for dbt.
PETER FEAR/Atty. for mv.

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 real estate broker's commission, based on the actual selling price, may be paid from the proceeds and sale upon the close of escrow. The moving party shall submit a proposed order. No appearance is necessary.

13. [14-13475](#)-B-7 RICHARD KUKULCAN AGUILAR MOTION TO COMPEL ABANDONMENT
SL-1 AND SHAWNA AGUILAR 7-30-14 [[10](#)]
RICHARD KUKULCAN AGUILAR/MV
SCOTT LYONS/Atty. for dbt.
CONDITIONAL NON-OPP

14. [14-12482](#)-B-7 JAMES/INGRID MELLO MOTION TO AVOID LIEN OF
KJL-1 WESTERNAMERICA BANK
JAMES MELLO/MV 7-26-14 [[13](#)]
KENNETH JORGENSEN/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.

15. [14-10987](#)-B-7 SCOTT HEITZIG MOTION TO SELL
TMT-1 7-22-14 [[28](#)]
TRUDI MANFREDO/MV
ALBERT GARCIA/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.

16. [14-12988](#)-B-7 MARGARET CASTILLO OPPOSITION RE: TRUSTEE'S MOTION
JES-1 TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
7-23-14 [[26](#)]

17. [14-12690](#)-B-7 ROBERT/CAROL HEINZ MOTION TO SELL AND/OR MOTION
JES-2 FOR COMPENSATION FOR BAIRD
JAMES SALVEN/MV AUCTIONS AND APPRAISALS,
AUCTIONEER(S).
7-29-14 [[14](#)]
JEFF REICH/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.

10:30 A.M.

1.	<u>14-11905</u> -B-7	JOHN HOOVER AND HOOVER	MOTION FOR RELIEF FROM
	PD-1	MICHELLE	AUTOMATIC STAY
	WELLS FARGO BANK, N.A./MV		7-23-14 [<u>16</u>]
	LAYNE HAYDEN/Atty. for dbt.		
	PARADA KOVADI/Atty. for mv.		
	DISCHARGED		

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.

2. [14-12633](#)-B-7 BARBARA WHITMAN
ASW-1
THE BANK OF NEW YORK MELLON/MV
SCOTT LYONS/Atty. for dbt.
JOELY BUI/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-17-14 [[19](#)]

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.

11:00 A.M.

1. [14-13040](#)-B-7 WILLIAM/LAUREN VAN WINKLE PRO SE REAFFIRMATION AGREEMENT
WITH FORD MOTOR CREDIT COMPANY
8-8-14 [[51](#)]