

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

10:00 A.M.

1. [13-11300](#)-B-7 HARMESH/KASHMIR KUMAR MOTION FOR COMPENSATION FOR
DRJ-4 DAVID R. JENKINS, TRUSTEES
ATTORNEY(S)
7-14-15 [[72](#)]
THOMAS ARMSTRONG/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.

2. [14-15003](#)-B-7 CARLOS BAUTISTA AND MOTION TO SELL
PFT-1 GUADALUPE SANTOS 7-23-15 [[25](#)]
PETER FEAR/MV
ADRIAN WILLIAMS/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 moving party shall submit a proposed order. No appearance is necessary.

3. [14-13225](#)-B-7 CARMEN RAMIREZ AMENDED MOTION TO SELL
TGM-2 7-30-15 [[56](#)]
JAMES SALVEN/MV
SUSAN HEMB/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

4. [14-15827](#)-B-7 JESUS MELENDEZ MOTION TO SELL
JES-1 7-28-15 [[18](#)]
JAMES SALVEN/MV
LAYNE HAYDEN/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. [15-10336](#)-B-7 LOURDES PADILLA OBJECTION TO CLAIM OF TERESA
RHT-1 ZAPIEN, CLAIM NUMBER 6-1
ROBERT HAWKINS/MV 7-8-15 [[21](#)]
RAYMOND ISLEIB/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

The objection will be sustained. Claim #6-1 is deemed to be a timely filed non-priority general unsecured claim. The objecting party shall submit a proposed order consistent with this ruling. No appearance is necessary.

6. [15-12650](#)-B-7 MONICA SAUCEDA MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
WELLS FARGO DEALER SERVICES/MV 7-28-15 [[22](#)]
AUSTIN NAGEL/Atty. for mv.
DISMISSED

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

7. [15-12564](#)-B-7 PROCESS & PACKAGING MOTION TO EMPLOY GOULD AUCTION
PFT-1 MACHINE CORP. AND APPRAISAL COMPANY AS
PETER FEAR/MV AUCTIONEER, AUTHORIZING SALE OF
PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF
AUCTIONEER FEES AND EXPENSES
7-30-15 [[9](#)]

RAYMOND ISLEIB/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 moving party shall submit a proposed order. No appearance is necessary.

8. [15-11565](#)-B-7 ELIAZAR/SALINA GONZALEZ MOTION TO SELL
JES-1 7-29-15 [[19](#)]
JAMES SALVEN/MV
SCOTT LYONS/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.

9. [15-11467](#)-B-7 VICTOR/JESSICA VARGAS MOTION TO SELL
JES-2 7-29-15 [[17](#)]
JAMES SALVEN/MV
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.

10. [14-11970](#)-B-7 FELIX HARO CONSTRUCTION, MOTION TO SELL
JES-2 INC., A CALIFORNIA 7-29-15 [[17](#)]
JAMES SALVEN/MV
HAGOP BEDOYAN/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 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.

11. [15-10580](#)-B-7 BARRY/DARLENE FERNANDES MOTION TO SELL
JES-1 7-28-15 [[34](#)]
JAMES SALVEN/MV
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.

12. [14-15688](#)-B-7 KAREN CURRIE MOTION FOR COMPENSATION FOR
TMT-4 PAMELA Y. PRICE, SPECIAL
PAMELA PRICE/MV COUNSEL(S)
7-29-15 [[54](#)]
DAVID JENKINS/Atty. for dbt.

13. [14-14590](#)-B-7 BRIAN/CATHERINE PHILLIPS MOTION TO SELL
TMT-2 7-17-15 [[28](#)]
TRUDI MANFREDO/MV
GEOFFREY ADALIAN/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 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.

14. [14-11495](#)-B-7 JANIS SCHMIDT MOTION FOR COMPENSATION FOR
TGM-4 TRUDI G. MANFREDO, TRUSTEES
ATTORNEY(S)
7-30-15 [[62](#)]

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. [15-11696](#)-B-7 PATRICK/AMBER DEMING MOTION FOR RELIEF FROM
SCF-1 AUTOMATIC STAY
VALLEY FIRST CREDIT UNION/MV 7-30-15 [[18](#)]
HILTON RYDER/Atty. for dbt.
STEPHEN FERLMANN/Atty. for mv.
DISCHARGED

This matter has been rescheduled to October 29, 2015, at 1:30 p.m., pursuant to a stipulation of the parties and order of the court entered August 11, 2015. No appearance is necessary.

1:30 P.M.

1. [13-17610](#)-B-13 ROBERT/GLADYS ROSE
MHM-1
MICHAEL MEYER/MV
ADRIAN WILLIAMS/Atty. for dbt.
WITHDRAWN
- OBJECTION TO DISCHARGE BY
MICHAEL H. MEYER
7-22-15 [[32](#)]

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

2. [15-12220](#)-B-13 MYSTI MEDINA
MHM-1
MICHAEL MEYER/MV
PERRY POPOVICH/Atty. for dbt.
- MOTION TO DISMISS CASE
7-22-15 [[32](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the debtor's default will be entered and the motion will be granted without oral argument. The debtor's chapter 13 plan was filed late and has never been properly set for a confirmation hearing. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

3. [15-10822](#)-B-13 STEVE VALDIVIESO
[15-1056](#)
WRIGHT, M.D. ET AL V.
VALDIVIESO ET AL
CRAIG FRY/Atty. for pl.
ORDER CONTINUING TO 10/15/15
AT 10:00 A.M.
- CONTINUED STATUS CONFERENCE RE:
NOTICE OF REMOVAL
4-26-15 [[1](#)]

This matter has been continued to October 15, 2015, at 1:30 p.m., by stipulation of the parties and an order entered by the court August 7, 2015.

4. [12-18425](#)-B-13 MARK/MELISSA ARNETT
BCS-2
- MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FISHMAN, LARSEN
AND CALLISTER FOR BENJAMIN C.
SHEIN, DEBTORS ATTORNEY(S)
7-30-15 [[67](#)]
- BENJAMIN SHEIN/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. [15-11432](#)-B-13 CHRISTINA GARCIA
TCS-1
CHRISTINA GARCIA/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CAPITAL ONE AUTO FINANCE
7-22-15 [[18](#)]

This motion to value collateral will be denied as moot. There is no case or controversy. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. In the Eastern District of California, the amount and classification of a claim is determined by the proof of claim and applicable non-bankruptcy law. No further relief is required unless the granting of a motion will affect the treatment of the claim. No appearance is necessary.

6. [15-11432](#)-B-13 CHRISTINA GARCIA
TCS-1
CHRISTINA GARCIA/MV

TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF
AMERICREDIT FINANCIAL SERVICES,
INC.
7-22-15 [[22](#)]

Based on the respondent's opposition, this matter will be continued to September 24, 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(s) 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 and enter a civil minute order. No appearance is necessary.

7. [15-11732](#)-B-13 FABIAN SISNEROS
RS-1
FABIAN SISNEROS/MV
RICHARD STURDEVANT/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BMW FINANCIAL SERVICES NA, LLC
8-13-15 [[46](#)]

The motion will be denied. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

Moreover, there is no case or controversy for the court to decide. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. In the Eastern District of California, the amount and classification of a claim is determined by the proof of claim and applicable non-bankruptcy law. No further relief is required unless the granting of a motion will affect the treatment of the claim.

8. [14-14641](#)-B-13 HENRY RIOS
MHM-3
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE
7-27-15 [[65](#)]

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

9. [13-12057](#)-B-13 KEITH/RACHELLE CONYERS
BCS-2

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FISHMAN, LARSEN
AND CALLISTER FOR BENJAMIN C.
SHEIN, DEBTORS ATTORNEY(S)
7-30-15 [[48](#)]

BENJAMIN SHEIN/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.

10. [15-10461](#)-B-13 GARY/INES FRANCIS
BCS-3
GARY FRANCIS/MV

BENJAMIN SHEIN/Atty. for dbt.
RESPONSIVE PLEADING

OBJECTION TO CLAIM OF GREEN
TREE SERVICING LLC, CLAIM
NUMBER 7
7-8-15 [[40](#)]

This matter appears to have been resolved by agreement of the parties. The respondent has filed an amended proof of claim that appears to resolve the objection. No appearance is necessary.

11. [15-10461](#)-B-13 GARY/INES FRANCIS
BCS-4

BENJAMIN SHEIN/Atty. for dbt.

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FISHMAN, LARSEN
AND CALLISTER FOR BENJAMIN C.
SHEIN, DEBTORS ATTORNEY(S)
7-30-15 [[47](#)]

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.

12. [15-12664](#)-B-13 MARIBETH LIM

FEE PAID IN FULL

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-5-15 [[23](#)]

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

13. [14-15271](#)-B-13 NANCY THOMAS
DRJ-3
NANCY THOMAS/MV
DAVID JENKINS/Atty. for dbt.

OBJECTION TO CLAIM OF BARBARA
BECKERLY, CLAIM NUMBER 5
7-12-15 [[40](#)]

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection, without prejudice to the claimant's right to file an amended proof of claim. Any amendment to the claim shall be filed and served on the trustee within 30 days from service of the order. The objecting party shall prepare the proposed order, serve the signed order on the creditor at its address of record and file a proof of service within 14 days. No appearance is necessary.

14. [13-16073](#)-B-13 THOMAS/NORMA FETALVERO MOTION TO MODIFY PLAN
DRJ-2 7-12-15 [[20](#)]
THOMAS FETALVERO/MV
DAVID JENKINS/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 debtors shall submit a proposed confirmation order for approval to the chapter 13 trustee. The order shall also include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

15. [15-13076](#)-A-13 RICHARD DOMENICI MOTION TO EXTEND AUTOMATIC STAY
SL-1 8-14-15 [[12](#)]
RICHARD DOMENICI/MV
SCOTT LYONS/Atty. for dbt.

16. [14-14680](#)-B-13 ADAM RAMIREZ AND MOTION TO MODIFY PLAN
PBB-3 CHRISTINA MENDOZA 7-20-15 [[36](#)]
ADAM RAMIREZ/MV
PETER BUNTING/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.

17. [12-18699](#)-B-13 GARY/LISA RIGGINS MOTION FOR COMPENSATION BY THE
BCS-5 LAW OFFICE OF FISHMAN, LARSEN
AND CALLISTER FOR BENJAMIN C.
SHEIN, DEBTORS ATTORNEY(S)
7-30-15 [[105](#)]
BENJAMIN SHEIN/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.

18. [15-13099](#)-A-13 MARDONIO CRUZ MOTION TO EXTEND AUTOMATIC STAY
GMA-1 8-17-15 [[13](#)]
MARDONIO CRUZ/MV
GEOFFREY ADALIAN/Atty. for dbt.
19. [14-15861](#)-B-13 MANUEL/GUILLERMINA COSSIO CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 6-19-15 [[21](#)]
SCOTT SAGARIA/Atty. for dbt.

The motion will be denied without prejudice. The default appears to have been cured in the modified plan below.

20. [14-15861](#)-B-13 MANUEL/GUILLERMINA COSSIO CONTINUED MOTION TO MODIFY PLAN
EWG-1 7-14-15 [[29](#)]
MANUEL COSSIO/MV
SCOTT SAGARIA/Atty. for dbt.
OPPOSITION WITHDRAWN

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules. The trustee's opposition has been withdrawn and the motion will be granted without oral argument for cause shown. The debtors 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.

2:30 P.M.

1. [15-10705](#)-B-11 CHARLOTTE SALWASSER
KDG-1
WEST COAST GROWERS, INC./MV

HAGOP BEDOYAN/Atty. for mv.

CONTINUED MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH CHARLOTTE ELLEN
SALWASSER, WEST COAST GROWERS,
INC., KERI SALWASSER, K&G
ENTERPRISES, INC. AND THE
GROWERS
7-2-15 [[404](#)]
2. [15-11079](#)-B-11 WEST COAST GROWERS, INC.
KDG-9 A CALIFORNIA CORPORATION
WEST COAST GROWERS, INC. A
CALIFORNIA CORPORATION/MV

HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH CHARLOTTE ELLEN
SALWASSER, KERI SALWASSER, K&G
ENTERPRISES, INC., AND THE
GROWERS
7-2-15 [[316](#)]
3. [15-10705](#)-B-11 CHARLOTTE SALWASSER
JES-2
JAMES SALVEN/MV
RESPONSIVE PLEADING

CONTINUED MOTION TO SELL
7-15-15 [[437](#)]
4. [15-10705](#)-B-11 CHARLOTTE SALWASSER
JES-3
JAMES SALVEN/MV
RESPONSIVE PLEADING

CONTINUED MOTION TO SELL
7-16-15 [[442](#)]
5. [15-10705](#)-B-11 CHARLOTTE SALWASSER
JES-4
JAMES SALVEN/MV
RESPONSIVE PLEADING

CONTINUED MOTION TO SELL
7-16-15 [[447](#)]
6. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-25
CHARLOTTE SALWASSER/MV
CHARLOTTE SALWASSER/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION TO SELL
7-21-15 [[461](#)]
7. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-26
CHARLOTTE SALWASSER/MV
CHARLOTTE SALWASSER/Atty. for mv.

CONTINUED MOTION TO SELL
7-23-15 [[487](#)]

8. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-27
CHARLOTTE SALWASSER/MV
CHARLOTTE SALWASSER/Atty. for mv.

CONTINUED MOTION TO SELL
7-23-15 [[493](#)]