

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, August 28, 2013
Place: 1300 18th Street, First Floor
Bakersfield, 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.

1:00 P.M.

1. [13-12900](#)-B-13 CRAIG/JOSEPHINE SMITH MOTION TO CONFIRM PLAN
LKW-2 7-12-13 [[34](#)]
CRAIG SMITH/MV
LEONARD WELSH/Atty. for dbt.
TRUSTEE'S REQUEST FOR
EXTENSION TO OPPOSE PLAN
2. [13-13105](#)-B-13 LOREN DE LA ROSA MOTION TO CONFIRM PLAN
WDO-2 7-11-13 [[33](#)]
LOREN DE LA ROSA/MV
WILLIAM OLCOTT/Atty. for dbt.
RESPONSIVE PLEADING
3. [12-16811](#)-B-13 D/ARNETTA PETERSON MOTION TO MODIFY PLAN
RSW-1 7-19-13 [[37](#)]
D PETERSON/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING
4. [11-11617](#)-B-13 ALBERT/DONNA SCLAFANI CONTINUED MOTION TO MODIFY PLAN
RSW-5 6-21-13 [[85](#)]
ALBERT SCLAFANI/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING
5. [10-62823](#)-B-13 BURL/AGNES MAXWELL MOTION TO BORROW
LKW-6 8-16-13 [[95](#)]
BURL MAXWELL/MV
LEONARD WELSH/Atty. for dbt.

6. [12-11029](#)-B-13 STEVEN WALL
PK-3
STEVEN WALL/MV
PATRICK KAVANAGH/Atty. for dbt.

OBJECTION TO CLAIM OF EAST SIDE
LENDERS, CLAIM NUMBER 5
7-2-13 [[61](#)]

This matter will be continued to October 2, 2013, at 1:00 p.m., for proper notice and service. This creditor filed a notice of change of address on March 29, 2013. The court will prepare a minute order. No appearance is necessary.

7. [13-12829](#)-B-13 MARIO/DEANA MEDINA
PLG-1
MARIO MEDINA/MV
ALLAN WILLIAMS/Atty. for dbt.

MOTION TO CONFIRM PLAN
7-15-13 [[31](#)]

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.

8. [10-16330](#)-B-13 FRANK/ELIZABETH CASTRO
PK-7
FRANK CASTRO/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
7-15-13 [[94](#)]

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 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. [13-14331](#)-B-13 RITA BLACK
PPR-1
THE BANK OF NEW YORK MELLON/MV

BONNI MANTOVANI/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY THE BANK OF NEW YORK
MELLON
8-12-13 [[27](#)]

This matter will be continued to October 2, 2013, at 1:00 p.m. The trustee has not yet concluded the meeting of creditors and by stipulation of the parties, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.

10. [13-12432](#)-B-13 ROSS/ANNA PERIGO
WDO-2
ROSS PERIGO/MV
WILLIAM OLCOTT/Atty. for dbt.

MOTION TO MODIFY PLAN
7-3-13 [[32](#)]

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.

11. [13-12732](#)-B-13 ESTELA JACKSON
RSW-1
ESTELA JACKSON/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
7-2-13 [[24](#)]

12. [13-10533](#)-B-13 TERRI STEELE
PK-1
TERRI STEELE/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO APPROVE LOAN
MODIFICATION
7-31-13 [[26](#)]

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 debtor is authorized to enter into the loan modification agreement. The moving party shall submit a proposed order. No appearance is necessary.

13. [13-11433](#)-B-13 MICHAEL LUN
PWG-1
PHILLIP GILLET/MV

PHILLIP GILLET/Atty. for dbt.

CONTINUED MOTION FOR
COMPENSATION FOR PHILLIP W.
GILLET JR., DEBTOR'S
ATTORNEY(S),
6-17-13 [[27](#)]

14. [13-10538](#)-B-13 KURTIS/SARAH CAID
[13-1059](#)
CAID V. JONES
PATRICK KAVANAGH/Atty. for pl.

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
5-29-13 [[1](#)]

15. [12-12343](#)-B-13 VAN NICKERSON
AOE-6
ONYINYE ANYAMA/MV

ANTHONY EGBASE/Atty. for dbt.

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF A.O.E. LAW AND
ASSOCIATES FOR ONYINYE N.
ANYAMA, DEBTOR'S ATTORNEY(S),
7-18-13 [[113](#)]

16. [13-10143](#)-B-13 ANTONIO/OLIVIA NAVARRO MOTION TO MODIFY PLAN
SJS-3 7-12-13 [[67](#)]
ANTONIO NAVARRO/MV
SUSAN SALEHI/Atty. for dbt.

This motion to confirm a modified chapter 13 plan will be denied without prejudice. The record does not show that the debtor(s) filed and served the proposed modified plan with the moving papers in compliance with General Order 05-03, ¶8. No appearance is necessary.

17. [12-17745](#)-B-13 F. OLIVER COOPER STATUS CONFERENCE RE: COMPLAINT
[13-1068](#) 6-17-13 [[1](#)]
COOPER V. WATSON
D. GARDNER/Atty. for pl.
RESPONSIVE PLEADING

This status conference will be dropped from the calendar. The matter has been tried and is currently awaiting supplemental briefs after which it will stand submitted. No appearance is necessary.

18. [11-11648](#)-B-13 MICHAEL/DRUSILLA MOTION TO MODIFY PLAN
RSW-3 KOVACEVICH 7-16-13 [[84](#)]
MICHAEL KOVACEVICH/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

The motion to confirm a chapter 13 plan has been withdrawn. No appearance is necessary.

19. [09-18050](#)-B-13 HENRY/REBECCA REVELES MOTION TO MODIFY PLAN
RSW-8 7-19-13 [[102](#)]
HENRY REVELES/MV
ROBERT WILLIAMS/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.

20. [12-60450](#)-B-13 LEROY/ZELLA PETTAWAY MOTION TO VALUE COLLATERAL OF
RSW-6 KEYBANK
LEROY PETTAWAY/MV 8-6-13 [[73](#)]
ROBERT WILLIAMS/Atty. for dbt.

21. [13-14151](#)-B-13 MONTY/MIRIAM FAULKNER MOTION TO VALUE COLLATERAL OF
SSG-1 STATE FARM BANK, FSB
MONTY FAULKNER/MV 8-5-13 [[23](#)]
STEVE GOHARI/Atty. for dbt.

22. [13-11653](#)-B-13 GUADALUPE MIRELES AND CONTINUED MOTION TO CONFIRM
ORS-1 PEDRO MEDINA PLAN
GUADALUPE MIRELES/MV 6-4-13 [[21](#)]
OSCAR SWINTON/Atty. for dbt.

23. [13-11653](#)-B-13 GUADALUPE MIRELES AND MOTION TO VALUE COLLATERAL OF
ORS-2 PEDRO MEDINA BANK OF AMERICA, N.A.
GUADALUPE MIRELES/MV 6-24-13 [[28](#)]
OSCAR SWINTON/Atty. for dbt.

This matter will be continued to October 2, 2013, at 1:00 p.m. for proper service and notice in compliance with the respondent's attorney's request for notice filed and served on April 8, 2013. The court will prepare a minute order. No appearance is necessary.

24. [13-10854](#)-B-13 ANTHONY/ELIZABETH PEARCE MOTION TO CONFIRM PLAN
PK-2 7-1-13 [[54](#)]
ANTHONY PEARCE/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

25. [13-13664](#)-B-13 JERRY JANUARY
APN-1
HTD LEASING LLC/MV

PATRICK KAVANAGH/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
RESPONSIVE PLEADING

OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR HTD LEASING
LLC
7-12-13 [[44](#)]
26. [13-13664](#)-B-13 JERRY JANUARY
KDG-10
SALLY LOZANO/MV
PATRICK KAVANAGH/Atty. for dbt.
TERRENCE EGLAND/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-13 [[125](#)]
27. [13-13664](#)-B-13 JERRY JANUARY
KDG-3
SALLY LOZANO/MV
PATRICK KAVANAGH/Atty. for dbt.
TERRENCE EGLAND/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-13 [[109](#)]
28. [13-13664](#)-B-13 JERRY JANUARY
KDG-4
SALLY LOZANO/MV
PATRICK KAVANAGH/Atty. for dbt.
TERRENCE EGLAND/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-13 [[85](#)]
29. [13-13664](#)-B-13 JERRY JANUARY
KDG-5
SALLY LOZANO/MV
PATRICK KAVANAGH/Atty. for dbt.
TERRENCE EGLAND/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-13 [[69](#)]
30. [13-13664](#)-B-13 JERRY JANUARY
KDG-6
SALLY LOZANO/MV
PATRICK KAVANAGH/Atty. for dbt.
TERRENCE EGLAND/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-13 [[76](#)]
31. [13-13664](#)-B-13 JERRY JANUARY
KDG-7
SALLY LOZANO/MV
PATRICK KAVANAGH/Atty. for dbt.
TERRENCE EGLAND/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-13 [[117](#)]
32. [13-13664](#)-B-13 JERRY JANUARY
KDG-8
SALLY LOZANO/MV
PATRICK KAVANAGH/Atty. for dbt.
TERRENCE EGLAND/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-13 [[93](#)]

33. [13-13664](#)-B-13 JERRY JANUARY
KDG-9
SALLY LOZANO/MV
PATRICK KAVANAGH/Atty. for dbt.
TERRENCE EGLAND/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-13 [[101](#)]

34. [13-13664](#)-B-13 JERRY JANUARY
PK-2
JERRY JANUARY/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
SPRINGLEAF FINANCE CORPORATION
7-31-13 [[58](#)]

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.

35. [13-13867](#)-B-13 DELL/MICHELLE DAVIS
APN-1
FORD MOTOR CREDIT COMPANY/MV

PHILLIP GILLET/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY FORD MOTOR CREDIT
COMPANY
7-17-13 [[21](#)]

36. [11-18768](#)-B-13 JOSE RAMOS
LKW-3
JOSE RAMOS/MV
LEONARD WELSH/Atty. for dbt.

MOTION TO BORROW
8-12-13 [[49](#)]

37. [12-19970](#)-B-13 ARMANDO/JEANNINE ROBLES MOTION TO CONFIRM PLAN
PWG-3 6-17-13 [[69](#)]
ARMANDO ROBLES/MV
PHILLIP GILLET/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.

38. [11-17873](#)-B-13 KEVIN/TONIA MAXWELL CONTINUED MOTION TO MODIFY PLAN
RSW-3 6-13-13 [[55](#)]
KEVIN MAXWELL/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

39. [08-17274](#)-B-13 RAYLENE ALTMILLER-RUBIO MOTION FOR COMPENSATION FOR
PK-5 AND DAVID RUBIO PATRICK KAVANAGH, DEBTOR'S
PATRICK KAVANAGH/MV ATTORNEY(S),
8-7-13 [[141](#)]
PATRICK KAVANAGH/Atty. for dbt.

40. [11-19880](#)-B-13 KENNETH/LUZ JOHNSON MOTION TO MODIFY PLAN
RSW-3 7-19-13 [[61](#)]
KENNETH JOHNSON/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

41. [13-10685](#)-B-13 GEORGE/ELISA RUBIO MOTION FOR COMPENSATION FOR
PWG-3 PHILLIP W. GILLET JR., DEBTOR'S
PHILLIP GILLET/MV ATTORNEY(S),
7-29-13 [[37](#)]
PHILLIP GILLET/Atty. for dbt.

42. [12-60599](#)-B-13 JUAN FIGUEROA MOTION FOR COMPENSATION FOR
PWG-3 PHILLIP W. GILLET JR., DEBTOR'S
PHILLIP GILLET/MV ATTORNEY(S),
7-8-13 [[43](#)]
PHILLIP GILLET/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.

1:30 P.M.

1. [13-13208](#)-B-13 SHEILA DOW MOTION TO DISMISS CASE
MHM-1 7-2-13 [[32](#)]
MICHAEL MEYER/MV
FRANCISCO ALDANA/Atty. for dbt.
DISMISSED

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

2. [13-13208](#)-B-13 SHEILA DOW MOTION TO DISMISS CASE FOR
MHM-2 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 7-26-13 [[40](#)]
FRANCISCO ALDANA/Atty. for dbt.
DISMISSED

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

3. [13-13664](#)-B-13 JERRY JANUARY MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 7-31-13 [[54](#)]
PATRICK KAVANAGH/Atty. for dbt.

The motion has been withdrawn. No appearance is necessary.

3:00 P.M.

1. [13-13229](#)-B-11 R.K. BEST, INC. CONTINUED STATUS CONFERENCE RE:
[13-1056](#) NOTICE OF REMOVAL
R.K. BEST, INC. ET AL V. 5-23-13 [[1](#)]
SILVERGATE BANK ET AL
FRANK WEISER/Atty. for pl.

Based on the pending appeal of this court's order granting relief from the automatic stay, this matter will be continued to October 3, 2013, at 3:00 p.m. The debtor shall file a status report if there is any reason the adversary proceeding should not be dismissed or remanded back to the state court. The court will prepare a minute order. No appearance is necessary.

2. [13-13229](#)-B-11 R.K. BEST, INC. CONTINUED CHAPTER 11 STATUS
CONFERENCE
5-10-13 [[14](#)]
RICHARD GIBSON/Atty. for dbt.

Based on the pending appeal of this court's order granting relief from the automatic stay, this matter will be continued to October 3, 2013, at 3:00 p.m. The debtor shall file a status report if there is any reason the case should not be dismissed. The court will prepare a minute order. No appearance is necessary.

3. [13-13229](#)-B-11 R.K. BEST, INC. CONTINUED MOTION TO USE CASH
RHG-1 COLLATERAL
R.K. BEST, INC./MV 5-15-13 [[16](#)]
RICHARD GIBSON/Atty. for dbt.
RESPONSIVE PLEADING

Based on the pending appeal of this court's order granting relief from the automatic stay, this matter will be continued to October 3, 2013, at 3:00 p.m. The debtor shall file a status report if there is any reason the case should not be dismissed. The court will prepare a minute order. No appearance is necessary.

4. [13-13229](#)-B-11 R.K. BEST, INC. MOTION TO DISMISS CASE
UST-1 8-7-13 [[118](#)]
AUGUST LANDIS/MV
RICHARD GIBSON/Atty. for dbt.
GREGORY POWELL/Atty. for mv.
RESPONSIVE PLEADING

Based on the pending appeal of this court's order granting relief from the automatic stay, this matter will be continued to October 3, 2013, at 3:00 p.m. The debtor shall file a status report if there is any reason the case should not be dismissed. The court will prepare a minute order. No appearance is necessary.

3:30 P.M.

1. [13-10538](#)-B-13 KURTIS/SARAH CAID MOTION TO DISMISS FORD MOTOR
[13-1059](#) PK-1 CREDIT COMPANY
CAID V. JONES 7-26-13 [[12](#)]
PATRICK KAVANAGH/Atty. for mv.
STIPULATION FILED

This matter has been resolved by stipulation of the parties and an order entered on July 30, 2013. No appearance is necessary.