

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Wednesday, September 28, 2016
Place: Department B – Courtroom #13
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.

9:30 A.M.

1. [16-12501](#)-B-7 JOHN/ANNA GASTON OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
8-22-16 [[15](#)]

No appearance is necessary at this hearing. The court will issue a civil minute order.

The debtors shall attend the meeting of creditors rescheduled for October 3, 2016, at 9:30 a.m. If the debtors fail to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e) (1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtors' discharges or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

2. [16-12901](#)-B-7 NANETTE BLUMER
JHW-1
TD AUTO FINANCE LLC/MV
GEOFFREY ADALIAN/Atty. for dbt.
JENNIFER WANG/Atty. for mv.
NON-OPPOSITION

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-24-16 [[10](#)]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor filed a notice of non-opposition. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

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.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

3. [16-12604](#)-B-7 BENNIE MCLIN
APN-1
BMW BANK OF NORTH AMERICA/MV
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-23-16 [[25](#)]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor's default will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

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.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

4. [16-12507](#)-B-7 RICHARD/MARA MAXWELL
TMT-1
TRUDI MANFREDO/MV
HILTON RYDER/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO IMPOSE AUTOMATIC STAY
9-7-16 [[20](#)]

This matter will proceed as scheduled.

Based on the trustee's motion to preserve the automatic stay as to the estate only, and unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue a civil minute order.

5. [16-12507](#)-B-7 RICHARD/MARA MAXWELL
TMT-2
TRUDI MANFREDO/MV
HILTON RYDER/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION FOR TURNOVER OF PROPERTY
9-7-16 [[26](#)]

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion for turnover of the 2007 Toyota Tundra. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue a civil minute order.

6. [16-13012](#)-B-7 KRYSTAL ERVIN
DJP-1
EDUCATIONAL EMPLOYEES CREDIT
UNION/MV
DON POOL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-13-16 [[11](#)]

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the debtor's default and grant the motion for relief from stay.

The automatic stay will be terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law.

The record shows that cause exists to terminate the automatic stay.

The movant shall submit a proposed order after hearing that specifically describes the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

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.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

7. [15-10152](#)-B-7 ELIGIO GOMEZ
AP-1
WELLS FARGO BANK, N.A./MV
MARK ZIMMERMAN/Atty. for dbt.
MEGAN LEES/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-23-16 [[74](#)]

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and enter the following ruling denying the motion without prejudice. The court will issue a civil minute order after the hearing.

Constitutional due process requires that the movant make a *prima facie* showing that they are entitled to the relief sought. Here, the moving papers do not present "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *In re Tracht Gut, LLC*, 503 B.R. 804, 811 (9th Cir. BAP, 2014), citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Although the debtor's discharge has been entered and so the automatic stay has terminated by law as to the debtor and been replaced by the discharge injunction, here, there is no "cause" for relief pursuant to §362(d). On the face of the moving papers the debtor has equity in the property and is not delinquent in his mortgage payments.

The court notes that the debtor initially scheduled this property to be surrendered, and has recently amended his statement of intent to show that he intends to reaffirm the debt for this collateral. For the reasons above stated, relief under 11 U.S.C. § 362(d)(2) is unavailable. As to "cause" (§ 362(d)(1)), there is no evidence the collateral is in danger or that it is uninsured. In fact the evidence is that the payments were current as of the filing of the motion.

If opposition to the court's tentative ruling is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2).

8. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION BY RILEY C. WALTER TO
GENEVIEVE DE MONTREMARE WITHDRAW AS ATTORNEY
8-31-16 [[470](#)]
RILEY WALTER/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. The debtors have consented to the withdrawal and it appears that the withdrawal of representation complies with the applicable law.

9. [16-11855](#)-B-7 HARJOT SINGH AND INDERJIT MOTION TO EXTEND DEADLINE TO
THA-1 SANDHU FILE A COMPLAINT OBJECTING TO
SURESH RATTAN/MV DISCHARGE OF THE DEBTOR AND/OR
MOTION TO EXTEND DEADLINE TO
FILE A COMPLAINT OBJECTING TO
DISCHARGEABILITY OF A DEBT
8-30-16 [[30](#)]
THOMAS ARMSTRONG/Atty. for mv.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. It appears from the court's review of the pleadings and the record that there is cause under FRBP 4007(c) and 4004(b) to extend the time, to and including November 3, 2016, for the movants to object under §523 and §727 to the debtors' discharge and dischargeability as to all creditors, and for the chapter 7 trustee and the U.S. Trustee to object under §727.

10. [15-12564](#)-B-7 PROCESS & PACKAGING MOTION TO PAY
PFT-2 MACHINE CORP. 8-23-16 [[27](#)]
PETER FEAR/MV
RAYMOND ISLEIB/Atty. for dbt.
PETER FEAR/Atty. for mv.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11. [16-12372](#)-B-7 JORGE/MARINA SAAVEDRA OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
8-9-16 [[9](#)]
OSCAR SWINTON/Atty. for dbt.

Debtor's counsel shall notify his client that no appearance is necessary at this hearing. The court will issue a civil minute order.

The debtors shall attend the meeting of creditors rescheduled for October 3, 2016, at 12:00 p.m. If the debtors fail to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtors discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

12. [15-13073](#)-B-7 JORGE/VERONICA CRUZ TRUSTEE'S FINAL REPORT
JRL-1 8-10-16 [[22](#)]
JERRY LOWE/Atty. for dbt.
JAMES SALVEN/Atty. for mv.
TRUSTEE'S REPORT WITHDRAWN

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

13. 16-12182-B-7 CHRISTOPHER/ANDREA GOLDEN MOTION FOR RELIEF FROM
AP-1 AUTOMATIC STAY
WELLS FARGO BANK, N.A./MV 8-23-16 [20]
PETER FEAR/Atty. for dbt.
MEGAN LEES/Atty. for mv.

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' default will be entered. 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 record shows that cause exists to terminate the automatic stay.

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 California Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

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.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

14. [16-12888](#)-B-7 EVELYN RAMIREZ
JHW-1
TD AUTO FINANCE LLC/MV
JENNIFER WANG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-23-16 [[14](#)]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor's default will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

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.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

15. [15-12689](#)-B-7 MARK HANSEN
MRH-5
MARK HANSEN/MV

MOTION TO AVOID LIEN OF
AMERICAN EXPRESS BANK, FSB,
FEDERAL SAVINGS BANK
8-11-16 [[106](#)]

MARK HANSEN/Atty. for mv.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. The U.S. Trustee was served with the motion, and no chapter 7 trustee has been appointed in this re-opened case. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. It appears that the lien sought to be avoided impairs an exemption to which the debtor would be otherwise entitled.

16. [15-12689](#)-B-7 MARK HANSEN
MRH-6
MARK HANSEN/MV
MARK HANSEN/Atty. for mv.

MOTION TO AVOID LIEN OF CMRE
FINANCIAL SERVICES, INC.
8-11-16 [[110](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. The U.S. Trustee was served with the motion, and no chapter 7 trustee has been appointed in this re-opened case. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. It appears that the lien sought to be avoided impairs an exemption to which the debtor would be otherwise entitled.

17. 10-62319-B-7 ERICA MARTINEZ
PK-13
ERICA MARTINEZ/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO AVOID LIEN OF
CITIBANK, NATIONAL ASSOCIATION
9-14-16 [191]

The motion will be denied without prejudice. The record does not show that the debtor has claimed her residence as exempt. The court will issue a civil minute order. No appearance is necessary.

10:00 A.M.

1. [16-13225](#)-B-7 BAKERSFIELD MOVING & MOTION TO EMPLOY LISA HOLDER AS
KDG-1 STORAGE DBA RELIABLE ATTORNEY(S)
RANDELL PARKER/MV 9-14-16 [[6](#)]
NEIL SCHWARTZ/Atty. for dbt.
RANDELL PARKER/Atty. for mv.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue a civil minute order.

11:00 A.M.

1. [16-12832](#)-B-7 ANDRIETTE MCCRAY

PRO SE REAFFIRMATION AGREEMENT
WITH SANTANDER CONSUMER USA
INC.
9-7-16 [[12](#)]

LAYNE HAYDEN/Atty. for dbt.

The hearing will be dropped from calendar. No appearance is necessary.

The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. §524(c)(3), if the debtor is represented by counsel, the agreement must be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect. *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. §524(c) and is not enforceable. In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement.

2. [16-12676](#)-B-7 NELLIE MOSQUEDA

REAFFIRMATION AGREEMENT WITH
TOYOTA MOTOR CREDIT CORPORATION
9-7-16 [[14](#)]

PATRICIA CARRILLO/Atty. for dbt.

Approval of the Reaffirmation Agreement will be denied. No appearance is necessary.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Although the debtor's attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtor would be able to make the payments.

1:30 P.M.

1. [16-11605](#)-B-7 CAROLYN CHARLTON STATUS CONFERENCE RE: COMPLAINT
[16-1078](#) 7-25-16 [[1](#)]
CHARLTON V. CHARLTON
NANETTE BEAUMONT/Atty. for pl.
SUMMONS REISSUED

This matter has been rescheduled, to November 9, 2016, at 1:30 p.m., pursuant to the summons reissued September 7, 2016. No appearance is necessary.

2. [15-13308](#)-B-7 WILLIAM BURNINGHAM ORDER TO SHOW CAUSE REGARDING
[15-1142](#) DISMISSAL AND CLOSURE OF
BURNINGHAM V. BURNINGHAM ADVERSARY PROCEEDING
8-25-16 [[33](#)]

The order to show cause is vacated and no appearance is necessary.

The court issued this Order to Show Cause (OSC) as there was no activity in the case even though the court was advised a settlement between the parties was reached. Since the issuance of the OSC, the parties have filed a joint statement (through counsel) stating that the last condition to finalizing the settlement, the abandonment of a vehicle by the trustee, has occurred. In addition, since the complaint included claims under 11 U.S.C. § 727 parties needed to be noticed with the court's intention to conclude the case. The OSC provided that notice.

3. [12-15547](#)-B-7 DONNA/EVERETT DAVIS PRETRIAL CONFERENCE RE: MOTION
GH-2 TO AVOID LIEN OF GLENIS
EVERETT DAVIS/MV GAMBRELL AND/OR MOTION TO AVOID
LIEN OF GLENIS GAMBRELL
3-28-16 [[173](#)]

GARY HUSS/Atty. for dbt.

This matter will be dropped from calendar and no appearance will be necessary. The parties have set for hearing a motion to compromise and settle this controversy.

4. [12-15547](#)-B-7 DONNA/EVERETT DAVIS PRETRIAL CONFERENCE RE:
RH-7 OBJECTION TO DEBTOR'S CLAIM OF
JAMES SALVEN/MV EXEMPTIONS AND/OR OBJECTION TO
DEBTOR'S CLAIM OF EXEMPTIONS
2-9-16 [[149](#)]

GARY HUSS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

This matter will be dropped from calendar and no appearance will be necessary. The parties have set for hearing a motion to compromise and settle this controversy.