

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Rene' Lastreto II
Hearing Date: September 29, 2015
Place: U.S. Courthouse, 510 19th Street
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.

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.

9:00 A.M.

- | | | | |
|----|--------------------------------------|--|--|
| 1. | <u>15-11280</u> -B-7 | RENE GUIZAR | STATUS CONFERENCE RE:
COMPLAINT
7-8-15 [<u>1</u>] |
| | <u>15-1085</u> | NAVA V. GUIZAR
WAYNE BROSMAN/Atty. for pl.
RESPONSIVE PLEADING | |
| 2. | <u>15-11280</u> -B-7 | RENE GUIZAR | MOTION TO DISMISS ADVERSARY
PROCEEDING/NOTICE OF REMOVAL
AND/OR MOTION FOR SUMMARY
JUDGMENT , MOTION TO STRIKE
8-4-15 [<u>7</u>] |
| | <u>15-1085</u> | PWG-1
NAVA V. GUIZAR

PHILLIP GILLET/Atty. for mv. | |

9:30 A.M.

1. [15-13167](#)-B-12 DOUG KOPHAMER FARMS
LKW-1
DOUG KOPHAMER FARMS/MV

LEONARD WELSH/Atty. for dbt.

RESCHEDULED HEARING RE: MOTION
TO EMPLOY LEONARD K. WELSH AS
ATTORNEY(S)
9-9-15 [[26](#)]
2. [15-13167](#)-B-12 DOUG KOPHAMER FARMS
LKW-2
DOUG KOPHAMER FARMS/MV
LEONARD WELSH/Atty. for dbt.

RESCHEDULED HEARING RE: MOTION
FOR JOINT ADMINISTRATION
9-9-15 [[19](#)]
3. [15-13167](#)-B-12 DOUG KOPHAMER FARMS
LKW-3
DOUG KOPHAMER FARMS/MV
LEONARD WELSH/Atty. for dbt.

RESCHEDULED HEARING RE: MOTION
TO BORROW
9-9-15 [[32](#)]
4. [15-13168](#)-B-12 DOUGLAS/JONA KOPHAMER
LKW-1
DOUGLAS KOPHAMER/MV

LEONARD WELSH/Atty. for dbt.

RESCHEDULED HEARING RE: MOTION
TO EMPLOY LEONARD K. WELSH AS
ATTORNEY(S)
9-9-15 [[24](#)]
5. [15-13168](#)-B-12 DOUGLAS/JONA KOPHAMER
LKW-2
DOUGLAS KOPHAMER/MV
LEONARD WELSH/Atty. for dbt.

RESCHEDULED HEARING RE: MOTION
FOR JOINT ADMINISTRATION
9-9-15 [[17](#)]

10:00 A.M.

1. [15-12903](#)-B-7 TRIVELL JACKSON MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
SANTANDER CONSUMER USA INC./MV 8-14-15 [[9](#)]
WILLIAM EDWARDS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor's default will be entered and 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 to the extent that it applies. 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. [15-13224](#)-B-7 CARLOS/NORMA FRIAS ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-28-15 [[11](#)]

WILLIAM OLCOTT/Atty. for dbt.
\$335.00 FILING FEE PAID
9/2/15

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

3. [13-14026](#)-B-7 R & S DENTAL STUDIO, MOTION FOR COMPENSATION FOR
TGM-3 INC. TRUDI G. MANFREDO, TRUSTEES
ATTORNEY(S)
6-2-15 [[54](#)]

LEONARD WELSH/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 fees may be paid at the trustee's discretion. The moving party shall submit a proposed order. No appearance is necessary.

4. [15-11428](#)-B-7 NORMA MORENO
VAG-1
NORMA MORENO/MV
VINCENT GORSKI/Atty. for dbt.

MOTION TO CONVERT CASE FROM
CHAPTER 7 TO CHAPTER 13
8-3-15 [[10](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. It appears that the motion to convert from chapter 7 to chapter 13 is in good faith. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown subject to the filing by debtor's counsel of an amended proof of service which accurately reflects the documents that were served on creditors.

The court will prepare and enter a civil minute order converting the case to chapter 13 after filing of the amended proof of service. No appearance is necessary.

5. [15-11935](#)-B-7 LEROY WEBER
BMS-2
GREAT AMERICAN INSURANCE
COMPANY/MV
KENNETH HENJUM/Atty. for dbt.
JAMES STANLEY/Atty. for mv.
WITHDRAWN

MOTION TO EXTEND DEADLINE TO
FILE A COMPLAINT OBJECTING TO
DISCHARGE OF THE DEBTOR
7-30-15 [[19](#)]

This motion has been withdrawn. No appearance is necessary.

6. [15-11935](#)-B-7 LEROY WEBER
UST-1
TRACY DAVIS/MV

MOTION TO APPROVE STIPULATION
TO EXTEND TIME TO FILE
COMPLAINT OBJECTING TO
DISCHARGE AND MOTION PURSUANT
TO 11 U.S.C. 707 (B) TO
DISMISS
8-10-15 [[26](#)]

KENNETH HENJUM/Atty. for dbt.
TERRI DIDION/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The debtor's default will be entered and the motion will be granted without oral argument for cause shown. The bar date under Rule 4007(c) shall be extended for the moving party for 60 days after the §341 is concluded. The U.S. Trustee shall submit a proposed order. No appearance is necessary.

7. [13-13443](#)-B-7 CLANTON CONSTRUCTION, MOTION FOR ADMINISTRATIVE
JMV-1 INC. EXPENSES
JEFFREY VETTER/MV 8-10-15 [[60](#)]
JACOB EATON/Atty. for dbt.
VINCENT GORSKI/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. [15-12643](#)-B-7 REBECCA/MICHAEL HACKWORTH MOTION FOR RELIEF FROM
BHT-1 AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST 9-14-15 [[13](#)]
COMPANY/MV
ROBERT WILLIAMS/Atty. for dbt.
BRIAN TRAN/Atty. for mv.
DEUTSCHE BANK NATIONAL TRUST
COMPANY VS.

9. [15-12659](#)-B-7 CECIL KRIEGER CONTINUED MOTION FOR RELIEF
LHL-1 FROM AUTOMATIC STAY
U.S. BANK NATIONAL 7-10-15 [[9](#)]
ASSOCIATION/MV
NEIL SCHWARTZ/Atty. for dbt.
LAURIE HOWELL/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor's default will be entered and 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 to the extent that it applies. 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.

10. [13-13062](#)-B-7 CECILY WATERMAN
KDG-9

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF KLEIN DENATALE
GOLDNER TRUSTEES ATTORNEY(S)
9-1-15 [[98](#)]

LEONARD WELSH/Atty. for dbt.

11. [15-12762](#)-B-7 ANTHONY NAVARRO
BHT-1
KERN SCHOOLS FEDERAL CREDIT
UNION/MV
PATRICK KAVANAGH/Atty. for dbt.
BRIAN TRAN/Atty. for mv.
AMENDED NOTICE OF HEARING
FILED 9/14/15

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-21-15 [[17](#)]

The motion will be deemed withdrawn without prejudice. The purported "Re-notice" does not comply with Local Rule 9014-1(j) requiring court approval of a continuance. The "re-noticed" hearing on November 5, 2015, will be dropped from calendar.

In addition, the form of the proof of service does not comply with LBR 9014-1(d) (2) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)). The court will prepare a minute order. No appearance is necessary.

12. [14-15267](#)-B-7 DINNY MATHEW AND JESSY
KDG-3 JACOB

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF KLIEN, DENATALE,
GOLDNER, COOPER, ROSENLIEB &
KIMBALL, LLP TRUSTEES
ATTORNEY(S)
9-1-15 [[67](#)]

MUFTHIHA SABARATNAM/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 requested fees will be paid at the chapter 7 trustee's discretion. The moving party shall submit a proposed order. No appearance is necessary.

13. [11-19886](#)-B-7 JOEL/ELIZABETH GALVAN
PK-2
JOEL GALVAN/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO AVOID LIEN OF FORD
MOTOR CREDIT COMPANY
9-10-15 [[24](#)]

14. [11-19886](#)-B-7 JOEL/ELIZABETH GALVAN
PK-3
JOEL GALVAN/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO AVOID LIEN OF
CAPITAL
ONE BANK
9-10-15 [[31](#)]

15. [15-10988](#)-B-7 CHET/AMI STIDHAM

MOTION TO REDEEM

8-6-15 [[18](#)]

CHET STIDHAM/MV

RABIN POURNAZARIAN/Atty. for dbt.

This motion to redeem personal property will be denied. The §341 meeting of creditors was concluded May 11, 2015. The debtors' schedule C does not list the property as exempt and the property has not been abandoned by the trustee. The debtors' statement of intention, filed with their petition and schedules, states their intent to reaffirm the subject vehicle and a fully executed reaffirmation agreement with the creditor was filed on July 15, 2015. On August 11, 2015, the debtors filed and served a timely notice of rescission. The debtors' discharge was entered August 19, 2015. The time period during which the procedural requirements for redemption could have been met has passed. No appearance is necessary.

16. [15-12488](#)-B-7 JOSE/MARIA CASTANEDA

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES

8-28-15 [[18](#)]

WILLIAM OLCOTT/Atty. for dbt.

\$35.00 AMENDMENT FEE PAID

9/2/15

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

17. [15-10498](#)-A-7 KERN FACULTY MEDICAL
DMG-1 GROUP, INC.

MOTION TO CONVERT FROM CHAPTER
7 TO CHAPTER 11 CASE

KERN FACULTY MEDICAL GROUP,
INC./MV

8-31-15 [[12](#)]

D. GARDNER/Atty. for dbt.

This matter has been reassigned and will be continued to October 7, 2015, at 11:00 a.m., to be heard before Judge Clement. No appearance is necessary.

11:00 A.M.

1. [15-12255](#)-B-7 MARK/MARIA HOUSE

PRO SE REAFFIRMATION AGREEMENT
WITH CAPITAL ONE AUTO FINANCE
8-17-15 [[11](#)]

JOSEPH PEARL/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtors were 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. The Debtors shall have 14 days to refile the reaffirmation agreement properly signed and endorsed by the attorney. No appearance is necessary at this hearing.

2. [15-12578](#)-B-7 EDWARD/OLIVIA OCHOA

REAFFIRMATION AGREEMENT WITH
HTD LEASING LLC
7-28-15 [[13](#)]

PATRICK KAVANAGH/Atty. for dbt.

It appears from the reaffirmation agreement that the debt sought to be reaffirmed pertains to an auto lease. The debtors did not indicate their intention to assume this lease on their statement of intention filed June 29, 2015 (Doc. #1). An 11 U.S.C. § 524 reaffirmation agreement is not a vehicle by which an executory lease may be assumed. Assumption of executory leases by debtors in chapter 7 is pursuant to §365(p)(2). This petition was filed June 29, 2015 and the chapter 7 trustee did not act to either assume or reject the lease within 60 days of its filing. Under such circumstances a lease is deemed rejected, which is a breach of the lease agreement. Consequently, the lease is no longer property of the estate and the automatic stay is terminated, leaving the parties to their state law remedies. 11 U.S.C. §§ 365(g), 365(p)(1). See also *Blackburn v. Security Pacific Credit Corp.* (*In re Blackburn*), 88 B.R. 273, 276 (Bankr.S.D.Cal.1988). Debtors' counsel shall notify his clients that their appearance is not necessary.

3. [15-12579](#)-B-7 GABRIEL/DAWN CAMPOS

REAFFIRMATION AGREEMENT WITH
WESTAMERICA BANK
8-17-15 [[12](#)]

PATRICK KAVANAGH/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. 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. No appearance is necessary.

1:30 P.M.

1. [10-11001](#)-B-13 STEVEN/TOMIE HARP MOTION FOR ENTRY OF DISCHARGE
RSW-7 9-10-15 [[166](#)]
STEVEN HARP/MV
ROBERT WILLIAMS/Atty. for dbt.

2. [15-11302](#)-B-13 DENISE WILEY MOTION TO DISMISS CASE
MHM-1 8-14-15 [[26](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

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

3. [14-15303](#)-B-13 JOSE VARGAS SIERRA AND MOTION TO DISMISS CASE
MHM-2 ANITA VARGAS 8-7-15 [[57](#)]
MICHAEL MEYER/MV
IVAN LOPEZ VENTURA/Atty. for dbt.
WITHDRAWN

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

4. [15-12904](#)-B-13 MARY HYDE OBJECTION TO CONFIRMATION OF
MHM-1 PLAN BY TRUSTEE MICHAEL H.
MEYER
9-8-15 [[15](#)]
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

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

5. [15-11808](#)-B-13 SHERRY SIMPSON CONTINUED OBJECTION TO
MHM-1 CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
7-27-15 [[29](#)]
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

6. [11-10409](#)-B-13 ADRIAN/JOSEPHINE NORMAN MOTION TO APPROVE LOAN
JCW-1 MODIFICATION
JPMORGAN CHASE BANK, NATIONAL 8-17-15 [[35](#)]
ASSOCIATION/MV
STEVEN ALPERT/Atty. for dbt.
JENNIFER WONG/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtors to enter into a modification agreement on terms to be negotiated between the debtors and the mortgagee so long as modification of the mortgage does not interfere with the debtor(s) duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.

7. [14-15209](#)-B-13 BILLY/ROSEMARY CURRIN MOTION TO DISMISS CASE
MHM-2 8-14-15 [[39](#)]
MICHAEL MEYER/MV
PHILLIP GILLET/Atty. for dbt.
WITHDRAWN

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

8. [15-12709](#)-B-13 LORI KITCHEN OBJECTION TO CONFIRMATION OF
MHM-1 PLAN BY TRUSTEE MICHAEL H.
MEYER
8-13-15 [[16](#)]
WILLIAM OLCOTT/Atty. for dbt.

This objection to confirmation was noticed as a preliminary hearing. The objection will be continued and set for a final hearing on November 5, 2015, at 1:30 p.m. Unless this case is voluntarily converted to chapter 7 or dismissed or the objection has been withdrawn, the debtor shall file and serve a written response not later than October 22, 2015. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 29, 2015. If the debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated and confirmation will be denied without a further hearing. The court will prepare and enter a civil minute order.

9. [15-10410](#)-B-13 CATHLEEN GANDARA
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
8-14-15 [[26](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the debtor's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

10. [09-62811](#)-B-13 WARREN/SHEILA DIFFEY
[15-1097](#)
MEYER V. GILLET, JR.
MICHAEL MEYER/Atty. for pl.
ADVERSARY DISMISSED 9/19/15

STATUS CONFERENCE RE: COMPLAINT
7-27-15 [[1](#)]

This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed by stipulation of the parties and order of the court. No appearance is necessary.

11. [15-10011](#)-B-13 ASHLEY RANDOLPH
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
7-21-15 [[47](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.. Accordingly, the debtor's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

12. [15-12412](#)-B-13 EARL/KRISTEN WILSON
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
8-13-15 [[16](#)]

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

13. [15-12414](#)-B-13 JOEL/MARTHA ESCALERA
MHM-1

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
8-13-15 [[18](#)]

PHILLIP GILLET/Atty. for dbt.
RESPONSIVE PLEADING

This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtors have filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.

14. [15-12414](#)-B-13 JOEL/MARTHA ESCALERA
MHM-2
MICHAEL MEYER/MV
PHILLIP GILLET/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
8-13-15 [[21](#)]

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

15. [14-12416](#)-B-13 ARMANDO/MARIA RAMIREZ
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
7-21-15 [[50](#)]

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

16. [15-11017](#)-B-13 ODILON/SAURISARET
PIM-1 PEREZ-FLORES
ODILON PEREZ-FLORES/MV
PHILLIP MYER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF
BAYVIEW LOAN SERVICING, LLC
8-13-15 [[40](#)]

Based on the respondent's opposition, this matter will be continued to November 5, 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 debtors 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.

17. [15-11918](#)-B-13 CARLOS/SARA LAM
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
7-27-15 [[35](#)]

This matter will be continued to November 5, 2015, at 1:30 p.m. for hearing with the debtors' motion to confirm a modified plan. The court will prepare a minute order. No appearance is necessary.

18. [15-11918](#)-B-13 CARLOS/SARA LAM
MHM-2

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
8-13-15 [[47](#)]

ROBERT WILLIAMS/Atty. for dbt.

This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtors have filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.

19. [15-11918](#)-B-13 CARLOS/SARA LAM
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
8-19-15 [[50](#)]

This matter will be continued to November 5, 2015, at 1:30 p.m. The debtors have filed amended schedules B and C. The trustee shall file a supplemental statement of issues if the objection is not resolved in the amended schedules. The court will prepare a minute order. No appearance is necessary.

20. [15-12018](#)-B-13 CURTIS DUNMORE AND
MHM-1 DEMETRIA JOHNSON

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
7-27-15 [[25](#)]

ROBERT WILLIAMS/Atty. for dbt.

The debtors have failed to file a response and have failed to file a modified plan. Accordingly, this objection will be sustained pursuant to the court's civil minute order dated August 25, 2015. Confirmation of the plan will be denied. Unless the debtors appear and request a hearing and a different ruling, a modified plan shall be filed, served and noticed for hearing within 14 days. The court will prepare and enter a civil minute order.

21. [14-13922](#)-B-13 DAVID ARNONE
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING WAS
WITHDRAWN

MOTION TO DISMISS CASE
8-14-15 [[41](#)]

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

22. [12-17625](#)-B-13 PATRICK CAMPBELL
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
8-14-15 [[37](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the debtor's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

23. [15-11828](#)-B-13 ALBERT/LINDA CARTER
PK-4
ALBERT CARTER/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BANK OF NEW YORK
9-1-15 [[63](#)]

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.

24. [15-11029](#)-B-13 TERRY WHEELER
MHM-1
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO DISMISS CASE
7-30-15 [[52](#)]

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

25. [15-11029](#)-B-13 TERRY WHEELER
MHM-2
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
OBJECTION HAS BEEN WITHDRAWN

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
9-1-15 [[64](#)]

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

26. [15-10233](#)-B-13 PEDRO/ZENAIDA NAVEIRAS
MHM-2
MICHAEL MEYER/MV

NEIL SCHWARTZ/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE AND/OR
MOTION TO CONVERT CASE FROM
CHAPTER 13 TO CHAPTER 7
8-6-15 [[74](#)]

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

27. [15-10233](#)-B-13 PEDRO/ZENAIDA NAVEIRAS
NES-3
PEDRO NAVEIRAS/MV
NEIL SCHWARTZ/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
7-22-15 [[62](#)]

28. [14-14534](#)-B-13 CHLOE HAYES
MHM-1
MICHAEL MEYER/MV
STEVEN WOLVEK/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
7-9-15 [[36](#)]

Based on the court's ruling below, the case will be dismissed for cause shown, including unreasonable delay. This case is now more than one year old and the debtor has been unable to get a chapter 13 plan confirmed. No appearance is necessary.

29. [14-14534](#)-B-13 CHLOE HAYES CONTINUED MOTION TO CONFIRM
SAW-2 PLAN
CHLOE HAYES/MV 8-3-15 [[43](#)]
STEVEN WOLVEK/Atty. for dbt.
RESPONSIVE PLEADING

The motion will be denied. This matter was continued from August 25, 2015, because it was not properly noticed to creditors. The debtor has done nothing to correct the notice problem and the court cannot grant an improperly noticed motion. No appearance is necessary.

30. [15-12839](#)-B-13 CARLOS/ASHLEY ROSALES ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-24-15 [[36](#)]

PATRICK KAVANAGH/Atty. for dbt.
PAID \$160 ON 9/8/15

31. [15-12839](#)-B-13 CARLOS/ASHLEY ROSALES MOTION TO VALUE COLLATERAL OF
PK-4 CITIBANK, N.A.
CARLOS ROSALES/MV 9-1-15 [[47](#)]
PATRICK KAVANAGH/Atty. for dbt.

This motion to value respondent's collateral will be denied without prejudice. The debtors seek to value personal property, a wedding ring, at \$500. The property was originally purchased in 2011 for approximately \$3,000. There is no description of the property and the motion was filed without admissible supporting evidence regarding the replacement value of the ring as required by Local Rule 9014-1(d)(7). Jewelry does not depreciate and the record does not support a finding that the replacement value is now less than one-sixth of its original cost. 11 U.S.C. §506(a)(2). No appearance is necessary.

32. [15-12245](#)-B-13 GABINO/FRANCES GUTIERREZ OBJECTION TO CONFIRMATION OF
AED-1 PLAN BY KERN SCHOOLS FEDERAL
KERN SCHOOLS FEDERAL CREDIT CREDIT UNION
UNION/MV 9-10-15 [[50](#)]
ASHTON DUNN/Atty. for dbt.
BRIAN TRAN/Atty. for mv.

33. [15-12245](#)-B-13 GABINO/FRANCES GUTIERREZ MOTION TO CONFIRM PLAN
AED-1 7-18-15 [[27](#)]
GABINO GUTIERREZ/MV
ASHTON DUNN/Atty. for dbt.
RESPONSIVE PLEADING

34. [15-11946](#)-B-13 NEREIDA CHOATE
MHM-2
MICHAEL MEYER/MV
STEVEN ALPERT/Atty. for dbt.

MOTION TO DISMISS CASE
8-24-15 [[25](#)]

This matter will be continued to November 5, 2015, at 1:30 p.m., to be heard with the debtor's motion to confirm a modified plan. The court will prepare a minute order. No appearance is necessary.

35. [14-14047](#)-B-13 FRANCES GONZALES
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
8-14-15 [[46](#)]

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

36. [15-12547](#)-B-13 DWAYNE/SHEILA WILSON
MDE-1
WELLS FARGO BANK, N.A./MV
ROBERT WILLIAMS/Atty. for dbt.
MARK ESTLE/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK, N.A.
8-7-15 [[14](#)]

The objection will be overruled as moot. The case has been voluntarily converted to chapter 7 by the debtors and the proposed chapter 13 plan is deemed withdrawn. No appearance is necessary.

37. [15-12547](#)-B-13 DWAYNE/SHEILA WILSON
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
8-13-15 [[22](#)]

The motion will be denied. The case has been voluntarily converted to chapter 7 by the debtors and performance under the chapter 13 plan is no longer an issue. No appearance is necessary.

38. [11-60249](#)-B-13 MELISSA PRIMUS
LKW-9

MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
9-8-15 [[133](#)]

LEONARD WELSH/Atty. for dbt.

39. [14-11954](#)-B-13 JOSE/PAULA BUSTAMANTE MOTION TO DISMISS CASE
MHM-1 7-24-15 [[93](#)]
MICHAEL MEYER/MV
D. GARDNER/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the debtors' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

40. [14-15955](#)-B-13 ERNEST/LETICIA IBARRA MOTION FOR COMPENSATION FOR
LKW-2 LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
9-8-15 [[35](#)]

LEONARD WELSH/Atty. for dbt.

41. [11-63156](#)-B-13 TIMOTHY HARBOUR MOTION TO MODIFY PLAN
PK-6 8-10-15 [[98](#)]
TIMOTHY HARBOUR/MV
PATRICK KAVANAGH/Atty. for dbt.
OPPOSITION HAS BEEN
WITHDRAWN

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

42. [14-15467](#)-B-13 STEVEN WILLIAMS MOTION TO MODIFY PLAN
RSW-2 8-10-15 [[41](#)]
STEVEN WILLIAMS/MV
ROBERT WILLIAMS/Atty. for dbt.

43. [15-11174](#)-B-13 JENNIFER JOHNSON
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
8-14-15 [[25](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the debtor's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

44. [14-15877](#)-B-13 DANIEL/LINDA MONTES
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
8-14-15 [[36](#)]

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

45. [15-10677](#)-B-13 JOHN KING
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
8-14-15 [[52](#)]

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

46. [15-10678](#)-B-13 THOMAS MUNOZ
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
8-31-15 [[78](#)]

47. [15-10678](#)-B-13 THOMAS MUNOZ
RSW-2
THOMAS MUNOZ/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
8-11-15 [[67](#)]

48. [15-11478](#)-B-13 JOSE/MARIBEL MOJARRO
RSW-2
JOSE MOJARRO/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO CONFIRM PLAN
7-23-15 [[30](#)]

49. [13-16480](#)-B-13 MICHAEL/CATHERINE WHORF
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
7-21-15 [[65](#)]

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

50. [13-16480](#)-B-13 MICHAEL/CATHERINE WHORF MOTION TO DISMISS CASE
MHM-3 8-12-15 [[72](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the debtors' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

51. [12-60481](#)-B-13 TERRY/DELENA HALL MOTION FOR COMPENSATION FOR
PK-5 PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
8-31-15 [[73](#)]

PATRICK KAVANAGH/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.

52. [13-14581](#)-B-13 FLORIANO/IMELDA RAMA MOTION TO DISMISS CASE
MHM-3 8-14-15 [[44](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the debtors' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

53. [13-10982](#)-B-13 LAWRENCE/CHRISTINA BOWSER MOTION TO DISMISS CASE
MHM-2 7-21-15 [[47](#)]
MICHAEL MEYER/MV
WILLIAM OLCOTT/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the debtors' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

54. [13-11783](#)-B-13 DWAYNE/TONI CARTER MOTION TO DISMISS CASE
MHM-1 8-14-15 [[22](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

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

55. [13-10685](#)-A-13 GEORGE/ELISA RUBIO CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 5-14-15 [[69](#)]
PHILLIP GILLET/Atty. for dbt.

This case has been reassigned to Department A. Accordingly, this matter will be rescheduled to October 7, 2015, at 9:00 a.m., to be heard before Judge Clement in Bakersfield. The court will prepare a minute order. No appearance is necessary.

56. [13-10685](#)-A-13 GEORGE/ELISA RUBIO MOTION TO MODIFY PLAN
PWG-4 9-8-15 [[82](#)]
GEORGE RUBIO/MV
PHILLIP GILLET/Atty. for dbt.

This case has been reassigned to Department A. Accordingly, this matter will be rescheduled to October 7, 2015, at 9:00 a.m., to be heard before Judge Clement in Bakersfield. The court will prepare a minute order. No appearance is necessary.

57. [11-16487](#)-B-13 ALVARO/YOLANDA MEDINA ORDER TO SHOW CAUSE REGARDING
APPLICATION FOR PAYMENT OF
UNCLAIMED FUNDS
9-9-15 [[65](#)]
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

58. [11-15389](#)-B-13 GREGORY/CAROL FALK
PK-3

MOTION FOR COMPENSATION FOR
PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
9-1-15 [[68](#)]

PATRICK KAVANAGH/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.

59. [15-12789](#)-B-13 OLUSEGUN LERAMO

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-20-15 [[23](#)]

FRANCISCO ALDANA/Atty. for dbt.

60. [15-11290](#)-B-13 ORLANDO GONZALES
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
CASE DISMISSED 8/26/15

MOTION TO DISMISS CASE
7-30-15 [[39](#)]

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

61. [10-63191](#)-B-13 ANDREW EVANS
WDO-2
ANDREW EVANS/MV

MOTION TO VALUE COLLATERAL OF
BANK OF AMERICA, NATIONAL
ASSOCIATION
9-1-15 [[43](#)]

WILLIAM OLCOTT/Atty. for dbt.

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 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 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.

62. [15-11993](#)-B-13 MARIA ROSALES
RSW-2
MARIA ROSALES/MV
ROBERT WILLIAMS/Atty. for dbt.
MOTION TO VALUE COLLATERAL OF
U.S. BANK NATIONAL ASSOCIATION
9-11-15 [[35](#)]
63. [15-11994](#)-B-13 HENRY CARRILLO
RSW-2
HENRY CARRILLO/MV
ROBERT WILLIAMS/Atty. for dbt.
MOTION TO CONFIRM PLAN
8-7-15 [[20](#)]
64. [14-13097](#)-B-13 JOAQUIN DE LA CERDA
NES-2
NEIL SCHWARTZ/Atty. for dbt.
MOTION FOR COMPENSATION FOR
NEIL E. SCHWARTZ, DEBTORS
ATTORNEY(S)
8-6-15 [[31](#)]

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.

65. [12-18413](#)-B-13 WILMA AMASON
RSW-1
WILMA AMASON/MV
ROBERT WILLIAMS/Atty. for dbt.
MOTION TO SELL
9-16-15 [[49](#)]

This motion will be denied without prejudice. This motion to sell real property was only served with 13 days notice which does not comply with FRBP 2002(a)(2). No appearance is necessary.