

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, October 10, 2013
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.

9:00 A.M.

1. [13-15604](#)-B-11 SAN JOAQUIN STAIRS, A CHAPTER 11 STATUS CONFERENCE
GENERAL PARTNERSHIP 8-23-13 [[8](#)]
STEPHEN LABIAK/Atty. for dbt.
CASE DISMISSED

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

2. [13-15604](#)-B-11 SAN JOAQUIN STAIRS, A MOTION FOR ORDER PROHIBITING
SL-2 GENERAL PARTNERSHIP FURTHER UNAUTHORIZED
SAN JOAQUIN STAIRS, A GENERAL ENFORCEMENT OF PREPETITION
PARTNERSHIP/MV CLAIMS AND/OR MOTION FOR
SANCTIONS FOR VIOLATION OF THE
AUTOMATIC STAY
9-6-13 [[21](#)]

STEPHEN LABIAK/Atty. for dbt.
CASE DISMISSED

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

3. [13-15604](#)-B-11 SAN JOAQUIN STAIRS, A MOTION TO EMPLOY STEPHEN LABIAK
SL-3 GENERAL PARTNERSHIP AS ATTORNEY(S)
SAN JOAQUIN STAIRS, A GENERAL 9-19-13 [[46](#)]
PARTNERSHIP/MV
STEPHEN LABIAK/Atty. for dbt.
CASE DISMISSED

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

4. [13-15604](#)-B-11 SAN JOAQUIN STAIRS, A MOTION TO EMPLOY PATRICK W.
SL-4 GENERAL PARTNERSHIP CAROTHERS AS ATTORNEY(S)
SAN JOAQUIN STAIRS, A GENERAL 9-19-13 [[40](#)]
PARTNERSHIP/MV
STEPHEN LABIAK/Atty. for dbt.
CASE DISMISSED

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

5. [13-12343](#)-B-11 JIROUDI FAY, LLC MOTION TO VALUE COLLATERAL OF
PLF-2 COLONIAL PACIFIC LEASING CORP.
JIROUDI FAY, LLC/MV 9-11-13 [[110](#)]
PETER FEAR/Atty. for dbt.

6. [13-12343](#)-B-11 JIROUDI FAY, LLC MOTION TO VALUE COLLATERAL OF
PLF-4 DE LAGE LANDEN FINANCIAL
JIROUDI FAY, LLC/MV SERVICES
9-11-13 [[114](#)]

PETER FEAR/Atty. for dbt.

10:30 A.M.

1. [12-19232](#)-B-7 DARIN CROSS CONTINUED STATUS CONFERENCE RE:
[13-1012](#) COMPLAINT
CROSS V. EDUCATIONAL CREDIT 1-23-13 [[1](#)]
MANAGEMENT CORPORATION
SCOTT LYONS/Atty. for pl.
RESPONSIVE PLEADING,
ADVERSARY DISMISSED

This status conference will be dropped from calendar. The adversary proceeding has been dismissed. No appearance is necessary.

2. [12-15487](#)-B-7 ANTHONY LEONIS CONTINUED STATUS CONFERENCE RE:
[13-1050](#) COMPLAINT
PARKER V. STODDARD ET AL 4-29-13 [[1](#)]
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

It appears this adversary proceeding has been settled or the defendant(s) default has been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 60 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.

3. [11-18591](#)-B-7 ROY/RUTH VERA STATUS CONFERENCE RE: AMENDED
[13-1067](#) COMPLAINT
SALVEN V. VERA ET AL 8-12-13 [[20](#)]
CARL COLLINS/Atty. for pl.

It appears this adversary proceeding has been settled or the defendant(s) default has been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 60 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.

4. [11-18591](#)-B-7 ROY/RUTH VERA MOTION TO INTERVENE
[13-1067](#) PBB-1 9-10-13 [[27](#)]
SALVEN V. VERA ET AL
PETER BUNTING/Atty. for mv.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

1:30 P.M.

1. [12-10805](#)-B-13 PATRICK BURROWS AND MOTION TO MODIFY PLAN
GH-3 CRYSTAL KANGISER-BURROWS 8-23-13 [[53](#)]
PATRICK BURROWS/MV
GARY HUSS/Atty. for dbt.
RESPONSIVE PLEADING

2. [13-14106](#)-B-13 CHANTEL DICKSON MOTION TO CONFIRM PLAN
OLG-1 8-21-13 [[24](#)]
CHANTEL DICKSON/MV
OVIDIO OVIEDO/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.

3. [13-15006](#)-B-13 EMMANUEL XIONG AND CHAO OBJECTION TO CONFIRMATION OF
APN-1 VANG PLAN BY BMW BANK OF NORTH
BMW BANK OF NORTH AMERICA/MV AMERICA
9-4-13 [[15](#)]

MOHAMMAD MOKARRAM/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

This objection to confirmation of a chapter 13 plan will be overruled without prejudice. The debtor(s) has (have) filed a modified plan. The plan that is the subject of this objection is deemed withdrawn. The court will prepare a civil minute order. No appearance is necessary.

4. [13-15306](#)-B-13 RONALD/JACQUELINE SMITH
TCS-1
RONALD SMITH/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
WELLS FARGO BANK, N.A.
9-9-13 [[14](#)]

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.

5. [13-11607](#)-B-13 JUDIE HOUSTON
RN-1
JUDIE HOUSTON/MV
ROSALINA NUNEZ/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CITIMORTGAGE, INC.
8-30-13 [[20](#)]

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.

6. [11-62408](#)-B-13 REYNALDA GENLLER MARTINEZ MOTION TO APPROVE LOAN
PLF-6 MODIFICATION
REYNALDA GENLLER MARTINEZ/MV 8-30-13 [[55](#)]
PETER FEAR/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. The court does not approve or disapprove mortgage modifications in chapter 13, but 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 debtors' duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.

7. [13-15008](#)-B-13 RICHARD/TANYA GARCIA MOTION TO VALUE COLLATERAL OF
ASW-1 CAPITAL ONE RETAIL
RICHARD GARCIA/MV SERVICES/BEST BUY
9-4-13 [[16](#)]
ADRIAN WILLIAMS/Atty. for dbt.

This motion to value respondent's collateral 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 presented, the respondent's secured claim will be fixed at \$899. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

8. [13-15008](#)-B-13 RICHARD/TANYA GARCIA MOTION TO VALUE COLLATERAL OF
ASW-2 GE CAPITAL RETAIL BANK
RICHARD GARCIA/MV 9-4-13 [[22](#)]
ADRIAN WILLIAMS/Atty. for dbt.

This motion to value respondent's collateral 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 presented, the respondent's secured claim will be fixed at \$725. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

9. [13-15817](#)-B-13 MICHEAL/LORI VANEK MOTION TO VALUE COLLATERAL OF
RLF-1 E*TRADE BANK
MICHEAL VANEK/MV 9-5-13 [[9](#)]
JEFF REICH/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(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.

10. [13-15718](#)-B-13 MATHEW ALFORD MOTION TO VALUE COLLATERAL OF
SL-1 HSBC MORTGAGE SERVICES, INC.
MATHEW ALFORD/MV 9-12-13 [[13](#)]
SCOTT LYONS/Atty. for dbt.

11. [13-12622](#)-B-13 ALONZO/LEA PADILLA
BCS-1
BENJAMIN SHEIN/MV
MOTION FOR COMPENSATION BY THE
LAW OFFICE OF SHEIN LAW GROUP,
PC FOR BENJAMIN C. SHEIN,
DEBTOR'S ATTORNEY(S),
9-9-13 [[18](#)]
BENJAMIN SHEIN/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.

12. [13-15129](#)-B-13 BENITO DIAZ AND ROSA
PD-1 GARCIA
WELLS FARGO BANK, N.A./MV
OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR WELLS FARGO
BANK, N.A.
8-28-13 [[32](#)]
THOMAS GILLIS/Atty. for dbt.
ROBERT ZAHRADKA/Atty. for mv.

13. [13-15129](#)-B-13 BENITO DIAZ AND ROSA
TOG-1 GARCIA
BENITO DIAZ/MV
CONTINUED MOTION TO VALUE
COLLATERAL OF BANK OF AMERICA,
N.A.
8-8-13 [[9](#)]
THOMAS GILLIS/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(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.

14. [13-15129](#)-B-13 BENITO DIAZ AND ROSA CONTINUED MOTION TO VALUE
TOG-3 GARCIA COLLATERAL OF AMERICA'S
BENITO DIAZ/MV SERVICING CO.
8-8-13 [[14](#)]

THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING
15. [13-10830](#)-B-13 ANTONIO/BLANCA HOLGUIN MOTION TO DETERMINE VALUE OF
HDN-3 REAL PROPERTY, FOR EXTENT,
ANTONIO HOLGUIN/MV VALIDITY, AND NATURE OF THE
SECOND DEED OF TRUST OF HSBC
MORTGAGE SERVICE
8-28-13 [[62](#)]

HENRY NUNEZ/Atty. for dbt.

The motion will be denied without prejudice. 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.

16. [13-10830](#)-B-13 ANTONIO/BLANCA HOLGUIN CONTINUED MOTION TO DISMISS
MHM-1 CASE FOR UNREASONABLE DELAY
MICHAEL MEYER/MV THAT IS PREJUDICIAL TO
CREDITORS AND/OR MOTION TO
DISMISS CASE
8-2-13 [[55](#)]

HENRY NUNEZ/Atty. for dbt.
RESPONSIVE PLEADING
17. [13-11547](#)-B-13 SILVANO CERVANTES CONTINUED MOTION TO VALUE
SL-1 COLLATERAL OF BANK OF AMERICA,
SILVANO CERVANTES/MV NATIONAL ASSOCIATION
7-3-13 [[24](#)]

SCOTT LYONS/Atty. for dbt.
RESPONSIVE PLEADING

This motion has been withdrawn by stipulation of the parties. Without a favorable ruling in this matter, the Debtor's chapter 13 plan cannot be confirmed.

IT IS HEREBY ORDERED that the Debtor shall file, serve and set for confirmation hearing a modified plan which properly provides for the respondent's secured claim, within 14 days from entry of this order. The court will enter a civil minute order. No appearance is necessary.

18. [13-13052](#)-B-13 KELVIN HALSEY MOTION FOR COMPENSATION BY THE
BCS-3 LAW OFFICE OF SHEIN LAW GROUP,
BENJAMIN SHEIN/MV PC FOR BENJAMIN C. SHEIN,
DEBTOR'S ATTORNEY(S),
9-10-13 [[33](#)]

BENJAMIN SHEIN/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.

19. [13-15362](#)-B-13 ROXANNE LAING AMENDED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
9-23-13 [[25](#)]

WILLIAM COLLIER/Atty. for dbt.

This case has already been dismissed. The scheduled hearing will therefore be dropped from calendar. No appearance is necessary.

20. [13-15363](#)-B-13 STEVEN/KATHERINE JANTZ AMENDED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
9-23-13 [[23](#)]

WILLIAM COLLIER/Atty. for dbt.

21. [13-15966](#)-B-13 MARIA RESENDEZ MOTION TO VALUE COLLATERAL OF
SL-1 CITIFINANCIAL, INC.
MARIA RESENDEZ/MV 9-24-13 [[13](#)]
SCOTT LYONS/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(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 in interest after entry of the order. If the subject junior lien is not presently held by the named respondent, then this order shall be void and of no effect.

22. [13-15268](#)-B-13 GILBERT ROMERO AND
JRL-1 RICHARD MARQUEZ
GILBERT ROMERO/MV
JERRY LOWE/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF
JPMORGAN CHASE BANK, N.A.
8-22-13 [[20](#)]

Based on the respondent's opposition, this matter will be continued to November 13, 2013, 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 a civil minute order. No appearance is necessary.

23. [13-15268](#)-B-13 GILBERT ROMERO AND
PD-1 RICHARD MARQUEZ
JPMORGAN CHASE BANK, N.A./MV

JERRY LOWE/Atty. for dbt.
ROBERT ZAHRADKA/Atty. for mv.

AMENDED OBJECTION TO
CONFIRMATION OF PLAN BY JP
MORGAN CHASE BANK, N.A. .
9-3-13 [[27](#)]

This matter will be consolidated for all purposes with the objection to confirmation above (DC No. JRL-1) and will be continued to November 13, 2013, 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 a civil minute order. No appearance is necessary.

24. [12-14773](#)-B-13 ABRAHAM/MERCEDES MORFIN
PD-1
BANK OF AMERICA, N.A./MV

SCOTT LYONS/Atty. for dbt.
MEGAN LEES/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR CONSENT TO ENTER
INTO LOAN MODIFICATION
AGREEMENT
9-3-13 [[76](#)]

25. [12-19675](#)-B-13 HELADIO SANTIAGO AND

OBJECTION TO CLAIM OF

PBB-1 SANDRA PADILLA MENDOZA
HELADIO SANTIAGO/MV

DEPARTMENT STORES NATIONAL
BANK/MACYS, CLAIM NUMBER 4
8-26-13 [[29](#)]

PETER BUNTING/Atty. for dbt.
WITHDRAWN, CLAIM WITHDRAWN
8/30/13

The matter has been withdrawn. No appearance is necessary.

26. [12-19675](#)-B-13 HELADIO SANTIAGO AND
PBB-10 SANDRA PADILLA MENDOZA
HELADIO SANTIAGO/MV
PETER BUNTING/Atty. for dbt.

OBJECTION TO CLAIM OF ASSET
ACCEPTANCE LLC, CLAIM NUMBER 3
8-26-13 [[69](#)]

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. The objecting party shall submit the proposed order. No appearance is necessary.

27. [12-19675](#)-B-13 HELADIO SANTIAGO AND
PBB-2 SANDRA PADILLA MENDOZA
HELADIO SANTIAGO/MV

OBJECTION TO CLAIM OF
DEPARTMENT STORES NATIONAL
BANK/MACYS, CLAIM NUMBER 5
8-26-13 [[24](#)]

PETER BUNTING/Atty. for dbt.
WITHDRAWN, CLAIM WITHDRAWN
8/30/13

The matter has been withdrawn. No appearance is necessary.

28. [12-19675](#)-B-13 HELADIO SANTIAGO AND
PBB-3 SANDRA PADILLA MENDOZA
HELADIO SANTIAGO/MV

OBJECTION TO CLAIM OF
PROFESSIONAL COLLECTION
CONSULTANTS, CLAIM NUMBER 6
8-26-13 [[34](#)]

PETER BUNTING/Atty. for dbt.

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. The objecting party shall submit the proposed order. No appearance is necessary.

29. [12-19675](#)-B-13 HELADIO SANTIAGO AND
PBB-4 SANDRA PADILLA MENDOZA
HELADIO SANTIAGO/MV

OBJECTION TO CLAIM OF OAK
HARBOR CAPITAL VII, LLC, CLAIM
NUMBER 7
8-26-13 [[39](#)]

PETER BUNTING/Atty. for dbt.

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. The objecting party shall submit the proposed order. No appearance is necessary.

30. [12-19675](#)-B-13 HELADIO SANTIAGO AND
PBB-5 SANDRA PADILLA MENDOZA

OBJECTION TO CLAIM OF PALISADES
ACQUISITION XVII, LLC, CLAIM

HELADIO SANTIAGO/MV

NUMBER 8
8-26-13 [[44](#)]

PETER BUNTING/Atty. for dbt.

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. The objecting party shall submit the proposed order. No appearance is necessary.

31. [12-19675](#)-B-13 HELADIO SANTIAGO AND OBJECTION TO CLAIM OF PORTFOLIO
PBB-6 SANDRA PADILLA MENDOZA RECOVERY ASSOCIATES, LLC, CLAIM
HELADIO SANTIAGO/MV NUMBER 9
8-26-13 [[49](#)]

PETER BUNTING/Atty. for dbt.
WITHDRAWN

The matter has been withdrawn. No appearance is necessary.

32. [12-19675](#)-B-13 HELADIO SANTIAGO AND OBJECTION TO CLAIM OF LVNV
PBB-7 SANDRA PADILLA MENDOZA FUNDING LLC, CLAIM NUMBER 10
HELADIO SANTIAGO/MV 8-26-13 [[54](#)]

PETER BUNTING/Atty. for dbt.

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. The objecting party shall submit the proposed order. No appearance is necessary.

33. [12-19675](#)-B-13 HELADIO SANTIAGO AND OBJECTION TO CLAIM OF LVNV
PBB-8 SANDRA PADILLA MENDOZA FUNDING LLC, CLAIM NUMBER 11
HELADIO SANTIAGO/MV 8-26-13 [[59](#)]

PETER BUNTING/Atty. for dbt.

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. The objecting party shall submit the proposed order. No appearance is necessary.

34. [12-19675](#)-B-13 HELADIO SANTIAGO AND OBJECTION TO CLAIM OF LVNV
PBB-9 SANDRA PADILLA MENDOZA FUNDING LLC, CLAIM NUMBER 12
HELADIO SANTIAGO/MV 8-26-13 [[64](#)]

PETER BUNTING/Atty. for dbt.

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. The objecting party shall submit the proposed order. No appearance is necessary.

35. [10-15876](#)-B-13 LINDA HARRELL MOTION FOR ENTRY OF DISCHARGE
SAH-3 9-6-13 [[50](#)]

LINDA HARRELL/MV
SUSAN HEMB/Atty. for dbt.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

36. [13-14080](#)-B-13 KATHRYN DORAN CONTINUED HEARING RE: OBJECTION
IRS-1 TO CONFIRMATION OF PLAN BY
INTERNAL REVENUE SERVICE/MV INTERNAL REVENUE SERVICE
8-5-13 [[27](#)]

SCOTT LYONS/Atty. for dbt.
THOMAS ROHALL/Atty. for mv.
CASE DISMISSED

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

37. [10-63483](#)-B-13 OSCAR SOLIS MOTION TO MODIFY PLAN
KMM-6 8-13-13 [[91](#)]
OSCAR SOLIS/MV
KARNEY MEKHITARIAN/Atty. for dbt.
RESPONSIVE PLEADING

38. [10-61189](#)-B-13 EDGARDO/MAY LEMQUE OBJECTION TO CLAIM OF NAVY
KRG-10 FEDERAL CREDIT UNION, CLAIM
EDGARDO LEMQUE/MV NUMBER 28
8-28-13 [[131](#)]

KENNETH GRAHAM/Atty. for dbt.

The objection will be sustained as modified below. Claim # 28 was an untimely filed general unsecured claim and will not receive any distribution in this chapter 13 proceeding. However, if this case is converted to a case under any other chapter, and a new bar date is set for the filing of claims, this claim shall be deemed timely and shall be allowed pursuant to 11 U.S.C. § 502(a), without the necessity of filing a new proof of claim. The objecting party shall submit a proposed order consistent with this ruling. No appearance is necessary.

39. [13-11089](#)-B-13 EUGENIA HERNANDEZ MOTION TO CONFIRM PLAN
TCS-4 8-22-13 [[36](#)]
EUGENIA HERNANDEZ/MV
TIMOTHY SPRINGER/Atty. for dbt.

This motion to confirm a plan, filed August 22, 2013, will be dropped from calendar without disposition. The debtors have filed a modified plan that has already been set for a hearing. The plan that is the subject of this objection is deemed withdrawn.

40. [13-11089](#)-B-13 EUGENIA HERNANDEZ MOTION TO CONFIRM PLAN
TCS-5 9-5-13 [[43](#)]
EUGENIA HERNANDEZ/MV

TIMOTHY SPRINGER/Atty. for dbt.

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(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.

41. [13-14789](#)-B-13 JOEL GATICA AND EMELIA ORDER TO SHOW CAUSE - FAILURE
SANCHEZ TO PAY FEES
9-16-13 [[30](#)]
THOMAS GILLIS/Atty. for dbt.

The record shows that this document has been filed and/or the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

42. [13-14195](#)-B-13 MARVIN/SALLY ROBERTSEN MOTION TO CONFIRM PLAN
AAM-1 8-25-13 [[23](#)]
MARVIN ROBERTSEN/MV
ANDREW MOHER/Atty. for dbt.

43. [12-18699](#)-B-13 GARY/LISA RIGGINS MOTION FOR COMPENSATION BY THE
BCS-3 LAW OFFICE OF SHEIN LAW GROUP,
BENJAMIN SHEIN/MV PC FOR BENJAMIN C. SHEIN,
DEBTOR'S ATTORNEY(S),
9-9-13 [[46](#)]
BENJAMIN SHEIN/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.

2:00 P.M.

1. [13-14909](#)-B-13 JUVENTINO FLORES MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 9-26-13 [[27](#)]
SCOTT LYONS/Atty. for dbt.

2. [13-14379](#)-B-13 ROBERTO ORTIZ MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 9-26-13 [[32](#)]
SCOTT LYONS/Atty. for dbt.

3. [10-63584](#)-B-13 ADRIAN/DANA BAUTISTA MOTION TO DISMISS CASE FOR
MHM-1 UNREASONABLE DELAY THAT IS
MICHAEL MEYER/MV PREJUDICIAL TO CREDITORS AND/OR

MOTION TO DISMISS CASE
9-26-13 [[77](#)]

THOMAS GILLIS/Atty. for dbt.

4. [13-14295](#)-B-13 AGUSTIN/ROLISA DE VERA
MHM-2
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS ,
MOTION TO DISMISS CASE
9-26-13 [[26](#)]

JAMES MILLER/Atty. for dbt.