

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, October 15, 2015
Place: Department C – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

10:00 A.M.

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| 1. | <u>15-10822</u> -C-13 STEVE VALDIVIESO
<u>15-1056</u>
WRIGHT, M.D. ET AL V.
VALDIVIESO ET AL
CRAIG FRY/Atty. for pl.
RESPONSIVE PLEADING | CONTINUED STATUS CONFERENCE RE:
NOTICE OF REMOVAL
4-26-15 [<u>1</u>] |
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This matter will be called on the 1:30 p.m. calendar. No appearance is necessary at 10:00 a.m.

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| 2. | <u>15-10822</u> -C-13 STEVE VALDIVIESO
LRP-1
KENNETH WRIGHT/MV

DAVID JENKINS/Atty. for dbt.
CRAIG FRY/Atty. for mv.
RESPONSIVE PLEADING | CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY KENNETH
WRIGHT M.D. AND KAREN WRIGHT
4-21-15 [<u>29</u>] |
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The objection will be overruled as moot. The chapter 13 plan to which this objection relates has been withdrawn by the debtor. No appearance is necessary.

1:30 P.M.

1. [15-11311](#)-B-7 CHRISTOPHER/KERRI TYSON STATUS CONFERENCE RE: AMENDED
[15-1087](#) COMPLAINT
TYSON V. AMERICAN EDUCATION 10-7-15 [[16](#)]
SERVICES, INC. ET AL
SCOTT LYONS/Atty. for pl.

This status conference will be dropped from calendar. No appearance is necessary.

This status conference was continued to give the debtors an opportunity to amend the complaint and add defendants. The amended complaint appears to state a claim for relief, however it contains "redlines," strikeouts, and edits, and needs to be refiled in proper form.

Further, the record does not show that the summons was reissued and none of the defendants have been properly served with a reissued summons and the amended complaint. None of the original defendants have appeared, therefore the amended complaint, in proper form, and reissued summons, must be served on all named defendants in compliance with FRBP 7004. A new status conference before Judge Lastreto will be set in the reissued summons. The clerk of the court will issue a notice of intent to dismiss for unreasonable delay and failure to prosecute if the plaintiffs do not get the complaint filed in corrected form and properly served with a reissued summons within 30 days.

2. [15-11120](#)-B-7 NANCY ANGWIN STATUS CONFERENCE RE: AMENDED
[15-1080](#) COMPLAINT
UNITED STATES V. ANGWIN 10-1-15 [[16](#)]
JEFFREY LODGE/Atty. for pl.
3. [15-10822](#)-C-13 STEVE VALDIVIESO MOTION TO COMPROMISE
DRJ-1 CONTROVERSY/APPROVE SETTLEMENT
STEVE VALDIVIESO/MV AGREEMENT WITH KENNETH WRIGHT,
M.D. AND KAREN WRIGHT
9-24-15 [[140](#)]

DAVID JENKINS/Atty. for dbt.
4. [13-16062](#)-C-7 MICHAEL WEILERT, M.D., ORDER TO SHOW CAUSE
INC. 9-14-15 [[123](#)]
RILEY WALTER/Atty. for dbt.
5. [13-16062](#)-C-7 MICHAEL WEILERT, M.D., CONTINUED STATUS CONFERENCE RE:
[15-1073](#) INC. COMPLAINT
BRIAN L. GWARTZ AND CHERYL A. 6-3-15 [[1](#)]
SKIGIN, CO-TRUSTEES V. WILD,
CHERYL SKIGIN/Atty. for pl.
AMENDED COMPLAINT ECF NO. 50

6. [15-11079](#)-C-11 WEST COAST GROWERS, INC. MOTION FOR COMPENSATION BY THE
KDG-13 A CALIFORNIA CORPORATION LAW OFFICE OF KLEIN, DENATALE,
GOLDNER, COOPER, ROSENLIB &
KIMBALL, LLP FOR HAGOP T.
BEDOYAN, DEBTORS ATTORNEY(S)
9-23-15 [[524](#)]

HAGOP BEDOYAN/Atty. for dbt.
7. [15-10822](#)-C-13 STEVE VALDIVIESO MOTION TO DISMISS CASE
DRJ-2 10-5-15 [[144](#)]
STEVE VALDIVIESO/MV
DAVID JENKINS/Atty. for dbt.
8. [15-10161](#)-C-11 FRESNO COUNTY RESCHEDULED MOTION TO DISMISS
UST-1 SPORTSMEN'S CLUB 9-2-15 [[47](#)]
TRACY DAVIS/MV
PETER FEAR/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING
9. [15-11079](#)-C-11 WEST COAST GROWERS, INC. CONTINUED MOTION FOR
RAC-3 A CALIFORNIA CORPORATION COMPENSATION BY THE LAW OFFICE
OF BLAKELEY LLP FOR RONALD A.
CLIFFORD, OFFICIAL COMMITTEE OF
UNSECURED CREDITORS' ATTORNEY
(S)
9-10-15 [[513](#)]

HAGOP BEDOYAN/Atty. for dbt.
RONALD CLIFFORD/Atty. for mv.