

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, October 22, 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.

1:30 P.M.

1. [15-10705](#)-C-11 CHARLOTTE SALWASSER MOTION TO SELL
DMG-2 10-1-15 [[630](#)]
CHARLOTTE SALWASSER/MV
D. GARDNER/Atty. for dbt.
CHARLOTTE SALWASSER/Atty. for mv.
2. [15-10705](#)-C-11 CHARLOTTE SALWASSER MOTION TO SELL
DMG-3 10-1-15 [[635](#)]
CHARLOTTE SALWASSER/MV
D. GARDNER/Atty. for dbt.
CHARLOTTE SALWASSER/Atty. for mv.
3. [15-11079](#)-C-11 WEST COAST GROWERS, INC. CONTINUED STATUS CONFERENCE RE:
[15-1081](#) A CALIFORNIA CORPORATION COMPLAINT
5T FARMS ET AL V. WEST COAST
GROWERS, INC. 7-1-15 [[1](#)]
RILEY WALTER/Atty. for pl.
4. [15-11079](#)-C-11 WEST COAST GROWERS, INC. ORDER TO SHOW CAUSE REGARDING
A CALIFORNIA CORPORATION DISMISSAL OF CASE OR CONVERSION
TO CHAPTER 7
9-16-15 [[521](#)]
HAGOP BEDOYAN/Atty. for dbt.
5. [15-11079](#)-C-11 WEST COAST GROWERS, INC. CONTINUED MOTION FOR ORDER
KDG-5 A CALIFORNIA CORPORATION AUTHORIZING
WEST COAST GROWERS, INC. A DEBTOR-IN-POSSESSION TO MAKE
CALIFORNIA CORPORATION/MV FIRST INTERIM DISTRIBUTION TO
2014 GROWERS
4-23-15 [[117](#)]
HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING
6. [15-11079](#)-C-11 WEST COAST GROWERS, INC. CONTINUED MOTION TO COMPROMISE
MHK-1 A CALIFORNIA CORPORATION CONTROVERSY/APPROVE SETTLEMENT
WESPAK, INC./MV AGREEMENT WITH WEST COAST
GROWERS, INC.
8-24-15 [[497](#)]
HAGOP BEDOYAN/Atty. for dbt.
DAVID MEEGAN/Atty. for mv.

2:00 P.M.

1. [10-12709](#)-C-11 ENNIS COMMERCIAL
[12-1033](#) PROPERTIES, LLC LRP-9
ENNIS COMMERCIAL PROPERTIES,
LLC V. NICHOLSON ET AL

MICHAEL GOMEZ/Atty. for mv.

RESCHEDULED HEARING RE: MOTION
TO APPROVE STIPULATION
RESOLVING CLAIM FOR RELIEF NO.
23
10-7-15 [[213](#)]
2. [10-12709](#)-C-11 ENNIS COMMERCIAL
[12-1033](#) PROPERTIES, LLC LRP-10
ENNIS COMMERCIAL PROPERTIES,
LLC V. NICHOLSON ET AL

MICHAEL GOMEZ/Atty. for mv.

RESCHEDULED HEARING RE: MOTION
TO CERTIFY ORDER APPROVING
STIPULATION ON CLAIM FOR RELIEF
NO. 23 AS A FINAL JUDGMENT
10-7-15 [[217](#)]
3. [10-62315](#)-C-11 BEN ENNIS
[13-1108](#) LRP-23
STAPLETON ET AL V. NICHOLSON
ET AL

MICHAEL GOMEZ/Atty. for mv.

RESCHEDULED HEARING RE: MOTION
TO APPROVE STIPULATION
RESOLVING CLAIM FOR RELIEF NO.
20
10-7-15 [[411](#)]
4. [10-62315](#)-C-11 BEN ENNIS
[13-1108](#) LRP-24
STAPLETON ET AL V. NICHOLSON
ET AL

MICHAEL GOMEZ/Atty. for mv.

RESCHEDULED HEARING RE: MOTION
TO CERTIFY ORDER APPROVING
STIPULATION ON CLAIM FOR RELIEF
NO. 20 AS A FINAL JUDGMENT
10-7-15 [[415](#)]
5. [10-12709](#)-C-11 ENNIS COMMERCIAL
[12-1033](#) PROPERTIES, LLC
ENNIS COMMERCIAL PROPERTIES,
LLC V. NICHOLSON ET AL
MICHAEL GOMEZ/Atty. for pl.

FURTHER STATUS CONFERENCE RE:
AMENDED COMPLAINT
2-7-14 [[76](#)]

The court has reviewed the operative pleadings and the record in this adversary proceeding. At the hearing, the court intends to explore ways to streamline this litigation and possibly bifurcate certain issues for trial. In that regard, the court will direct the parties to submit a joint pretrial order which summarizes the remaining claims that need to be adjudicated.

At the hearing, the parties shall be prepared to explain why the Plan Administrator has standing to prosecute claims for relief on behalf of the Ennis Creditors' Committee.

Also, the parties shall be prepared to address the applicability of Cal.Civil Code Section 3439.03 (defining "value" in the context of the UFTA) and the holding in *Wyzard v. Goller*, 23 Cal.App. 4th 1183 (1994), to the various fraudulent conveyance claims pled in both adversary proceedings.

6. [10-62315](#)-C-11 BEN ENNIS
[13-1108](#)
STAPLETON ET AL V. NICHOLSON
ET AL
MICHAEL GOMEZ/Atty. for pl.

FURTHER STATUS CONFERENCE RE:
COMPLAINT
10-10-13 [[1](#)]

The court has reviewed the operative pleadings and the record in this adversary proceeding. At the hearing, the court intends to explore ways to streamline this litigation and possibly bifurcate certain issues for trial. In that regard, the court will direct the parties to submit a joint pretrial order which summarizes the remaining claims that need to be adjudicated.

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2:30 P.M.

1. [15-11080](#)-C-11 SALWASSER, INC.
FLG-6

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. FOR PETER L. FEAR, DEBTORS
ATTORNEY(S)
9-10-15 [[121](#)]

PETER FEAR/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.