

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable W. Richard Lee**  
**Hearing Date: Wednesday, October 23, 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. [13-11830](#)-B-7 KUMLDEEP SIDHU MOTION FOR ENTRY OF DEFAULT  
[13-1030](#) TCS-1 JUDGMENT  
SIDHU V. RIVER CITY FINANCIAL, 9-16-13 [[28](#)]  
LLC ET AL  
TIMOTHY SPRINGER/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 for cause shown. The plaintiff shall submit a proposed single judgment against both defendants for the amount of the avoided transfers plus costs. No appearance is necessary.**

2. [13-11830](#)-B-7 KUMLDEEP SIDHU MOTION FOR ENTRY OF DEFAULT  
[13-1030](#) TCS-2 JUDGMENT  
SIDHU V. RIVER CITY FINANCIAL, 9-16-13 [[31](#)]  
LLC ET AL  
TIMOTHY SPRINGER/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 for cause shown. The plaintiff shall submit a proposed single judgment against both defendants for the amount of the avoided transfers plus costs. No appearance is necessary.**

10:00 A.M.

1. [13-12507](#)-B-7 CRAIG/TERI MUNGARY  
RLF-2  
CRAIG MUNGARY/MV  
JEFF REICH/Atty. for dbt. CONTINUED MOTION TO AVOID LIEN  
OF ELLEN JOSEPHS  
9-4-13 [[34](#)]
2. [13-12507](#)-B-7 CRAIG/TERI MUNGARY  
RLF-3  
CRAIG MUNGARY/MV  
JEFF REICH/Atty. for dbt. CONTINUED MOTION TO AVOID LIEN  
OF JACK GLOVER AND YVONNE  
GLOVER  
9-4-13 [[39](#)]
3. [13-12507](#)-B-7 CRAIG/TERI MUNGARY  
RLF-4  
CRAIG MUNGARY/MV  
JEFF REICH/Atty. for dbt. CONTINUED MOTION TO AVOID LIEN  
OF UNITED LOCAL CREDIT UNION  
9-4-13 [[44](#)]
4. [12-18909](#)-B-7 HARJINDER/JASVIR GILL  
KDG-5  
PETER FEAR/MV  
THOMAS GILLIS/Atty. for dbt.  
LISA HOLDER/Atty. for mv.  
CONDITIONAL NON-OPPOSITION MOTION TO SELL AND/OR MOTION TO  
PAY  
9-25-13 [[323](#)]
5. [13-15310](#)-B-7 MIGUEL LOZOLLA  
TOG-5  
MIGUEL LOZOLLA/MV  
THOMAS GILLIS/Atty. for dbt. MOTION TO COMPEL ABANDONMENT  
9-26-13 [[23](#)]
6. [13-15314](#)-B-7 STEVEN BROWNING  
UST-1  
AUGUST LANDIS/MV  
PATRICIA CARRILLO/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv.  
RESPONSIVE PLEADING MOTION TO DISMISS CASE PURSUANT  
TO 11 U.S.C. SECTION 707(B)  
9-17-13 [[17](#)]
7. [13-14021](#)-B-7 KEITH/MARTHA WALLWORK  
JMA-1  
KEITH WALLWORK/MV  
JOSEPH ARNOLD/Atty. for dbt. MOTION TO AVOID LIEN OF  
THUNDERBOLT HOLDINGS LTD, LLC.  
9-5-13 [[21](#)]

**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 plaintiff shall submit a proposed single judgment against both defendants for the amount of the avoided transfers plus costs. No appearance is necessary.**

8. [13-11430](#)-B-7 MICHAEL/ALICIA WARD  
EPE-2  
MICHAEL WARD/MV  
ERIC ESCAMILLA/Atty. for dbt. CONTINUED MOTION TO AVOID LIEN  
OF CAPITAL ONE SMALL BUSINESS  
9-24-13 [[31](#)]
9. [13-11430](#)-B-7 MICHAEL/ALICIA WARD  
EPE-3  
MICHAEL WARD/MV  
ERIC ESCAMILLA/Atty. for dbt. CONTINUED MOTION TO AVOID LIEN  
OF COMMERCIAL TRADE, INC.  
9-24-13 [[35](#)]
10. [13-11430](#)-B-7 MICHAEL/ALICIA WARD  
EPE-4  
MICHAEL WARD/MV  
ERIC ESCAMILLA/Atty. for dbt. CONTINUED MOTION TO AVOID LIEN  
OF TRAVELERS CASUALTY INSURANCE  
OF AMERICA, TRAVELERS CASUALTY  
AND SURETY COMPANY  
9-24-13 [[39](#)]
11. [13-13432](#)-B-7 JAIME/LUZ RAMIREZ  
PSC-1  
JAIME RAMIREZ/MV  
PATRICIA CARRILLO/Atty. for dbt. CONTINUED MOTION TO AVOID LIEN  
OF MIDLAND FUNDING LLC  
8-20-13 [[23](#)]

**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 plaintiff shall submit a proposed single judgment against both defendants for the amount of the avoided transfers plus costs. No appearance is necessary.**

12. [13-14137](#)-B-7 RONALD TURNER  
JES-1  
JAMES SALVEN/MV  
AMANDA BILLYARD/Atty. for dbt.  
JAMES SALVEN/Atty. for mv.  
RESPONSIVE PLEADING OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
9-17-13 [[37](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The trustee's objection will be sustained without oral argument for cause shown. The debtor's exemptions claimed under CCP §703.140(b) are hereby disallowed.**

**The debtor shall have 14 days from entry of this order to file and serve properly amended exemptions. No appearance is necessary.**

13. [12-60444](#)-B-7 CARLOS/MARIA GUTIERREZ MOTION TO COMPEL ABANDONMENT  
TOG-6 9-20-13 [[47](#)]  
CARLOS GUTIERREZ/MV  
THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter will be continued to November 26, 2013, at 10:00 a.m., for hearing with the trustee's objection to exemption of the same property. The court will prepare a minute order. No appearance is necessary.**

14. [13-15050](#)-B-7 JENNIFER CORLEY OPPOSITION RE: TRUSTEE'S MOTION  
TMT-1 TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
9-9-13 [[12](#)]  
  
STEPHEN LABIAK/Atty. for dbt.

15. [13-15450](#)-B-7 FALASHA MBULAREYES OPPOSITION RE: TRUSTEE'S MOTION  
JES-1 TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
9-13-13 [[15](#)]

16. [13-16155](#)-B-7 MICHAEL WEILERT AND ORDER TO APPEAR AND SHOW CAUSE  
GENEVIEVE DE MONTREMARE WHY A PATIENT CARE OMBUDSMAN  
SHOULD NOT BE APPOINTED  
9-17-13 [[7](#)]  
  
RILEY WALTER/Atty. for dbt.  
RESPONSIVE PLEADING

17. [13-15358](#)-B-7 JOSEPH GARAY MOTION TO DISMISS CASE  
JES-1 9-25-13 [[9](#)]  
JAMES SALVEN/MV  
GREG BLEVINS/Atty. for dbt.  
JAMES SALVEN/Atty. for mv.  
RESPONSIVE PLEADING

18. [13-16470](#)-B-7 LUIS CRUZ MOTION TO EXTEND AUTOMATIC STAY  
EPE-1 10-7-13 [[14](#)]  
LUIS CRUZ/MV  
ERIC ESCAMILLA/Atty. for dbt.

19. [13-15474](#)-B-7 TAURINO/VISENTA TORRES ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
10-1-13 [[21](#)]  
  
PATRICK KAVANAGH/Atty. for dbt.  
\$30 FEE PAID 10/7

**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.**

20. [13-16077](#)-B-7 RONNIE COLE MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
FEE  
9-10-13 [[5](#)]  
RONNIE COLE/MV  
RONNIE COLE/Atty. for mv.  
RESPONSIVE PLEADING

**The debtor(s) application to waive the chapter 7 filing fee has been approved. The trustee's opposition has been withdrawn. The hearing set by the court will be dropped from calendar. No appearance is necessary.**

21. [13-15388](#)-B-7 RUBEN/ELOUISE DIAZ OPPOSITION RE: TRUSTEE'S MOTION  
TMT-1 TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
9-24-13 [[15](#)]  
GARY HUSS/Atty. for dbt.

22. [13-14198](#)-B-7 BRENDON HILLMAN MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
FEE  
9-19-13 [[40](#)]  
BRENDON HILLMAN/MV  
BRENDON HILLMAN/Atty. for mv.

23. [13-15600](#)-B-7 JUAN/KAYLA CORONA MOTION TO COMPEL ABANDONMENT  
JDR-1 10-11-13 [[16](#)]  
JUAN CORONA/MV  
JEFFREY ROWE/Atty. for dbt.

10:30 A.M.

1. [13-13719](#)-B-7 GENEVIEVE COX  
PD-3  
WELLS FARGO BANK, NA/MV  
OLLIE MANAGO/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-18-13 [[75](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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. 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. [13-14934](#)-B-7 JONATHAN/KRISTI STANLEY  
PD-1  
WELLS FARGO BANK, N.A./MV  
ALBERT GARCIA/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-25-13 [[24](#)]

**This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. 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. 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.**

3. [13-14137](#)-B-7 RONALD TURNER  
PD-1  
U.S. BANK NATIONAL  
ASSOCIATION/MV  
AMANDA BILLYARD/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-12-13 [[30](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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. 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.

4. [13-14658](#)-B-7 LESLIE DUCAS  
RCO-1  
THE BANK OF NEW YORK MELLON/MV  
PETER FEAR/Atty. for dbt.  
KRISTI WELLS/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-23-13 [[15](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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. 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.

5. [13-15470](#)-B-7 MICHAEL/JENNIFER THULL  
DJP-3  
EDUCATIONAL EMPLOYEES CREDIT  
UNION/MV  
DON POOL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-7-13 [[44](#)]

6. [13-15970](#)-B-7 LINDSAY HIGGS  
APN-1  
BMW BANK OF NORTH AMERICA/MV  
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-20-13 [[12](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. 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. 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.

7. [13-14371](#)-B-7 MARTIN GONZALEZ  
ASW-1  
U.S. BANK NATIONAL  
ASSOCIATION/MV  
JEFF REICH/Atty. for dbt.  
JOELY BUI/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-13-13 [[14](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. 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. 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.

**11:00 A.M.**

1. [13-15680](#)-B-7 TERESA WILLIAMS

PRO SE REAFFIRMATION AGREEMENT  
WITH FINANCE AND THRIFT COMPANY  
10-2-13 [[12](#)]