

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, November 7, 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. [13-10302](#)-B-11 GMC DAIRY FARMS LP CONTINUED CHAPTER 11 STATUS
CONFERENCE
1-25-13 [[40](#)]
THOMAS GILLIS/Atty. for dbt.

Based on the joint status report, this matter will be continued to December 12, 2013, at 9:00 a.m. The parties shall file a joint status report at least one week before the continued status conference if a new plan and disclosure statement have not been filed. The court will prepare a minute order. No appearance is necessary.

2. [12-14514](#)-B-11 TERRENCE/LORRENE MOTION FOR COMPENSATION BY THE
HAR-11 GONSALVES LAW OFFICE OF MCCORMICK,
HILTON RYDER/MV BARSTOW, SHEPPARD, WAYTE &
CARRUTH, LLP FOR HILTON A.
RYDER, DEBTOR'S ATTORNEY(S),
10-2-13 [[331](#)]
HILTON RYDER/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.

3. [13-12342](#)-B-11 MEHRDAD FAY CONTINUED CHAPTER 11 STATUS
CONFERENCE
4-9-13 [[11](#)]
HAGOP BEDOYAN/Atty. for dbt.

Based on the debtor's status report and a review of the docket, it does not appear that a status conference is necessary at this time. This matter will be continued to December 12, 2013, at 9:00 a.m. The court will prepare a minute order. No appearance is necessary.

4. [13-12342](#)-B-11 MEHRDAD FAY CONTINUED MOTION FOR RELIEF
HTP-1 FROM AUTOMATIC STAY
BANK OF THE SIERRA/MV 8-29-13 [[111](#)]
HAGOP BEDOYAN/Atty. for dbt.
JESSICA GIANNETTA/Atty. for mv.
RESPONSIVE PLEADING

This matter will be continued to December 12, 2013, at 9:00 a.m., for consideration with the amended disclosure statement. The court will prepare a minute order. The automatic stay shall remain in effect until the court rules on this matter. No appearance is necessary.

5. [13-12342](#)-B-11 MEHRDAD FAY
KDG-7

HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING

DISCLOSURE STATEMENT FILED BY
DEBTOR MEHRDAD FAY
9-24-13 [[142](#)]

The matter has been withdrawn. No appearance is necessary.

6. [13-12343](#)-B-11 JIROUDI FAY, LLC

PETER FEAR/Atty. for dbt.

CONTINUED CHAPTER 11 STATUS
CONFERENCE
4-9-13 [[10](#)]

Based on the status report filed in the Mehrdad Fay matter, and a review of the docket, it does not appear that a status conference is necessary at this time. This matter will be continued to December 12, 2013, at 9:00 a.m. The court will prepare a minute order. No appearance is necessary.

7. [13-12343](#)-B-11 JIROUDI FAY, LLC
HTP-1
BANK OF THE SIERRA/MV
PETER FEAR/Atty. for dbt.
HANNO POWELL/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
8-29-13 [[101](#)]

This matter will be continued to December 12, 2013, at 9:00 a.m., for consideration with the amended disclosure statement. The court will prepare a minute order. The automatic stay shall remain in effect until the court rules on this matter. No appearance is necessary.

8. [13-12343](#)-B-11 JIROUDI FAY, LLC
KDG-7

PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

DISCLOSURE STATEMENT FILED BY
DEBTOR JIROUDI FAY, LLC
9-24-13 [[132](#)]

The matter has been withdrawn. No appearance is necessary.

9. [13-12343](#)-B-11 JIROUDI FAY, LLC
PLF-7
JIROUDI FAY, LLC/MV

PETER FEAR/Atty. for dbt.

MOTION FOR COMPENSATION FOR
PETER L. FEAR, DEBTOR'S
ATTORNEY(S),
10-10-13 [[152](#)]

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.

10. [12-19873](#)-B-11 ROSENDO JAIME AND MARIA CONTINUED CHAPTER 11 STATUS
DE JAIME CONFERENCE
12-5-12 [[8](#)]
THOMAS GILLIS/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.

11. [13-13388](#)-B-11 GEORGE/MARILYN LANTING CONTINUED CHAPTER 11 STATUS
CONFERENCE
5-17-13 [[13](#)]
NANCY KLEPAC/Atty. for dbt.

Based on the joint status report filed in the G.M.C. Dairy Farms L.P. case, this matter will be continued to December 12, 2013, at 9:00 a.m. The parties shall file a joint status report at least one week before the continued status conference if a new plan and disclosure statement have not been filed. The court will prepare a minute order. No appearance is necessary.

12. [13-16954](#)-B-11 MADERA ROOFING, INC. CONTINUED MOTION FOR ORDER
EJF-1 AUTHORIZING PAYMENT OF
MADERA ROOFING, INC./MV PRE-PETITION PAYROLL AND/OR
MOTION FOR ORDER AUTHORIZING
RETENTION OF ACCOUNT USED TO
FUND PRE-PETITION PAYROLL
10-28-13 [[5](#)]
ERIC FROMME/Atty. for dbt.

This matter appears to be resolved in the order dated October 31, 2013. No further hearing is necessary unless there are unresolved issues to be addressed. Any party who desires a further hearing shall file a notice with the court, notify all of the other parties who appeared in this matter, and file and serve a statement of unresolved issues. If a further hearing is requested, it shall be set for hearing at 2:30 p.m. Otherwise this matter will be dropped from calendar. No appearance is necessary at 9:00 a.m.

10:30 A.M.

1. [13-10141](#)-B-7 LINDA WALKER CONTINUED STATUS CONFERENCE RE:
[13-1065](#) COMPLAINT
STRAIN V. LAURENCE 6-11-13 [[1](#)]
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

It appears this adversary proceeding has been settled. 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 90 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.

2. [13-13746](#)-B-7 SEAN YAHN STATUS CONFERENCE RE: COMPLAINT
[13-1098](#) 9-6-13 [[1](#)]
YAHN V. CACH, LLC
SHANE REICH/Atty. for pl.

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

3. [13-14765](#)-B-7 MARIA GARCIA STATUS CONFERENCE RE: COMPLAINT
[13-1096](#) 9-3-13 [[1](#)]
U.S. TRUSTEE V. GARCIA
ROBIN TUBESING/Atty. for pl.
REISSUED SUMMONS FOR 1/9/14

This status conference will be dropped from calendar. The summons has been reissued and a new status conference has been set in the reissued summons for January 9, 2014. No appearance is necessary.

4. [11-63278](#)-B-7 TYLER MORGAN CONTINUED MOTION FOR DAMAGES
DRJ-2 AND TO ENFORCE DISCHARGE
TYLER MORGAN/MV 2-20-13 [[24](#)]
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING,
STIPULATION AND ORDER 10/21

The matter has been settled pursuant to the stipulation and order entered October 21, 2013. No appearance is necessary.

1:30 P.M.

1. [12-14906](#)-B-13 MICHAEL/JILL MARES MOTION TO MODIFY PLAN
JDM-2 9-19-13 [[36](#)]
MICHAEL MARES/MV
JAMES MILLER/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.

2. [10-61208](#)-B-13 DANIEL/KATHLEEN KNIGHT MOTION TO VALUE COLLATERAL OF
RHB-5 JP MORGAN CHASE, N.A.
DANIEL KNIGHT/MV 10-18-13 [[62](#)]
RICHARD BAMBL/Atty. for dbt.
RESPONSIVE PLEADING

The court intends to deny the motion for the reasons stated in the trustee's opposition. The plan has been completed. The respondent's claim was not provided for in the confirmed plan and the valuing of respondent's collateral at this time would serve no purpose. 11 USC §506(a). Finally, the motion is untimely; the contested claim was filed two-and-a-half years ago. On September 27, 2013, the trustee mailed the notice of completed plan payments. The plan payments have been completed and it appears that the case has been fully administered. The plan cannot now be modified to provide for the respondent's claim. 11 USC §1329(a). The granting of this motion after all of the funds have been distributed to the other unsecured creditors would be extremely prejudicial to the respondent. The court will enter a civil minute order. No appearance is necessary.

3. [11-16917](#)-B-13 FABIOLA LULE NOTICE OF DEFAULT AND MOTION TO
PLG-3 DISMISS CASE FOR FAILURE TO
MAKE PLAN PAYMENTS AS
TRANSMITTED TO BNC FOR SERVICE.
9-12-13 [[53](#)]
JOHN SARAI/Atty. for dbt.
RESPONSIVE PLEADING

4. [08-17522](#)-B-13 ALI AHMAD OBJECTION TO DEBTOR'S 11 U.S.C.
MHM-3 SEC. 1328 CERTIFICATION
9-23-13 [[124](#)]
ANN NGUYEN/Atty. for dbt.

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

5. [09-62333](#)-B-13 MANNY/INONE BERNARDINO MOTION TO MODIFY PLAN
PLF-7 9-26-13 [[137](#)]
MANNY BERNARDINO/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING
6. [09-62333](#)-B-13 MANNY/INONE BERNARDINO MOTION TO INCUR DEBT
PLF-8 9-26-13 [[144](#)]
MANNY BERNARDINO/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING
7. [10-60938](#)-B-13 MEILY YIP MOTION TO MODIFY PLAN
10-11-13 [[69](#)]
MEILY YIP/MV
BRUCE NICKEL/Atty. for dbt.
RESPONSIVE PLEADING
8. [10-61441](#)-B-13 VIDAL/KELLY MEDINA MOTION TO MODIFY PLAN
RLF-2 10-1-13 [[24](#)]
VIDAL MEDINA/MV
JEFF REICH/Atty. for dbt.

The motion will be denied without prejudice. The debtors are proposing to modify a confirmed chapter 13 plan. The court must determine, *inter alia*, that the modified plan is proposed in good faith. However, the motion is devoid of any information or evidence that would inform the creditors and the court as to what specific term(s) is (are) being modified in the plan and why. The moving papers contain pages of boilerplate statements that appear to have little bearing on the matter before the court. The motion fails to give adequate notice of the relief being sought. No appearance is necessary.

9. [13-15344](#)-B-13 ROBERT BRAMBILA AND NIDIA MOTION TO VALUE COLLATERAL OF
KMM-1 CASILLAS DE BRAMBILA NELSON AND KENNARD
ROBERT BRAMBILA/MV 10-7-13 [[27](#)]
KARNEY MEKHITARIAN/Atty. for dbt.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

10. [13-14856](#)-B-13 ISABEL ESPINOZA MOTION TO VALUE COLLATERAL OF
PLG-1 BANK OF AMERICA, N.A.
ISABEL ESPINOZA/MV 10-9-13 [[16](#)]
STEVEN ALPERT/Atty. for dbt.

The matter has been resolved by stipulation of the parties filed November 1, 2013. The parties shall submit a proposed order. No appearance is necessary.

15. [13-15366](#)-B-7 CAROLYN GILLIAM

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-11-13 [[28](#)]

GARY HUSS/Atty. for dbt.

This matter will be dropped from calendar. No appearance is necessary. The case has been converted to chapter 7, however two filing fee installments remain unpaid. If the last two installment payments are not paid by the time the trustee has fully administered the estate, the case will be closed without the entry of a discharge pursuant to the court's chapter 7 closing procedures.

16. [10-10969](#)-B-13 JEFFERY/MONIQUE DOWNS

MOTION TO REFINANCE
10-21-13 [[55](#)]

TCS-3

JEFFERY DOWNS/MV

TIMOTHY SPRINGER/Atty. for dbt.

17. [12-19279](#)-B-13 JOHNNY/JUANITA SOTO

MOTION TO MODIFY PLAN
9-17-13 [[31](#)]

JMA-1

JOHNNY SOTO/MV

JOSEPH ARNOLD/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.

18. [13-14379](#)-B-13 ROBERTO ORTIZ

MOTION TO CONFIRM PLAN
9-18-13 [[27](#)]

SL-1

ROBERTO ORTIZ/MV

SCOTT LYONS/Atty. for dbt.

DISMISSED

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

19. [12-14680](#)-B-13 CARLOS FERNANDEZ
[13-1097](#)
FERNANDEZ V. BACA
NANCY KLEPAC/Atty. for pl.
AMENDED COMPLAINT 9/9

STATUS CONFERENCE RE: COMPLAINT
9-4-13 [[1](#)]

This matter will be dropped from calendar without a disposition. No appearance is necessary. The record does not show that the first amended complaint has been served on the defendant. In addition, the amended complaint does not plead a claim for relief for the compensatory and punitive damages requested in the prayer for relief. The plaintiff shall file and properly serve a second amended complaint, with a reissued summons, within 30 days.

20. [13-14787](#)-B-13 STEPHEN/EMMA STONACEK
PBB-1
STEPHEN STONACEK/MV
PETER BUNTING/Atty. for dbt.

MOTION TO AVOID LIEN OF
CITIBANK (SOUTH DAKOTA) N.A.
9-9-13 [[26](#)]

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.

21. [13-14395](#)-B-13 DARLA RAMBONGA
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION FOR REQUEST FOR BAR DATE
10-23-13 [[38](#)]

22. [11-16697](#)-B-13 RONALD/DONNA HOFFART

ANDY WARSHAW/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED NOTICE OF DEFAULT AND
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
6-13-13 [[76](#)]

23. [11-16697](#)-B-13 RONALD/DONNA HOFFART
ACW-4
RONALD HOFFART/MV
ANDY WARSHAW/Atty. for dbt.
WITHDRAWN

MOTION TO MODIFY PLAN
9-25-13 [[101](#)]

The matter has been withdrawn. No appearance is necessary.