

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable W. Richard Lee**  
**Hearing Date: Wednesday, December 4, 2014**  
**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. [13-16845](#)-B-11 KEYSTONE MINE MANAGEMENT      CHAPTER 11 STATUS CONFERENCE  
II      10-29-13 [[7](#)]  
PHILLIP GILLET/Atty. for dbt.  
BAKERSFIELD CASE
  
2. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,      MOTION FOR COMPENSATION BY THE  
KDG-29      A CALIFORNIA GENERAL      LAW OFFICE OF KLEIN, DENATALE,  
JACOB EATON/MV      GOLDNER, COOPER, ROSENLIB &  
      KIMBALL, LLP FOR JACOB L.  
      EATON, DEBTOR'S ATTORNEY(S),  
      11-13-13 [[482](#)]  
  
JACOB EATON/Atty. for dbt.
  
3. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,      MOTION FOR COMPENSATION FOR  
KDG-30      A CALIFORNIA GENERAL      FRAZER, LLP, ACCOUNTANT(S),  
JACOB EATON/MV      11-13-13 [[488](#)]  
JACOB EATON/Atty. for dbt.

10:00 A.M.

1. [13-15747](#)-B-7 JOSE LUIS/BELEN ALEJO OPPOSITION RE: TRUSTEE'S MOTION  
TMT-1 TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
10-18-13 [[21](#)]

MARK ZIMMERMAN/Atty. for dbt.

2. [13-15754](#)-B-7 GLORIA MENDOZA MOTION OPPOSING AUTOMATIC  
RHT-1 ABANDONMENT OF VEHICLE FROM THE  
ROBERT HAWKINS/MV BANKRUPTCY ESTATE  
10-25-13 [[29](#)]

GEORGE LOGAN/Atty. for dbt.

ROBERT HAWKINS/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 court finds that the vehicle has consequential value to the estate and that the secured creditor is adequately protected by equity in the vehicle and the trustee's sale of the vehicle back to the debtor, below. Turnover of the property is not necessary because the trustee is selling the vehicle back to the debtor subject to existing liens. The moving party shall submit a proposed order. No appearance is necessary.**

3. [13-15754](#)-B-7 GLORIA MENDOZA MOTION TO SELL  
RHT-2 11-6-13 [[34](#)]  
ROBERT HAWKINS/MV  
GEORGE LOGAN/Atty. for dbt.  
ROBERT HAWKINS/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 moving party shall submit a proposed order. No appearance is necessary.**

4. [13-15761](#)-B-7 CARL/BARBARA HARNESS MOTION TO SELL  
RHT-1 10-25-13 [[15](#)]  
ROBERT HAWKINS/MV  
SCOTT LYONS/Atty. for dbt.  
ROBERT HAWKINS/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 moving party shall submit a proposed order. No appearance is necessary.**

5. [13-15266](#)-B-7 PAO LEE  
JRL-1  
PAO LEE/MV

MOTION TO AVOID LIEN OF MAIN  
STREET ACQUISITION CORP., AND  
CAPITAL ONE BANK (USA) N.A.  
11-4-13 [[19](#)]

JERRY LOWE/Atty. for dbt.

**As to Capital One Bank (USA) N.A., this matter will be continued to January 8, 2014, at 10:00 a.m. The debtor shall file a copy of the subject abstract of judgment or other evidence to show that the judgment lien is related to a debt owed by the debtor and that the debtor owned the subject property at the time the judgment lien attached. *Farrey v. Sanderfoot*, 111 S.Ct. 667.**

**As to Main Street Acquisition, Corp., the motion will be denied. The motion was not served on respondent Main Street Acquisition Corp. in compliance with FRBP 7004 and Cal.Corp.C. §2011(b). The court will prepare a minute order. No appearance is necessary.**

6. [13-14168](#)-B-7 CHAO MOUA AND LOU VANG  
TMT-1  
TRUDI MANFREDO/MV  
JEFFREY ROWE/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

MOTION TO SELL  
11-4-13 [[15](#)]

**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.**

7. [13-14675](#)-B-7 JERRY KUTUMIAN

OBJECTION BY CAROL AND CHARLES  
ADAMS TO CHAPTER 7 TRUSTEE'S  
REPORT OF NO DISTRIBUTION  
10-24-13 [[34](#)]

HAGOP BEDOYAN/Atty. for dbt.  
MITCHELL GOLUB/Atty. for mv.

8. [13-16082](#)-B-7 FIDEL/ADELINA TOSCANO

MOTION TO CONFIRM TERMINATION  
OR ABSENCE OF STAY  
10-30-13 [[22](#)]

NATIONSTAR MORTGAGE, L.L.C./MV  
EDDIE RUIZ/Atty. for dbt.  
JOSH HARRISON/Atty. for mv.

**The motion will be denied without prejudice. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c).**

**In addition, the proof of service fails to comply with Local Rule 9014-1(e)(3).**

**Also, the form and/or content of the notice do not comply with Local Rule 9014-1(d).**

**Finally, the trustee's report of no distribution does not constitute an abandonment of property of the estate and does not terminate the automatic stay. The property will be abandoned and the automatic stay will terminate by operation of law when the case is closed. No appearance is necessary.**

10:30 A.M.

1. [13-16514](#)-B-7 FIDEL MORENO  
SW-1  
WELLS FARGO BANK, N.A./MV  
TORIANA HOLMES/Atty. for mv. MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-18-13 [[12](#)]
2. [13-16030](#)-B-7 SUKHWANT/PARMJIT SANDHU  
ANT-2  
PORT OF SUBS, INC./MV  
JERRY LOWE/Atty. for dbt.  
AMY TIRRE/Atty. for mv.  
RESPONSIVE PLEADING CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
10-2-13 [[34](#)]
3. [13-16062](#)-B-7 MICHAEL WEILERT, M.D.,  
DAI-1 INC.  
PATHOLOGY ASSOCIATES/MV  
RILEY WALTER/Atty. for dbt.  
CHRISTOPHER SEYMOUR/Atty. for mv.  
RESPONSIVE PLEADING MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-30-13 [[39](#)]
4. [13-16470](#)-B-7 LUIS CRUZ  
  
KEN ENGLE/MV  
ERIC ESCAMILLA/Atty. for dbt.  
KEITH RICKELMAN/Atty. for mv. MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-31-13 [[21](#)]

**The motion will be denied without prejudice. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c).**

**In addition, the proof of service fails to comply with Local Rule 9014-1(e)(3). The exhibits attached to the motion do not comply with the court's revised guidelines for preparation of documents, Form EDC 2-901. No appearance is necessary.**

11:00 A.M.

1. [13-16519](#)-B-7 JOSE/VERONICA GUERRERO PRO SE REAFFIRMATION AGREEMENT  
WITH BANK OF AMERICA, N.A.  
11-13-13 [[12](#)]

This matter will be dropped from calendar. No appearance is necessary. This matter was automatically set for a hearing because the reaffirmation agreement is not signed by an attorney. However, this reaffirmation agreement appears to relate to a consumer debt secured by real property. Pursuant to 11 U.S.C. § 524(c)(6)(B), the court is not required to hold a hearing and approve this agreement.

2. [13-15439](#)-B-7 JONI WILSON PRO SE REAFFIRMATION AGREEMENT  
WITH CIG FINANCIAL  
11-15-13 [[19](#)]

Approval of the reaffirmation agreement will be denied without prejudice. The agreement was not signed by debtor. The Debtor shall have 14 days to refile the reaffirmation agreement properly signed. No appearance is necessary at this hearing.

3. [13-15986](#)-B-7 LOUIS VALLEJO PRO SE REAFFIRMATION AGREEMENT  
WITH AMERICAN AUTO FINANCING  
INC.  
11-12-13 [[17](#)]

Approval of the reaffirmation agreement will be denied. The reaffirmation agreement contains no financial information to show that the debtor can afford to make the payments required for the reaffirmed debt. The Debtor shall have 14 days to refile the reaffirmation agreement properly completed in compliance with the bankruptcy code. No appearance is necessary at this hearing.

1:30 P.M.

1. [08-14315](#)-B-13 STEVE/JULIE CAMACHO  
MHM-1  
  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING  
  
CHAPTER 13 TRUSTEE'S OBJECTION  
TO DEBTOR'S 11 U.S.C. SEC. 1328  
CERTIFICATE  
10-28-13 [[96](#)]
2. [08-14315](#)-B-13 STEVE/JULIE CAMACHO  
PLF-5  
STEVE CAMACHO/MV  
PETER FEAR/Atty. for dbt.  
  
MOTION FOR ENTRY OF DISCHARGE  
11-6-13 [[99](#)]
3. [11-18420](#)-B-13 JOHN/GLORIA PONTREMOLI  
DRJ-4  
JOHN PONTREMOLI/MV  
DAVID JENKINS/Atty. for dbt.  
  
MOTION TO INCUR DEBT  
11-20-13 [[47](#)]
4. [13-15946](#)-B-13 ROBERTO RODRIGUEZ AND  
KAZ-1 TERESA AGUILAR  
U.S. BANK NATIONAL  
ASSOCIATION/MV  
THOMAS GILLIS/Atty. for dbt.  
KRISTIN ZILBERSTEIN/Atty. for mv.  
RESPONSIVE PLEADING  
  
CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY U.S.  
BANK NATIONAL ASSOCIATION  
10-29-13 [[27](#)]

**The matter has been resolved by stipulation of the parties filed November 27, 2013. No appearance is necessary.**

5. [13-15946](#)-B-13 ROBERTO RODRIGUEZ AND  
KDG-1 TERESA AGUILAR  
ROGER LAMBERT/MV  
  
THOMAS GILLIS/Atty. for dbt.  
HAGOP BEDOYAN/Atty. for mv.  
RESPONSIVE PLEADING  
  
OBJECTION TO CONFIRMATION OF  
PLAN BY ROGER LAMBERT AND SUE  
ANNE LAMBERT  
11-15-13 [[54](#)]
6. [13-15946](#)-B-13 ROBERTO RODRIGUEZ AND  
TOG-1 TERESA AGUILAR  
ROBERTO RODRIGUEZ/MV  
THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING  
  
MOTION TO VALUE COLLATERAL OF  
ROGER AND SUE ANN LAMBERT  
11-1-13 [[32](#)]

7. [13-15946](#)-B-13 ROBERTO RODRIGUEZ AND MOTION TO VALUE COLLATERAL OF  
TOG-3 TERESA AGUILAR US BANK, N.A.  
ROBERTO RODRIGUEZ/MV 11-1-13 [[37](#)]  
THOMAS GILLIS/Atty. for dbt.

**The matter has been resolved by stipulation of the parties filed November 27, 2013. No appearance is necessary.**

8. [13-15548](#)-B-13 LISA MILLER OBJECTION TO DEBTOR'S CLAIM OF  
MHM-1 EXEMPTIONS  
MICHAEL MEYER/MV 11-5-13 [[44](#)]  
JERRY LOWE/Atty. for dbt.

**This objection will be overruled. The missing spousal waiver has now been filed. No further relief appears to be necessary. No appearance is necessary.**

9. [11-62766](#)-B-13 LAUREN/LORI ORNELAS MOTION TO APPROVE LOAN  
SL-2 MODIFICATION  
LAUREN ORNELAS/MV 11-18-13 [[41](#)]  
SCOTT LYONS/Atty. for dbt.

10. [13-16881](#)-B-13 JOHNNY/GLORIA ALEJANDREZ OBJECTION TO CONFIRMATION OF  
MMW-1 PLAN BY MAVI GOK LLC  
MAVI GOK LLC/MV 10-31-13 [[13](#)]  
PETER BUNTING/Atty. for dbt.  
MICHAEL WINTRINGER/Atty. for mv.

**This matter is rescheduled to January 22, 2014, at 1:30 p.m. The objection is premature. As of this posting, the trustee has not yet conducted the meeting of creditors. The date set for hearing objections to confirmation of the plan is January 22, 2014. No appearance is necessary.**

11. [08-15887](#)-B-13 MARK WALSH MOTION TO BORROW  
DRJ-2 11-18-13 [[35](#)]  
MARK WALSH/MV  
DAVID JENKINS/Atty. for dbt.