

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable W. Richard Lee**  
**Hearing Date: Wednesday, December 11, 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. [13-10603](#)-B-7 OMAR ENRIGUEZ CONTINUED STATUS CONFERENCE RE:  
[13-1049](#) HEREDIA V. ENRIGUEZ AMENDED COMPLAINT, JURY DEMAND  
GABRIEL WADDELL/Atty. for pl. 10-16-13 [[41](#)]
  
2. [13-10603](#)-B-7 OMAR ENRIGUEZ MOTION TO DISMISS ADVERSARY  
[13-1049](#) DRJ-3 PROCEEDING/NOTICE OF REMOVAL  
HEREDIA V. ENRIGUEZ 11-4-13 [[43](#)]  
DAVID JENKINS/Atty. for mv.

10:00 A.M.

1. [13-13729](#)-B-7      MARILYN STILLWELL      MOTION TO AVOID LIEN OF CAPITAL  
WMS-2      ONE BANK, USA, N.A.  
MARILYN STILLWELL/MV      11-6-13 [[33](#)]  
WILLIAM COLLIER/Atty. for dbt.

The motion will be denied. The subject property was not exempted on schedule C.

In addition, the record does not establish that the motion was served on the named respondent, Capital One Bank, USA, N.A., in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9<sup>th</sup> Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004. No appearance is necessary.

2. [13-16729](#)-B-7      SARAH ROMAN      MOTION FOR WAIVER OF THE  
SARAH ROMAN/MV      CHAPTER 7 FILING FEE OR OTHER  
SARAH ROMAN/Atty. for mv.      FEE  
10-16-13 [[5](#)]
3. [11-63430](#)-B-7      KAY MESMAN      MOTION TO SELL  
TGM-2      11-20-13 [[44](#)]  
SHERYL STRAIN/MV  
PETER BUNTING/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.
4. [13-11642](#)-B-7      MERCED MILLING COMPANY,      MOTION TO SELL  
TGM-3      LLC      11-13-13 [[55](#)]  
SHERYL STRAIN/MV  
THOMAS ARMSTRONG/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.  
RESPONSIVE PLEADING

5. [13-12765](#)-B-7 PEDRO MAGALLENES MOTION TO EMPLOY GOLD AUCTION  
TMT-1 AND APPRAISAL COMPANY AS  
TRUDI MANFREDO/MV AUCTIONEER(S)  
11-11-13 [[35](#)]  
  
THOMAS GILLIS/Atty. for dbt.  
TRUDI MANFREDO/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.**

6. [13-15969](#)-B-7 JAMES BAGGOTT AND CAMILLE CONTINUED MOTION TO DISMISS  
YG-2 BRYANT CASE  
JAMES BAGGOTT/MV 11-18-13 [[18](#)]  
YELENA GUREVICH/Atty. for dbt.

7. [12-11690](#)-B-7 LEANDRO OCAMPO AND MARIA MOTION TO COMPROMISE  
TMT-2 TORRES DE OCAMPO CONTROVERSY/APPROVE SETTLEMENT  
TRUDI MANFREDO/MV AGREEMENT WITH MONICA MARQUEZ  
11-7-13 [[32](#)]  
  
PETER BUNTING/Atty. for dbt.  
TRUDI MANFREDO/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.**

10:30 A.M.

1. [13-13527](#)-B-7 BRIAN MILLER  
WDR-2  
ALYS SCOGGINS/MV  
RICHARD DWYER/Atty. for dbt.  
WILLIAM REHWALD/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-29-13 [[32](#)]

**This matter will be continued to January 9, 2014, at 10:30 a.m., to be properly served, with a notice of the continued hearing, on the chapter 7 trustee. The motion will be called with the status conference in adversary proceeding 13-1079. The automatic stay will remain in effect pending further order of the court. The court will prepare a minute order. No appearance is necessary.**

**11:00 A.M.**

1. [13-15417](#)-B-7 CHRISTY ARELLANO PRO SE REAFFIRMATION AGREEMENT  
WITH CARMAX AUTO FINANCE  
11-18-13 [[23](#)]
  
2. [13-15680](#)-B-7 TERESA WILLIAMS PRO SE REAFFIRMATION AGREEMENT  
WITH FINANCE AND THRIFT COMPANY  
11-21-13 [[19](#)]