

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, December 16, 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-16 11-12-15 [[704](#)]
CHARLOTTE SALWASSER/MV
D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING
2. [15-10705](#)-C-11 CHARLOTTE SALWASSER MOTION TO ABANDON
DMG-17 11-12-15 [[709](#)]
CHARLOTTE SALWASSER/MV
D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING
3. [15-11120](#)-B-7 NANCY ANGWIN CONTINUED STATUS CONFERENCE RE:
[15-1080](#) AMENDED COMPLAINT
UNITED STATES V. ANGWIN 10-1-15 [[16](#)]
JEFFREY LODGE/Atty. for pl.
RESPONSIVE PLEADING

This matter will be dropped from calendar, to be reset if necessary, after the court rules on the plaintiff's motion for summary judgment below. No appearance is necessary.

4. [15-11120](#)-B-7 NANCY ANGWIN MOTION FOR SUMMARY JUDGMENT
[15-1080](#) USA-1 11-18-15 [[23](#)]
UNITED STATES V. ANGWIN
JEFFREY LODGE/Atty. for mv.
RESPONSIVE PLEADING

This matter was properly noticed and has been fully briefed. The court deems the matter to be suitable for resolution on the printed record without oral argument. Accordingly, the hearing will be dropped from calendar and the motion will be deemed submitted. No appearance is necessary.

5. [12-12945](#)-C-7 STEVEN AYLER CONTINUED MOTION FOR ENTRY OF
[15-1003](#) MDP-2 DEFAULT JUDGMENT
CATERPILLAR FINANCIAL SERVICES 9-11-15 [[42](#)]
CORPORATION V. AYLER
MARK PONIATOWSKI/Atty. for mv.

6. [15-10161](#)-C-11 FRESNO COUNTY DISCLOSURE STATEMENT FILED BY
FLG-3 SPORTSMEN'S CLUB DEBTOR FRESNO COUNTY
SPORTSMEN'S CLUB
10-28-15 [[80](#)]

PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING
7. [15-10161](#)-C-11 FRESNO COUNTY MOTION FOR COMPENSATION BY THE
FLG-4 SPORTSMEN'S CLUB LAW OFFICE OF FEAR LAW GROUP,
FRESNO COUNTY SPORTSMEN'S P.C. FOR PETER L. FEAR, DEBTORS
CLUB/MV ATTORNEY(S), MOTION/APPLICATION
TO USE CASH COLLATERAL
11-18-15 [[87](#)]

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.

8. [15-10161](#)-C-11 FRESNO COUNTY CONTINUED MOTION TO DISMISS
UST-1 SPORTSMEN'S CLUB CASE
TRACY DAVIS/MV 9-2-15 [[47](#)]
PETER FEAR/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING

Based on the U.S. Trustee's status report, this matter will be deemed withdrawn. No appearance is necessary.

9. [13-16062](#)-C-7 MICHAEL WEILERT, M.D., CONTINUED STATUS CONFERENCE RE:
[15-1073](#) INC. AMENDED COMPLAINT
BRIAN L. GWARTZ AND CHERYL A. 10-12-15 [[50](#)]
SKIGIN, CO-TRUSTEES V. WILD,
CHERYL SKIGIN/Atty. for pl.
10. [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 7-1-15 [[1](#)]
GROWERS, INC.
RILEY WALTER/Atty. for pl.
11. [15-11079](#)-C-11 WEST COAST GROWERS, INC. CONTINUED ORDER TO SHOW CAUSE
A CALIFORNIA CORPORATION 9-16-15 [[521](#)]
HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING

12. [15-11079](#)-C-11 WEST COAST GROWERS, INC. MOTION TO ABANDON
DMG-1 A CALIFORNIA CORPORATION 11-17-15 [[594](#)]
WEST COAST GROWERS, INC. A
CALIFORNIA CORPORATION/MV
HAGOP BEDOYAN/Atty. for dbt.
D. GARDNER/Atty. for mv.
RESPONSIVE PLEADING
13. [15-11079](#)-C-11 WEST COAST GROWERS, INC. MOTION FOR COMPENSATION BY THE
KDG-14 A CALIFORNIA CORPORATION LAW OFFICE OF KLEIN, DENATALE,
GOLDNER, COOPER, ROSENLIEB &
KIMBALL, LLP FOR HAGOP T.
BEDOYAN, DEBTORS ATTORNEY(S)
11-18-15 [[600](#)]
- HAGOP BEDOYAN/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.

14. [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
15. [15-11079](#)-C-11 WEST COAST GROWERS, INC. MOTION FOR COMPENSATION BY THE
RAC-4 A CALIFORNIA CORPORATION LAW OFFICE OF BLAKELEY LLP FOR
RONALD A. CLIFFORD, CREDITOR
COMM. ATY(S)
11-4-15 [[582](#)]
- HAGOP BEDOYAN/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.

16. [15-11080](#)-C-11 SALWASSER, INC. MOTION TO ABANDON
DMG-1 11-17-15 [[140](#)]
SALWASSER, INC./MV
PETER FEAR/Atty. for dbt.
D. GARDNER/Atty. for mv.
RESPONSIVE PLEADING

2:00 P.M.

1. [10-12709](#)-C-11 ENNIS COMMERCIAL CONTINUED STATUS CONFERENCE RE:
[12-1033](#) PROPERTIES, LLC AMENDED COMPLAINT
ENNIS COMMERCIAL PROPERTIES, 2-7-14 [[76](#)]
LLC V. NICHOLSON ET AL
MICHAEL GOMEZ/Atty. for pl.
RESPONSIVE PLEADING

2. [10-62315](#)-C-11 BEN ENNIS CONTINUED STATUS CONFERENCE RE:
[13-1108](#) STAPLETON ET AL V. NICHOLSON AMENDED COMPLAINT
ET AL 3-12-14 [[46](#)]
MICHAEL GOMEZ/Atty. for pl.
RESPONSIVE PLEADING

3. [10-62315](#)-C-11 BEN ENNIS MOTION IN LIMINE NO. 2
[13-1108](#) LRP-27 10-21-15 [[442](#)]
STAPLETON ET AL V. NICHOLSON
ET AL
MICHAEL GOMEZ/Atty. for mv.

Unless settled, this matter will proceed as scheduled. In preparation for the hearings on these motions *in limine*, the parties are encouraged to read the Bankruptcy Appellate Panel's recent unpublished opinion in *Kostecki v. Sutton (In re Sutton)* 9th Cir. BAP No. EC-14-1204 (Dec. 3, 2015) (available at:

<http://cdn.ca9.uscourts.gov/datastore/bap/2015/12/03/Sutton%20Memo%2014-1204.pdf>

4. [10-62315](#)-C-11 BEN ENNIS MOTION IN LIMINE NO. 4
[13-1108](#) LRP-29 10-21-15 [[677](#)]
STAPLETON ET AL V. NICHOLSON
ET AL
MICHAEL GOMEZ/Atty. for mv.

It appears this contested matter has been settled pursuant to a stipulation entered on December 4, 2015. The motion will be dropped from calendar. No appearance is necessary. The court will prepare and enter a civil minute order.

5. [10-62315](#)-C-11 BEN ENNIS MOTION IN LIMINE TO EXCLUDE
[13-1108](#) WJH-3 EVIDENCE OF FINANCIAL CONDITION
STAPLETON ET AL V. NICHOLSON OF DEFENDANTS
ET AL 10-21-15 [[618](#)]
KURT VOTE/Atty. for mv.

It appears this contested matter has been settled pursuant to a stipulation entered on December 4, 2015. The motion will be dropped from calendar. No appearance is necessary. The court will prepare and enter a civil minute order.

6. [10-62315](#)-C-11 BEN ENNIS MOTION IN LIMINE TO PRECLUDE
[13-1108](#) WJH-4 IRRELEVANT AND IMPROPER
STAPLETON ET AL V. NICHOLSON PROPOSED EXHIBITS AT BIFURCATED
ET AL TRIAL
12-3-15 [[745](#)]
KURT VOTE/Atty. for mv.

7. [10-62315](#)-C-11 BEN ENNIS MOTION IN LIMINE TO EXCLUDE
[13-1108](#) WJH-5 PLAINTIFF'S EXPERT REPORTS, OR
STAPLETON ET AL V. NICHOLSON PORTIONS THEREOF (EXHIBITS
ET AL #341, 342, 344)
10-21-15 [[620](#)]
KURT VOTE/Atty. for mv.

This matter appears to be superceded by the amended motion below (DC No. WJH-6) and will be dropped from calendar.

8. [10-62315](#)-C-11 BEN ENNIS AMENDED MOTION IN LIMINE NO. 5
[13-1108](#) WJH-6 TO EXCLUDE PLAINTIFF'S EXPERT
STAPLETON ET AL V. NICHOLSON ACCOUNTING REPORT, OR PORTIONS
ET AL THEREOF
11-20-15 [[725](#)]
KURT VOTE/Atty. for mv.