

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, April 30, 2014
Place: U.S. Courthouse, 510 19th Street
Bakersfield, 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.

1:30 P.M.

1. [11-17000](#)-B-13 JESSE TREVINO MOTION TO MODIFY PLAN
RLF-10 3-17-14 [[173](#)]
JESSE TREVINO/MV
JEFF REICH/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.

2. [12-17800](#)-B-13 MANUEL/CARMEN GARCIA CONTINUED MOTION TO DISMISS
MHM-3 CASE FOR UNREASONABLE DELAY
MICHAEL MEYER/MV THAT IS PREJUDICIAL TO
CREDITORS AND/OR MOTION TO
DISMISS CASE
2-18-14 [[98](#)]

ROBERT WILLIAMS/Atty. for dbt.

3. [12-17800](#)-B-13 MANUEL/CARMEN GARCIA MOTION TO MODIFY PLAN
RSW-5 3-4-14 [[102](#)]
MANUEL GARCIA/MV
ROBERT WILLIAMS/Atty. for dbt.

4. [14-10606](#)-B-13 OSCAR MORENO AND EBONY OBJECTION TO CONFIRMATION OF
WILLIAMS MORENO PLAN BY PLATINUM HOME MORTGAGE
CORPORATION/MV CORPORATION
3-18-14 [[14](#)]
ROBERT WILLIAMS/Atty. for dbt.
BRIAN TRAN/Atty. for mv.
PLATINUM HOME MORTGAGE
CORPORATION VS.

This matter will be continued to June 4, 2014, at 1:30 p.m., for completion of the § 341 meeting of creditors. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.

The objection and supporting papers do not include an appropriate docket control number as required by Local Rule 9014-1(c). The objection needs to be refiled with an appropriate docket control number, and re-served with notice of the continuance.

5. [13-16017](#)-B-13 JOSE/LUCY ROSAS CONTINUED MOTION TO DISMISS
MHM-1 CASE FOR UNREASONABLE DELAY
MICHAEL MEYER/MV THAT IS PREJUDICIAL TO
CREDITORS AND/OR MOTION TO
DISMISS CASE
2-21-14 [[61](#)]

NEIL SCHWARTZ/Atty. for dbt.

The motion will be denied without prejudice. Based on the court's ruling on the unopposed motion below, it appears that the unreasonable delay problem has been resolved. No appearance is necessary.

6. [13-16017](#)-B-13 JOSE/LUCY ROSAS MOTION TO CONFIRM PLAN
NES-4 3-6-14 [[65](#)]
JOSE ROSAS/MV
NEIL SCHWARTZ/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.

7. [13-13631](#)-B-13 NELSON/MARGARET DELGADO MOTION TO CONFIRM PLAN
RSW-3 3-4-14 [[62](#)]
NELSON DELGADO/MV
ROBERT WILLIAMS/Atty. for dbt.

8. [13-12432](#)-B-13 ROSS/ANNA PERIGO MOTION TO MODIFY PLAN
WDO-3 3-10-14 [[44](#)]
ROSS PERIGO/MV
WILLIAM OLCOTT/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.

9. [13-14435](#)-B-13 DAVID/ANGELEE MARTINEZ MOTION TO MODIFY PLAN
WDO-2 3-10-14 [[43](#)]
DAVID MARTINEZ/MV
WILLIAM OLCOTT/Atty. for dbt.
10. [13-18038](#)-B-13 MARK MOORE AND TAMILEE CONTINUED MOTION TO VALUE
RSW-1 DERINGTON-MOORE COLLATERAL OF FINANCE AND
MARK MOORE/MV THRIFT
3-13-14 [[34](#)]
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

This matter has been resolved by stipulation of the parties filed on April 27, 2014. No appearance is necessary.

11. [13-18038](#)-B-13 MARK MOORE AND TAMILEE CONTINUED OBJECTION TO
SAS-1 DERINGTON-MOORE CONFIRMATION OF PLAN BY FINANCE
FINANCE AND THRIFT COMPANY/MV AND THRIFT COMPANY
2-12-14 [[21](#)]
ROBERT WILLIAMS/Atty. for dbt.
STEVEN SILVER/Atty. for mv.

This objection has been withdrawn pursuant to a stipulation of the parties filed on April 27, 2014. No appearance is necessary.

12. [12-17745](#)-B-13 F. OLIVER COOPER MOTION TO MODIFY PLAN
DMG-5 2-26-14 [[104](#)]
F. OLIVER COOPER/MV
D. GARDNER/Atty. for dbt.
13. [13-15260](#)-B-13 KARON METTLER MOTION FOR COMPENSATION FOR
SJS-1 SUSAN J. SALEHI, DEBTOR'S
ATTORNEY.
4-3-14 [[29](#)]
SUSAN SALEHI/Atty. for dbt.

This matter will be dropped from the calendar. The pleadings filed with this motion were filed in response to the court's prior predisposition of the continued matter at calendar docket number 14 below and use the same docket control number. Therefore, they will be deemed to have been filed in the continued matter below.

14. [13-15260](#)-B-13 KARON METTLER CONTINUED MOTION FOR
SJS-1 COMPENSATION FOR SUSAN J.
SUSAN SALEHI/MV SALEHI, DEBTOR'S ATTORNEY(S),
2-22-14 [[22](#)]
SUSAN SALEHI/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.

15. [10-19869](#)-B-13 ROBERT HALL AND KIMBERLEY MOTION TO MODIFY PLAN
 RSW-3 GAREY-HALL 3-20-14 [[102](#)]
 ROBERT HALL/MV
 ROBERT WILLIAMS/Atty. for dbt.
16. [13-10278](#)-B-13 DONNA MACNEIL MOTION TO MODIFY PLAN
 PLG-3 3-10-14 [[62](#)]
 DONNA MACNEIL/MV
 STEVEN ALPERT/Atty. for dbt.
17. [13-15478](#)-B-13 FRANCISCO/ROSA PEREZ CONTINUED MOTION TO CONFIRM
 RSW-5 PLAN
 FRANCISCO PEREZ/MV 1-31-14 [[40](#)]
 ROBERT WILLIAMS/Atty. for dbt.
 RESPONSIVE PLEADING
18. [14-10381](#)-B-13 CAROLYN MINER CONTINUED MOTION TO DISMISS
 MHM-1 CASE FOR UNREASONABLE DELAY
 MICHAEL MEYER/MV THAT IS PREJUDICIAL TO
 CREDITORS AND/OR MOTION TO
 DISMISS CASE FOR FAILURE TO
 MAKE PLAN PAYMENTS , MOTION TO
 DISMISS CASE
 3-10-14 [[46](#)]
19. [11-18387](#)-B-13 RUBEN/ANNA ESPINOSA MOTION FOR COMPENSATION BY THE
 LKW-8 LAW OFFICE OF LEONARD K. WELSH
 FOR LEONARD K. WELSH, DEBTOR'S
 ATTORNEY(S) .
 3-31-14 [[122](#)]
- LEONARD WELSH/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.

20. [13-18094](#)-B-13 MAGDALENO/VIRGINIA MOTION TO VALUE COLLATERAL OF
 ECH-1 MARTINEZ KERN SCHOOLS FEDERAL CREDIT
 MAGDALENO MARTINEZ/MV UNION
 3-4-14 [[33](#)]
- ERIC HANSON/Atty. for dbt.

The motion will be denied without prejudice. The motion was filed without admissible supporting evidence, as required by Local Rule 9014-1(d)(6), to establish the value of the subject property. No appearance is necessary.

21. [10-62779](#)-B-13 LANE/LISA MCQUIN
RSW-7
LANE MCQUIN/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO APPROVE LOAN
MODIFICATION
4-16-14 [[71](#)]

22. [14-10744](#)-B-13 BUFORD LAND
PPR-1
BKG INVESTMENTS, INC./MV
ROBERT WILLIAMS/Atty. for dbt.
CASSANDRA RICHEY/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY BKG INVESTMENTS, INC.
4-16-14 [[21](#)]

This matter will be continued to June 4, 2014, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan.

Based on the respondent's opposition, this matter is now deemed to be a contested matter. Pursuant to FRBP 9014(c), the federal rules of discovery apply to contested matters. The debtor(s) shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date. The court will prepare a civil minute order. No appearance is necessary.

23. [14-10941](#)-B-13 ALVA/BEVERLY ARCHER
RCO-1
JPMORGAN CHASE BANK, N.A./MV

OBJECTION TO CONFIRMATION OF
PLAN BY JPMORGAN CHASE BANK,
N.A.

ROBERT WILLIAMS/Atty. for dbt.
KRISTI WELLS/Atty. for mv.

4-16-14 [[20](#)]

This matter will be continued to June 4, 2014, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan.

Based on the respondent's opposition, this matter is now deemed to be a contested matter. Pursuant to FRBP 9014(c), the federal rules of discovery apply to contested matters. The debtor(s) shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date. The court will prepare a civil minute order. No appearance is necessary.

24. [12-14301](#)-B-13 LIBBY PORTILLO
PWG-4
LIBBY PORTILLO/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO INCUR DEBT
4-16-14 [[62](#)]

25. [13-17775](#)-B-13 JOSE VILLAGRAN, JR.
PWG-1
JOSE VILLAGRAN, JR./MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO AVOID LIEN OF CACH,
LLC
4-16-14 [[29](#)]

2:00 P.M.

1. [13-18002](#)-B-13 JUVENTINO/MARIA RUELAS MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 3-31-14 [[23](#)]
THOMAS GILLIS/Atty. for dbt.

The motion has been withdrawn and will be dropped from calendar. No appearance is necessary.

2. [13-17626](#)-B-13 MARK SOLORIO MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV AND/OR MOTION TO DISMISS CASE
3-31-14 [[31](#)]
MARK ALONSO/Atty. for dbt.

The motion has been withdrawn and will be dropped from calendar. No appearance is necessary.

3. [13-18038](#)-B-13 MARK MOORE AND TAMILEE OBJECTION TO CONFIRMATION OF
MHM-2 DERINGTON-MOORE PLAN BY TRUSTEE MICHAEL H.
MEYER
4-16-14 [[57](#)]
ROBERT WILLIAMS/Atty. for dbt.

The trustee's objection has been withdrawn and will be dropped from calendar. No appearance is necessary.