

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, January 8, 2015
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.

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.

9:00 A.M.

1. [14-12122](#)-B-13 MARIO CABRERA STATUS CONFERENCE RE: AMENDED
[14-1070](#) COMPLAINT
 CABRERA V. RAMIREZ 10-15-14 [[22](#)]
 VINCENT GORSKI/Atty. for pl.
 CASE DISMISSED

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

- | | | | |
|----|--------------------------------------|--|--|
| 2. | <u>13-16845</u> -B-7 | KEYSTONE MINE MANAGEMENT
II
GORSKI V. KEYSTONE MINING
COMPANY ET AL
LISA HOLDER/Atty. for pl. | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
9-17-14 [<u>1</u>] |
| 3. | <u>13-16845</u> -B-7 | KEYSTONE MINE MANAGEMENT
II
GORSKI V. KEYSTONE MINING
COMPANY ET AL
MEIR WESTREICH/Atty. for mv. | MOTION TO STRIKE FILINGS AND
APPEARANCE OF BUSH MANAGEMENT
COMPANY
12-11-14 [<u>33</u>] |
| 4. | <u>14-13358</u> -B-7 | THOMAS BRILL
<u>14-1126</u>
RODRIGUEZ V. BRILL
MARTA RODRIGUEZ/Atty. for pl.
RESPONSIVE PLEADING | STATUS CONFERENCE RE: COMPLAINT
10-24-14 [<u>1</u>] |
| 5. | <u>10-16183</u> -B-7 | SALMA AGHA
<u>13-1086</u>
AGHA V. CITIMORTGAGE, INC. ET
AL | RE-ISSUED ORDER TO APPEAR AND
SHOW CAUSE WHY STAY OF
ADVERSARY PROCEEDING SHOULD NOT
BE VACATED
12-9-14 [<u>165</u>] |

6. [10-16183](#)-B-7 SALMA AGHA CONTINUED MOTION TO DISMISS
[13-1086](#) AAB-2 ADVERSARY PROCEEDING/NOTICE OF
AGHA V. CITIMORTGAGE, INC. ET REMOVAL
AL 10-28-14 [[123](#)]
UNKNOWN TIME OF FILING/Atty. for mv.
RESPONSIVE PLEADING

This matter will be continued to February 5, 2015, at 9:00 a.m. This adversary proceeding is currently subject to a stay order issued by Judge Clement. The court cannot rule on this motion unless and until the stay order is vacated and the plaintiff is given an opportunity to respond. The only matter the court will hear argument for on this calender is the pending OSC to vacate the stay order. If the stay order is vacated or modified then the court will set a briefing schedule for a responsive pleading. No appearance is necessary. The court will prepare a minute order.

7. [10-16183](#)-B-7 SALMA AGHA MOTION TO DISMISS ADVERSARY
[13-1086](#) PD-2 PROCEEDING/NOTICE OF REMOVAL
AGHA V. CITIMORTGAGE, INC. ET 11-17-14 [[134](#)]
AL
UNKNOWN TIME OF FILING/Atty. for mv.

This matter will be continued to February 5, 2015, at 9:00 a.m. This adversary proceeding is currently subject to a stay order issued by Judge Clement. The court cannot rule on this motion unless and until the stay order is vacated and the plaintiff is given an opportunity to respond. The only matter the court will hear argument for on this calender is the pending OSC to vacate the stay order. If the stay order is vacated or modified then the court will set a briefing schedule for a responsive pleading. No appearance is necessary. The court will prepare a minute order.

8. [14-13285](#)-B-7 JEFFREY/LINDSAY KERR STATUS CONFERENCE RE: COMPLAINT
[14-1128](#) 10-27-14 [[1](#)]
RIVER RAIL COMMUNITY FEDERAL
CREDIT UNION V. KERR ET AL
THOMAS ARMSTRONG/Atty. for pl.

It appears the defendants' default has been entered. 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 60 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. The court will issue a civil minute order.

9. [13-10692](#)-B-7 LUDOVICO PEREZ
[14-1116](#)
MAURICIO'S GRILL AND CANTINA,
INC. V. PEREZ
KERI BLAND/Atty. for pl.

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
9-30-14 [[1](#)]

This matter will be continued to February 5, 2015, at 9:00 a.m., to be called with the hearing on the defendant's motion to dismiss the adversary complaint. The court will prepare a minute order. No appearance is necessary.

10. [12-15446](#)-B-7 M. DEAN GARDNER
[12-1167](#)
AJSD BAKERSFIELD, LLC V.
GARDNER
EDNA WENNING/Atty. for pl.

STATUS CONFERENCE RE: AMENDED
COMPLAINT
1-24-13 [[16](#)]

11. [12-15446](#)-B-7 M. DEAN GARDNER
[12-1167](#)
AJSD BAKERSFIELD, LLC V.
GARDNER
ORDER 12/23/14

FURTHER HEARING RE: ORDER TO
SHOW CAUSE
6-3-14 [[53](#)]

12. 10-16183-B-7 SALMA AGHA
13-1086
AGHA V. CITIMORTGAGE, INC. ET
AL

MOTION FOR JUDGE RICHARD LEE TO
DISQUALIFY HIMSELF FROM THE
ENTIRE BANKRUPTCY CASE 10-16183
OF SALMA H. AGHA AND ITS
RELATED ADVERSARY CASES,
PROCEEDINGS, MATTERS ETC.
12-31-14 [191]

SALMA AGHA/Atty. for mv.
ORDER 1/5/15

13. 10-16183-B-7 SALMA AGHA

SALMA AGHA/MV

MOTION FOR JUDGE RICHARD LEE TO
DISQUALIFY HIMSELF FROM THE
ENTIRE BANKRUPTCY CASE 10-16183
OF SALMA H. AGHA AND ITS
RELATED ADVERSARY CASES,
PROCEEDINGS, MATTERS ETC.
12-31-14 [144]

WILLIAM CUMMING/Atty. for dbt.
ORDER 1/5/15

10:00 A.M.

1. [14-13904](#)-B-7 LORI MEYERS
OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
10-15-14 [[25](#)]

2. [14-11346](#)-B-7 DANIEL/JANICE O'KEEFE
VG-1
VINCENT GORSKI/MV
MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH SHARI MORRIS
12-14-14 [[29](#)]

GINGER MARCOS/Atty. for dbt.
VINCENT GORSKI/Atty. for mv.

3. [12-19457](#)-B-7 LYDIA FLEMING
PWG-3
LYDIA FLEMING/MV
R. BELL/Atty. for dbt.
MOTION TO AVOID LIEN OF UNIFUND
CCR PARTNERS
12-1-14 [[33](#)]

- 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.**

4. [13-13062](#)-B-7 CECILY WATERMAN
KDG-6
JEFFREY VETTER/MV
LEONARD WELSH/Atty. for dbt.
LISA HOLDER/Atty. for mv.
CONTINUED MOTION TO COMPEL
11-24-14 [[61](#)]

5. [13-13062](#)-B-7 CECILY WATERMAN
KDG-7
JEFFREY VETTER/MV
MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH CECILY WATERMAN
12-18-14 [[73](#)]

LEONARD WELSH/Atty. for dbt.
LISA HOLDER/Atty. for mv.

6. [14-14562](#)-B-7 RONALD/LATICIA ANDERSON
RSW-1
RONALD ANDERSON/MV
ROBERT WILLIAMS/Atty. for dbt.
MOTION TO AVOID LIEN OF CACH,
LLC
11-10-14 [[11](#)]

7. [14-15371](#)-B-7 TA'AMILO K.

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
11-17-14 [[5](#)]

CASE DISMISSED

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

8. [12-15487](#)-B-7 ANTHONY LEONIS
TGM-5
RANDELL PARKER/MV
ROBERT WILLIAMS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO SELL
12-3-14 [[118](#)]

9. [12-18995](#)-B-7 LORIN/KYMBERLI SMALLEY
TGF-6

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF THE GORSKI FIRM FOR VINCENT
A. GORSKI, TRUSTEE'S
ATTORNEY(S) .
10-20-14 [[80](#)]

NEIL SCHWARTZ/Atty. for dbt.

For the reasons stated in the December 4, 2014, civil minute order, this matter will be dropped from calendar without disposition. The motion may be set for a further hearing after the trustee's final report has been approved and filed.

10:30 A.M.

1. [14-11512](#)-B-7 RICARDO/ELVIA MARTINEZ MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
WELLS FARGO BANK, N.A./MV 12-11-14 [[20](#)]
PATRICK KAVANAGH/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
DISCHARGED

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

2. [14-14633](#)-B-7 ROBERT/ASHLEY BOONE CONTINUED MOTION FOR RELIEF
MBW-1 FROM AUTOMATIC STAY
ALASKA USA FEDERAL CREDIT 11-18-14 [[14](#)]
UNION/MV
VINCENT GORSKI/Atty. for dbt.
JAMES BURBOTT/Atty. for mv.
3. [14-15847](#)-B-7 DEANGELO BRAGG AND MOTION FOR RELIEF FROM
PK-1 TRESHIA DAVIS AUTOMATIC STAY
INTERCONTINENTAL REALTY, 12-17-14 [[10](#)]
INC./MV
PATRICK KAVANAGH/Atty. for mv.
INTERCONTINENTAL REALTY,
INC. VS.

4. [14-14548](#)-B-7 JUSTIN SULVETTA
PD-1
PNC BANK, NATIONAL
ASSOCIATION/MV
DAVID HAGEN/Atty. for dbt.
BRYAN FAIRMAN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-21-14 [[17](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

5. [14-13950](#)-B-7 JOE/JUDITH CARBAJAL
ASW-1
RESIDENTIAL MORTGAGE LOAN
TRUST 2013-TT2/MV
VINCENT GORSKI/Atty. for dbt.
JOELY BUI/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-24-14 [[18](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

6. [14-14475](#)-B-7 MICHAEL/SHARON JACOBSEN
MDE-1
CAPITAL ONE, NATIONAL
ASSOCIATION/MV
WILLIAM OLCOTT/Atty. for dbt.
MARK ESTLE/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-26-14 [[19](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

11:00 A.M.

1. [14-14524](#)-B-7 JUSTIN RYAN PRO SE REAFFIRMATION AGREEMENT
WITH MSU FEDERAL CREDIT UNION
12-4-14 [[15](#)]
2. [14-14524](#)-B-7 JUSTIN RYAN PRO SE REAFFIRMATION AGREEMENT
WITH MSU FEDERAL CREDIT UNION
12-15-14 [[19](#)]
3. [14-15372](#)-B-7 DEBBIE SZAROLETA PRO SE REAFFIRMATION AGREEMENT
WITH FORD MOTOR CREDIT COMPANY
11-25-14 [[18](#)]
4. [14-14378](#)-B-7 RAMON CARMONA PRO SE REAFFIRMATION AGREEMENT
WITH CAVALRYS SPV I, LLC
12-4-14 [[15](#)]

REBECCA TOMILOWITZ/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when he entered into the reaffirmation agreement. Page 7 of the reaffirmation agreement is missing from the record and the court cannot tell if the agreement was signed by debtor's counsel. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship. No appearance is necessary.

5. [14-14378](#)-B-7 RAMON CARMONA REAFFIRMATION AGREEMENT WITH
TOYOTA MOTOR CREDIT CORPORATION
11-29-14 [[13](#)]

REBECCA TOMILOWITZ/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor's attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtor, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

6. [14-14378](#)-B-7 RAMON CARMONA

REAFFIRMATION AGREEMENT WITH
JPMORGAN CHASE BANK, N.A.
12-3-14 [[14](#)]

REBECCA TOMILOWITZ/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor's attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtor, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

7. [14-15088](#)-B-7 JERRY/KAREN JOST

REAFFIRMATION AGREEMENT WITH
TOYOTA MOTOR CREDIT CORPORATION
11-26-14 [[11](#)]

PATRICK KAVANAGH/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

1:30 P.M.

1. [12-19900](#)-B-13 LUIS MORALES
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-13-14 [[32](#)]

This motion will be denied without prejudice. Based on the debtor's response, it appears that the default has been cured. No appearance is necessary.

2. [13-11605](#)-B-13 WILLIAM BARRETT AND
RSW-1 VALERIE CARMEAN
WILLIAM BARRETT/MV
ROBERT WILLIAMS/Atty. for dbt.
CASE DISMISSED
- MOTION TO MODIFY PLAN
11-25-14 [[29](#)]

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

3. [14-13509](#)-B-13 BEATRIZ AGUILAR
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-13-14 [[20](#)]

The trustee's motion to dismiss the case for failure to make plan payments will be overruled without prejudice. The debtor has filed an opposition to the motion. The debtor has also filed and set for hearing a modified plan that appears to resolve the default in her plan payments. No appearance is necessary.

4. [14-12417](#)-B-13 JOHN/MARGIE VALENZUELA
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
AND/OR MOTION TO DISMISS CASE
11-13-14 [[43](#)]

The trustee's motion to dismiss the case for failure to make plan payments will be overruled without prejudice. The debtors have filed an opposition to the motion. The debtors have also filed and set for hearing a modified plan that appears to resolve the default in their plan payments. No appearance is necessary.

5. [14-14826](#)-B-13 SOO LEE
HANMI BANK/MV
PATRICK KAVANAGH/Atty. for dbt.
WILLIAM KIM/Atty. for mv.
RESPONSIVE PLEADING
- CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
CREDITOR HANMI BANK
11-5-14 [[29](#)]

6. [10-12627](#)-B-13 SUSAN FRANCIS
MHM-1
MICHAEL MEYER/MV
D. GARDNER/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-13-14 [[84](#)]

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

7. [12-14130](#)-B-13 ADRIAN/EVELYN PEREZ
MHM-2
MICHAEL MEYER/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-13-14 [[118](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence offered in support of the motion, the court finds that the debtors are in material default of the plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

8. [13-18038](#)-B-13 MARK MOORE AND TAMILLEE
MHM-3 DERINGTON-MOORE
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-13-14 [[74](#)]

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

9. [11-11439](#)-B-13 SOPHIA WILLIAMS
PK-5

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF PATRICK KAVANAGH FOR PATRICK
KAVANAGH, DEBTOR'S ATTORNEY(S).
11-6-14 [[116](#)]

PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

10. [13-14842](#)-B-13 DAVID/JUNE BERNAL
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-13-14 [[38](#)]

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

11. [10-18250](#)-B-13 ROGER PATTERSON AND
PK-4 MACHALLE FERRARI

MOTION FOR COMPENSATION FOR
PATRICK KAVANAGH, DEBTOR'S
ATTORNEY(S).
12-17-14 [[65](#)]

PATRICK KAVANAGH/Atty. for dbt.

12. [14-11954](#)-B-13 JOSE/PAULA BUSTAMANTE
DMG-3 MOTION TO CONFIRM PLAN
JOSE BUSTAMANTE/MV 11-13-14 [[78](#)]
D. GARDNER/Atty. for dbt.
13. [14-13054](#)-B-13 RUTH ORTIZ
SJS-2 MOTION TO CONFIRM PLAN
RUTH ORTIZ/MV 11-18-14 [[66](#)]
SUSAN SALEHI/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.

14. [14-12955](#)-B-13 MILTON MINER STATUS CONFERENCE RE: COMPLAINT
[14-1132](#) 10-29-14 [[1](#)]
U.S. TRUSTEE V. MINER
ROBIN TUBESING/Atty. for pl.

It appears the defendant's default has been entered. 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. The court will issue a civil minute order.

15. [14-12955](#)-B-13 MILTON MINER MOTION FOR ENTRY OF DEFAULT
[14-1132](#) UST-1 JUDGMENT
U.S. TRUSTEE V. MINER 12-10-14 [[9](#)]
ROBIN TUBESING/Atty. for mv.
16. [14-12955](#)-B-13 MILTON MINER CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
JPMORGAN CHASE BANK, NATIONAL JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION/MV ASSOCIATION
7-23-14 [[44](#)]
RANDALL NAIMAN/Atty. for mv.
RESPONSIVE PLEADING

This matter will be continued to February 5, 2015, at 1:30 p.m. The court cannot rule on the plan confirmation issues unless and until the debtor completes his meeting of creditors and the court resolves the pending dismissal issues. The court will prepare a minute order. No appearance is necessary.

17. [14-12955](#)-B-13 MILTON MINER
MHM-1
MICHAEL MEYER/MV
FURTHER HEARING RE: MOTION TO
DISMISS CASE AND/OR MOTION TO
DISMISS CASE FOR FAILURE TO
PROVIDE TAX DOCUMENTS
7-24-14 [[50](#)]
18. [14-13564](#)-B-13 LEE/DEBORAH MCDOWELL

PATRICK KAVANAGH/Atty. for dbt.
FINAL INSTALLMENT PAID
ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-5-14 [[43](#)]

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

19. [10-19869](#)-B-7 ROBERT HALL AND KIMBERLEY
MHM-3 GAREY-HALL
MICHAEL MEYER/MV
MOTION TO DISMISS CASE (CHAPTER
13 CASE AS TO ROBERT ALVAH
HALL, JR.)
11-6-14 [[126](#)]

ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN, CONVERTED 9/25/14

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

20. [10-19869](#)-B-7 ROBERT HALL AND KIMBERLEY
MHM-4 GAREY-HALL
MICHAEL MEYER/MV
MOTION TO STRIKE AND/OR MOTION
TO DISMISS CASE FOR FAILURE TO
MAKE PLAN PAYMENTS
11-25-14 [[132](#)]

ROBERT WILLIAMS/Atty. for dbt.
CONVERTED 9/25/14
21. [14-14369](#)-B-13 ANGELITA BALUYOT
MHM-1
CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
11-5-14 [[22](#)]

SUSAN SALEHI/Atty. for dbt.

The debtor has failed to file a response and has failed to file a modified plan. Accordingly, this objection will be sustained pursuant to the court's civil minute order dated December 5, 2014. Confirmation of the plan will be denied. Unless the debtor appears and requests a hearing and a different ruling, a modified plan shall be filed, served and noticed for hearing within 14 days. The court will prepare a civil minute order.

22. [12-12382](#)-B-13 JOHN/FREDRICKA SCHULER
RSW-1
JOHN SCHULER/MV
MOTION TO WAIVE FILING BY
DEBTOR OF DEBTOR'S 11 USC 1328
CERTIFICATE
11-26-14 [[40](#)]

ROBERT WILLIAMS/Atty. for dbt.

23. [14-15387](#)-B-13 LIEZEL CAPELLAN
SC-1
PARKVIEW EDGE PROPERTIES,
LLC/MV
SAM CHANDRA/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-19-14 [[18](#)]

The motion will be denied without prejudice. The form and/or content of the notice do not comply with Local Rule 9014-1(d). The moving papers were not served on the chapter 13 trustee.

In addition, the information sheet was not filed as a separate document pursuant to Local Rule 4001-1(c).

Also, the form of the proof of service does not comply with LBR 9014-1(d) (1) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)). The proof of service also was not filed as a separate document and fails to comply with Local Rule 9014-1(e) (3).

The various pleadings were not filed as separate documents in compliance with the court's Revised Guidelines for the Preparation of Documents, EDC Form 2-901. The court will prepare a minute order. No appearance is necessary.

24. [10-13293](#)-B-13 THOMAS/LENORA HUNTER
MHM-2
MICHAEL MEYER/MV
SUSAN SALEHI/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-13-14 [[69](#)]

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

25. [14-14098](#)-B-13 DONNA MACNEIL
PD-1
U.S. BANK TRUST, N.A./MV

STEVEN ALPERT/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.
WITHDRAWN

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY U.S.
BANK TRUST, N.A.
9-22-14 [[24](#)]

The objection to confirmation of the plan has been withdrawn. No appearance is necessary.

26. [14-14098](#)-B-13 DONNA MACNEIL
PLG-2
DONNA MACNEIL/MV
STEVEN ALPERT/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
WELLS FARGO BANK, N.A.
12-8-14 [[49](#)]

The matter has been resolved by stipulation of the parties. The parties shall submit a proposed order that sets forth the terms of their agreement. No appearance is necessary.