

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Fredrick E. Clement  
Bankruptcy Judge  
Fresno, California  
2500 Tulare Street, Fifth Floor  
Department A, Courtroom 11  
Fresno, California

**WEDNESDAY**

**JANUARY 21, 2015**

**PRE-HEARING DISPOSITIONS**

**GENERAL DESIGNATIONS**

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

**MATTERS RESOLVED BEFORE HEARING**

If the court has issued a final ruling on a matter and the parties directly affected by a matter have resolved the matter by stipulation or withdrawal of the motion before the hearing, then the moving party shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter to be dropped from calendar notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860.

**ERRORS IN FINAL RULINGS**

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 52(b), 59(e) or 60, as incorporated by Federal Rules of Bankruptcy Procedure, 7052, 9023 and 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

9:00 a.m.

1. [14-12200](#)-A-7 ALVIN SOUZA, JR. AND MOTION TO EMPLOY TRUDI G.  
TGM-1 ROBYN SOUZA MANFREDO AS ATTORNEY(S)  
JAMES SALVEN/MV  
12-11-14 [[46](#)]  
DAVID JENKINS/Atty. for dbt.

**No tentative ruling.**

2. [13-17405](#)-A-7 GARY KINDLUND MOTION FOR COMPENSATION FOR  
RH-5 ROBERT HAWKINS, TRUSTEES  
ATTORNEY(S)  
12-18-14 [[86](#)]  
  
MARK ZIMMERMAN/Atty. for dbt.

### **Final Ruling**

**Application:** Allowance of Final Compensation and Expense Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P.55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **COMPENSATION AND EXPENSES**

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis as to the amounts requested.

### **PROCEDURAL IRREGULARITIES**

#### Recycled Docket Control Numbers

Local Bankruptcy Rule 9014-1(c)(3) requires a unique docket control number for every motion. This motion is the movant second use of RH-5. *Compare*, Motion to Approve Compromise, filed April 10, 2014, ECF # 48, with Motion for Compensation, filed December 18, 2014, ECF # 86. Future violations of local rules may result in summary denial of the relief sought.

United States Trustee Program Guidelines for Reviewing Applications  
for Compensation and Reimbursement of Expenses

Future applications for compensation shall comply with the United States Trustee Program Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed Under 11 U.S.C. § 330. As summarized by March, Ahart & Shapiro, *California Practice Guide: Bankruptcy*, Employment and Compensation of Professionals § 4:1366 (The Rutter Group 2013), those are, "Each project category should contain a narrative summary of the following information: [1] a description of the project, its necessity and benefit to the estate, and the status of the project, including all pending litigation for which compensation and reimbursement are requested; [2] identification of each person providing services on the project; and [3] a statement of the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project. [USTP Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330, Guideline (b)(4)(iii)]. Time and service entries are to be reported in chronological order under the appropriate project category. Time entries should be kept contemporaneously with the services rendered in time periods of tenths of an hour. [USTP Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330, Guideline (b)(4)(iv) & (v)]." The application submitted does not comply with the project category billing guidelines.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Robert Hawkins application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$10,950.00 and reimbursement of expenses in the amount of \$209.65.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

3.     [13-17712](#)-A-7     RUBEN OLVERA AND GLORIA     MOTION TO COMPEL ABANDONMENT  
          TOG-5           CHAVEZ                           12-15-14 [\[60\]](#)  
          RUBEN OLVERA/MV

THOMAS GILLIS/Atty. for dbt.  
WITHDRAWN

## Final Ruling

The motion withdrawn, the matter is dropped as moot.

4. [13-17712](#)-A-7 RUBEN OLVERA AND GLORIA MOTION TO COMPEL  
TOG-7 CHAVEZ 12-22-14 [[66](#)]  
RUBEN OLVERA/MV

THOMAS GILLIS/Atty. for dbt.  
NOT NOTICED, RESPONSIVE  
PLEADING

## Final Ruling

The motion withdrawn, the matter is dropped as moot.

5. [14-12114](#)-A-7 CRYSTAL GARLICK MOTION FOR COMPENSATION FOR  
RH-3 ROBERT HAWKINS, TRUSTEES  
ATTORNEY(S)  
12-18-14 [88]

THOMAS ARMSTRONG/Atty. for dbt.

## Final Ruling

**Application:** Allowance of Final Compensation and Expense Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P.55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis as to the amounts requested.

## PROCEDURAL IRREGULARITIES: UNITED STATES TRUSTEE GUIDELINES

Future applications for compensation shall comply with the United States Trustee Program Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed Under 11 U.S.C. § 330. As summarized by March, Ahart & Shapiro, *California Practice Guide: Bankruptcy*, Employment and Compensation of Professionals § 4:1366 (The Rutter Group 2013), those are, "Each project category should contain a narrative summary of the following information: [1] a description of the project, its necessity and benefit to the estate, and the status of the project, including all pending litigation for which compensation and reimbursement are requested; [2] identification of each person providing services on the project; and [3] a statement of the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project. [USTP Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330, Guideline (b)(4)(iii)]. Time and service entries are to be reported in chronological order under the appropriate project category. Time entries should be kept contemporaneously with the services rendered in time periods of tenths of an hour. [USTP Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330, Guideline (b)(4)(iv) & (v)]." The application submitted does not comply with the project category billing guidelines.

## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Robert Hawkins application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$1,950.00 and reimbursement of expenses in the amount of \$168.62.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

6. [14-14934](#)-A-7 SERGIO CASTILLO  
JES-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
12-15-14 [[21](#)]

### **Tentative Ruling**

**Motion:** Dismiss Case and Extend Trustee's Deadlines

**Notice:** LBR 9014-1(f)(1); written opposition required or case dismissed without hearing

**Disposition:** Conditionally denied in part, granted in part

**Order:** Civil minute order

The Chapter 7 trustee has filed a Motion to Dismiss for Failure to Appear at the § 341(a) Meeting of Creditors and Motion to Extend Deadlines for Filing Objections to Discharge. The debtor opposes the motion.

### **DISMISSAL**

Chapter 7 debtors shall attend the § 341(a) meeting of creditors. 11 U.S.C. § 343. A continuing failure to attend this meeting is cause for dismissal of the case. See 11 U.S.C. §§ 105(a), 343, 707(a); see also *In re Nordblad*, No. 2:13-bk-14562-RK, 2013 WL 3049227, at \*2 (Bankr. C.D. Cal. June 17, 2013).

The court finds that the debtor has failed to appear at the first date set for the meeting of creditors. Because the debtor's failure to attend the required § 341 creditors' meeting has occurred only once, the court will not dismiss the case provided the debtor appears at the continued date of the creditor's meeting. This means that the court's denial of the motion to dismiss is subject to the condition that the debtor attend the continued meeting of creditors. But if the debtor does not appear at the continued meeting of creditors, the case will be dismissed on trustee's declaration without further notice or hearing.

### **EXTENSION OF DEADLINES**

The court will grant the motion in part to the extent it requests extension of the trustee's deadlines to object to discharge and to dismiss the case for abuse, other than presumed abuse. Such deadlines will be extended so that they run from the next continued date of the § 341(a) meeting of creditors rather than the first date set for the meeting of creditors. The following deadlines are extended to 60 days after the next continued date of the creditors' meeting: (1) the trustee's deadline for objecting to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee's deadline for bringing a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e).

### **CIVIL MINUTE ORDER**

The court will issue a minute order that conforms substantially to the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes of the hearing.

The trustee's Motion to Dismiss for Failure to Appear at § 341(a) Meeting of Creditors and Motion to Extend the Deadlines for Filing Objections to Discharge and Motions to Dismiss having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is denied on the condition that the debtor attend the continued § 341(a) meeting of creditors scheduled for February 27, 2015, at 9:00 a.m. But if the debtor does not appear at this continued meeting, the case will be dismissed on trustee's declaration without further notice or hearing.

IT IS ALSO ORDERED that following deadlines shall be extended to 60 days after the continued date of the creditors' meeting: (1) the trustee's deadline for objecting to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee's deadline for bringing a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e).

7. [13-17537](#)-A-7     RAYMOND/VALERIE MORENO     MOTION TO SELL  
PFT-2     12-17-14 [[30](#)]  
PETER FEAR/MV  
GREG BLEVINS/Atty. for dbt.  
PETER FEAR/Atty. for mv.

#### **Tentative Ruling**

**Motion:** Sell Property

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Property:** Vehicles described in the motion

**Buyer:** Debtor

**Sale Price:**

-1998 Ford Expedition: \$450 cash

-2002 Ford F-250: \$10,138.52 (\$3100 cash plus \$2900 exemption credit, and accounting for the sale being subject to a \$4138.52 lien)

-Homemade houseboat: \$100 cash

**Sale Type:** Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

8.     [14-10437](#)-A-7     JORGE/SILVIA FARIAS     MOTION TO SELL  
PFT-2     12-17-14 [[44](#)]  
PETER FEAR/MV  
ALBERT GARCIA/Atty. for dbt.  
PETER FEAR/Atty. for mv.

**Tentative Ruling**

**Motion:** Sell Property  
**Notice:** LBR 9014-1(f)(1); written opposition required  
**Disposition:** Granted  
**Order:** Prepared by moving party

**Property:** 2003 Jeep Grand Cherokee  
**Buyer:** Debtor  
**Sale Price:** \$4400 (\$2000 cash plus \$2400 exemption credit)  
**Sale Type:** Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

9.     [14-15452](#)-A-7     ARACELI CRUZ     MOTION FOR RELIEF FROM  
APN-1     AUTOMATIC STAY  
SANTANDER CONSUMER USA INC./MV     12-17-14 [[13](#)]  
THOMAS GILLIS/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.

**Final Ruling**

**Motion:** Stay Relief  
**Notice:** LBR 9014-1(f)(1); written opposition required  
**Disposition:** Granted  
**Order:** Prepared by moving party

**Subject:** 2012 Ford Focus



Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982). In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. The motion will be granted, and Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

10. [14-12962](#)-A-7 BETTY SWEENEY  
PBB-2  
BETTY SWEENEY/MV

MOTION TO AVOID LIEN OF  
COLLECTIBLES MANAGEMENT  
RESOURCES  
12-22-14 [[36](#)]

PETER BUNTING/Atty. for dbt.

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of—(i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the debt secured by the responding party's lien. As a result, the responding party's judicial lien will be avoided entirely.

11. [14-12962](#)-A-7 BETTY SWEENEY  
PBB-3  
BETTY SWEENEY/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO AVOID LIEN OF  
DISCOVER BANK  
12-22-14 [[42](#)]

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of—(i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the debt secured by the responding party's lien. As a result, the responding party's judicial lien will be avoided entirely.

12. [13-13063](#)-A-7 WILLIAM MANUSZAK  
CJS-4  
WILLIAM MANUSZAK/MV

CONTINUED AMENDED MOTION TO  
AVOID LIEN OF UNIFUND CCR  
PARTNERS  
11-12-14 [[127](#)]

CHERYL JOLLEY-SMITH/Atty. for dbt.

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of—(i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the debt secured by the responding party's lien. As a result, the responding party's judicial lien will be avoided entirely.

13. [14-15063](#)-A-7 DONALD/CINDY SHOUSE  
TMT-1  
TRUDI MANFREDO/MV

MOTION TO EMPLOY GOULD AUCTION  
& APPRAISAL COMPANY AS  
AUCTIONEER, AUTHORIZING SALE OF  
PROPERTY AT PUBLIC AUCTION AND  
AUTHORIZING PAYMENT OF  
AUCTIONEER FEES AND EXPENSES  
12-16-14 [[12](#)]

TIMOTHY SPRINGER/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

## Final Ruling

**Motion:** Sell Property and Employ and Compensate Auctioneer

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Property:** 2005 Harley Davidson

**Sale Type:** Public auction

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55(c), *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

The Chapter 7 trustee may employ an auctioneer that does not hold or represent an interest adverse to the estate and that is disinterested. 11 U.S.C. §§ 101(14), 327(a). The auctioneer satisfies the requirements of § 327(a), and the court will approve the auctioneer's employment.

Section 330(a) of Title 11 authorizes "reasonable compensation for actual, necessary services" rendered by a professional person employed under § 327 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3). The court finds that the compensation sought is reasonable and will approve the application.

14. [14-15063](#)-A-7 DONALD/CINDY SHOUSE MOTION TO SELL  
TMT-2 12-22-14 [[18](#)]  
TRUDI MANFREDO/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

## Tentative Ruling

**Motion:** Sell Property

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Property:** 2005 Nissan Altima

**Buyer:** Debtors

**Sale Price:** \$4,250 (exemption credit \$2,900 + \$1,350.00 cash)

**Sale Type:** Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. §§ 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

15. [12-13170](#)-A-7 AUGUSTINE PENA  
THA-11  
TRUDI MANFREDO/MV

MOTION FOR AN ORDER AUTHORIZING  
DISTRIBUTION OF  
POST-ABANDONMENT RENTS AND  
SECURITY DEPOSITS PURSUANT TO  
11 U.S.C. 725  
12-6-14 [[607](#)]

FRANCISCO ALDANA/Atty. for dbt.  
THOMAS ARMSTRONG/Atty. for mv.  
RESPONSIVE PLEADING

**No tentative ruling.**

16. [14-12272](#)-A-7 PABLO/LUDIVINA ORTIZ  
PFT-1  
PETER FEAR/MV  
ERIC ESCAMILLA/Atty. for dbt.  
PETER FEAR/Atty. for mv.

MOTION TO SELL  
12-18-14 [[26](#)]

**Tentative Ruling**

**Motion:** Sell Property

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Property:** 2004 Chevrolet Tahoe

**Buyer:** Debtors

**Sale Price:** \$8,900 (cash \$6,000.00 and credit for exemption \$2,900;  
property to remain subject to lien of \$223.10)

**Sale Type:** Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. §§ 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

17. [12-11693](#)-A-7 RUBEN/ALVINA FLORES MOTION FOR COMPENSATION FOR  
JTW-2 JANZEN, TAMBERI AND WONG,  
JANZEN, TAMBERI AND WONG/MV ACCOUNTANT(S)  
12-17-14 [[102](#)]  
BENNY BARCO/Atty. for dbt.

### **Final Ruling**

**Application:** Allowance of Final Compensation and Expense Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **COMPENSATION AND EXPENSES**

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis as to the amounts requested.

## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Janzen, Tamberi and Wong's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$1,517.00 and reimbursement of expenses in the amount of \$0.00.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

18. <a href="#">12-19194</a> -A-7     PAMELA WISE JTW-2 JANZEN, TAMBERI AND WONG/MV	MOTION FOR COMPENSATION FOR JANZEN, TAMBERI AND WONG, ACCOUNTANT(S), FEE: \$828.00, EXPENSES: \$0.00 9-5-13 [ <a href="#">45</a> ]
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THOMAS ARMSTRONG/Atty. for dbt.

### Final Ruling

**Application:** Allowance of Final Compensation and Expense Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P.55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis as to the amounts requested.



## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Janzen, Tamberi and Wong's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$828.00 and reimbursement of expenses in the amount of \$0.00.

19. [14-13595](#)-A-7    RICHARD/CAROL GONZALES    MOTION TO AVOID LIEN OF BIG 5  
PLF-1    CORP.  
RICHARD GONZALES/MV    12-23-14 [[21](#)]  
PETER FEAR/Atty. for dbt.

### Final Ruling

The motion resolved by stipulation, the matter is dropped from calendar.

20. [14-15995](#)-A-7    LARISA CHAYKA    MOTION TO AVOID LIEN OF  
MS-1    AMERICAN EXPRESS BANK, FSB  
LARISA CHAYKA/MV    12-19-14 [[6](#)]  
MARK SHMORGON/Atty. for dbt.

### Final Ruling

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the



property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of—(i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the debt secured by the responding party's lien. As a result, the responding party's judicial lien will be avoided entirely.

21. [14-15397](#)-A-7 JOSE TORRES GASCA  
RHT-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
12-12-14 [[9](#)]

JOHN BREWER/Atty. for dbt.

### **Tentative Ruling**

**Motion:** Dismiss Case and Extend Trustee's Deadlines

**Notice:** LBR 9014-1(f)(1); written opposition required or case dismissed without hearing

**Disposition:** Conditionally denied in part, granted in part

**Order:** Civil minute order

The Chapter 7 trustee has filed a Motion to Dismiss for Failure to Appear at the § 341(a) Meeting of Creditors and Motion to Extend Deadlines for Filing Objections to Discharge. The debtor opposes the motion.

### **DISMISSAL**

Chapter 7 debtors shall attend the § 341(a) meeting of creditors. 11 U.S.C. § 343. A continuing failure to attend this meeting is cause for dismissal of the case. See 11 U.S.C. §§ 105(a), 343, 707(a); see also *In re Nordblad*, No. 2:13-bk-14562-RK, 2013 WL 3049227, at \*2 (Bankr. C.D. Cal. June 17, 2013).

The court finds that the debtor has failed to appear at the first date set for the meeting of creditors. Because the debtor's failure to attend the required § 341 creditors' meeting has occurred only once, the court will not dismiss the case provided the debtor appears at the continued date of the creditor's meeting. This means that the court's denial of the motion to dismiss is subject to the condition that the debtor attend the continued meeting of creditors. But if the debtor does not appear at the continued meeting of creditors, the case will be dismissed on trustee's declaration without further notice or hearing.

### **EXTENSION OF DEADLINES**

The court will grant the motion in part to the extent it requests extension of the trustee's deadlines to object to discharge and to dismiss the case for abuse, other than presumed abuse. Such deadlines will be extended so that they run from the next continued date of the § 341(a) meeting of creditors rather than the first date set for the meeting of creditors. The following deadlines are extended to 60 days after the next continued date of the creditors' meeting: (1) the trustee's deadline for objecting to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee's deadline for bringing a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e).

#### **CIVIL MINUTE ORDER**

The court will issue a minute order that conforms substantially to the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes of the hearing.

The trustee's Motion to Dismiss for Failure to Appear at § 341(a) Meeting of Creditors and Motion to Extend the Deadlines for Filing Objections to Discharge and Motions to Dismiss having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is denied on the condition that the debtor attend the continued § 341(a) meeting of creditors scheduled for January 22, 2015 at 11:00 a.m. But if the debtor does not appear at this continued meeting, the case will be dismissed on trustee's declaration without further notice or hearing.

IT IS ALSO ORDERED that following deadlines shall be extended to 60 days after the continued date of the creditors' meeting: (1) the trustee's deadline for objecting to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee's deadline for bringing a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e).

22. [14-15799](#)-A-7 RYAN CANEDY

RYAN CANEDY/MV

RYAN CANEDY/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
FEE  
12-3-14 [[5](#)]

#### **Tentative Ruling**

**Motion:** Waiver of Filing Fee

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Denied

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## DISCUSSION

Title 28 U.S.C. § 1930(f)(1) authorizes the court to waive fees for Chapter 7 debtors: (1) whose income is "less than 150 percent of the income official poverty line...applicable to a family of the size involved"; and (2) who is otherwise unable to pay the filing fee in installments. The debtor bears the burden of proving by a preponderance of the evidence that both prongs of § 1930(f)(1) have been satisfied. *In re Ross*, 508 B.R. 777 (Bankr. N.D. Ga. 2014).

In this case, the debtor is a household of one. Schedules I and J, filed December 17, 2015, ECF #16. His gross income is \$2,600.00 per month. *Id.* One hundred fifty percent of the poverty line for a family of one is \$1,458.75. Since the debtor's income exceeds that amount the motion will be denied.

## CIVIL MINUTE ORDER

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Waiver of Filing Fee filed by Ryan Canedy having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

It is hereby ordered that: (1) the motion is denied; and (2) the Clerk of the Court shall establish a schedule allowing the Ryan Canedy to pay the filing fee in installments.

9:15 a.m.

1. [14-12470](#)-A-7 ANNETTE FRANCIS  
[14-1069](#)  
KHARAZI V. FRANCIS  
H. KHARAZI/Atty. for pl.  
ORDER 9/30/14, RESPONSIVE  
PLEADING

PRE-TRIAL CONFERENCE RE:  
COMPLAINT  
7-15-14 [[1](#)]

**No tentative ruling.**

10:00 a.m.

1. [14-14453](#)-A-7 SAMUEL LOPEZ STATUS CONFERENCE RE: COMPLAINT  
[14-1141](#) 11-21-14 [[1](#)]  
CALLISON V. LOPEZ  
DANIEL BARADAT/Atty. for pl.  
RESPONSIVE PLEADING

**No tentative ruling.**

11:00 a.m.

1. [12-11008](#)-A-7 RAFAEL ALONSO CONTINUED MOTION TO COMPEL  
PWG-7 AND/OR MOTION FOR SANCTIONS  
MARKO ZUBCIC/MV 10-15-14 [[117](#)]  
NICHOLAS ANIOTZBEHERE/Atty. for dbt.  
PHILLIP GILLET/Atty. for mv.  
ORDER 11/22/14, RESPONSIVE  
PLEADING

**Final Ruling**

The matter is deemed submitted. The court will issue an order from chambers.

2. [12-11008](#)-A-7 RAFAEL ALONSO CONTINUED MOTION FOR SANCTIONS  
PWG-8 AND/OR MOTION FOR SANCTIONS  
MARKO ZUBCIC/MV AGAINST DEBTOR'S ATTORNEY FOR  
MISCONDUCT UNDER FRBP 9011  
11-6-14 [[138](#)]  
  
NICHOLAS ANIOTZBEHERE/Atty. for dbt.  
PHILLIP GILLET/Atty. for mv.  
ORDER 11/21/14, RESPONSIVE  
PLEADING

**Final Ruling**

The matter is deemed submitted. The court will issue an order from chambers.

3. [12-11008](#)-A-7 RAFAEL ALONSO MOTION TO EMPLOY PHILLIP W.  
PWG-12 GILLET, JR. AS SPECIAL COUNSEL  
VINCENT GORSKI/MV 1-14-15 [[243](#)]  
NICHOLAS ANIOTZBEHERE/Atty. for dbt.  
VINCENT GORSKI/Atty. for mv.  
OST 1/13/15

**No tentative ruling.**

1:30 p.m.

1. [10-12709](#)-A-11 ENNIS COMMERCIAL  
LRP-28 PROPERTIES, LLC  
DAVID STAPLETON/MV

MOTION TO SUPPLEMENT THE  
EMPLOYMENT TERMS OF LANG,  
RICHERT & PATCH, P.C. AS  
GENERAL BANKRUPTCY COUNSEL  
1-5-15 [[1470](#)]

PETER FEAR/Atty. for dbt.  
MICHAEL GOMEZ/Atty. for mv.

**No tentative ruling.**

2. [10-12709](#)-A-11 ENNIS COMMERCIAL  
LRP-31 PROPERTIES, LLC  
DAVID STAPLETON/MV

MOTION FOR COMPENSATION FOR  
DAVID STAPLETON, OTHER  
PROFESSIONAL(S).  
1-5-15 [[1475](#)]

PETER FEAR/Atty. for dbt.  
MICHAEL GOMEZ/Atty. for mv.

**No tentative ruling.**

3. [13-13284](#)-A-11 NICOLETTI OIL INC.  
LRP-7  
EXXONMOBIL OIL CORPORATION/MV  
DAVID GOLUBCHIK/Atty. for dbt.  
MICHAEL GOMEZ/Atty. for mv.

MOTION TO EXTEND TIME TO FILE  
PROOFS OF CLAIM  
1-6-15 [[403](#)]

**No tentative ruling.**

4. [14-11595](#)-A-11 RAY FISHER PHARMACY,  
INC.

CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
3-31-14 [[1](#)]

ALAN KINDRED/Atty. for dbt.

**No tentative ruling.**

5. [14-11595](#)-A-11 RAY FISHER PHARMACY,  
PWC-4 INC.  
ALAN KINDRED/Atty. for dbt.  
ORDER VACATING HEARING  
12/15/14

AMENDED DISCLOSURE STATEMENT  
12-10-14 [[142](#)]

**Final Ruling**

Pursuant to order Vacating Hearing Date on Disclosure Statement, ECF  
#151, the matter is dropped from calendar.

6. [14-11595](#)-A-11 RAY FISHER PHARMACY,  
UST-1 INC.  
TRACY DAVIS/MV

ALAN KINDRED/Atty. for dbt.  
GREGORY POWELL/Atty. for mv.  
RESPONSIVE PLEADING

CONTINUED MOTION TO CONVERT  
CASE FROM CHAPTER 11 TO CHAPTER  
7, MOTION TO DISMISS CASE  
10-27-14 [[114](#)]

**No tentative ruling.**

**2:00 p.m.**

1. [10-62315](#)-A-11 BEN ENNIS  
[13-1108](#) LRP-4  
STAPLETON ET AL V. NICHOLSON  
ET AL

MICHAEL GOMEZ/Atty. for mv.  
OST 1/12/15

MOTION FOR AN ORDER APPROVING  
STIPULATION REGARDING  
PLAINTIFF'S SUBPOENA TO PRODUCE  
DOCUMENTS SERVED ON BAKER,  
PETERSON & FRANKLIN, CPA, LLP  
1-9-15 [[132](#)]

**No tentative ruling.**