

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, January 29, 2015
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

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.

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|----|----------------------------------------------------------------------------------------------------------|-------------------------|--------------------------------------|
| 1. | <u>14-14210</u> -B-7 | MAURICIO/DENISE MORONES | STATUS CONFERENCE RE: COMPLAINT |
| | <u>14-1143</u> | | 12-1-14 [<u>1</u>] |
| | WELLS FARGO CARD SERVICES V.
MORONES ET AL
AUSTIN NAGEL/Atty. for pl.
RESPONSIVE PLEADING | | |
| 2. | <u>14-14718</u> -B-7 | REAGAN SHANNON | RESCHEDULED STATUS CONFERENCE |
| | <u>14-1129</u> | | RE: COMPLAINT |
| | SHANNON V. CITIBANK (SOUTH
DAKOTA), N.A. ET AL
ORDER RESCHEDULING 12/18/14,
RESPONSIVE PLEADING | | |

Based on the notice of settlement filed on January 27, 2015, it appears this adversary proceeding has been settled or 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 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.

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|----|--------------------------------------|-----------------------|-----------------------------------------|
| 3. | <u>09-17721</u> -B-7 | JAMES/JUDITH SACCHERI | APPLICATION FOR APPEARANCE AND |
| | <u>09-1273</u> | | EXAMINATION |
| | ST. LAWRENCE VALLEY DAIRY V. | | 12-18-14 [<u>276</u>] |
| | SACCHERI ET AL | | |

This matter will be dropped from calendar. The record does not show that the order for appearance has been served on the respondent. No appearance is necessary.

4. [14-13430](#)-B-7 STEPHEN/JENNIFER FORD STATUS CONFERENCE RE: COMPLAINT
[14-1142](#) 11-26-14 [[1](#)]
FEAR V. ANDERSON ET AL
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

Based on the trustee's status report, this matter will be continued as to respondent Brandon Bennett to February 26, 2015, at 9:00 a.m. As to the other respondents, it appears those defendants' defaults have been entered. As to the defaulting parties, the status conference will be dropped from calendar and may be reset by any party on 10 days' notice. The court can only issue one judgment in this matter. Any judgement against the defaulting parties will be entered at the conclusion of the litigation against the non-defaulting party. No appearance is necessary.

5. [13-17257](#)-B-7 MARY MORENO CONTINUED MOTION TO COMPEL
TCS-3 ABANDONMENT
MARY MORENO/MV 9-13-14 [[46](#)]
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

Based on the trustee's notice of settlement filed in the consolidated adversary proceeding, this matter appears to be settled. Accordingly, the hearing will be dropped from calendar without a disposition and may be reset by either party on 14 days' notice.

6. [13-17257](#)-B-7 MARY MORENO CONTINUED STATUS CONFERENCE RE:
[14-1118](#) COMPLAINT
SALVEN V. MORENO 10-1-14 [[1](#)]
TRUDI MANFREDO/Atty. for pl.
NOTICE OF SETTLEMENT

Based on the plaintiff's notice of settlement, it appears this adversary proceeding has been settled. The status conference will be dropped from calendar and may be reset by any party on 14 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.

7. [13-16171](#)-B-7 FRANCES PASS CONTINUED STATUS CONFERENCE RE:
[14-1056](#) COMPLAINT
SALVEN V. GALLI ET AL 5-28-14 [[1](#)]
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

8. [13-16171](#)-B-7 FRANCES PASS MOTION FOR SUMMARY JUDGMENT
[14-1056](#) TGM-1 AND/OR MOTION FOR SUMMARY
SALVEN V. GALLI ET AL ADJUDICATION
12-22-14 [[44](#)]

TRUDI MANFREDO/Atty. for mv.
RESPONSIVE PLEADING
9. [13-17082](#)-B-7 RONALD RUSHING CONTINUED STATUS CONFERENCE RE:
[14-1138](#) COMPLAINT
MANFREDO V. RUSHING 11-11-14 [[1](#)]
GABRIEL WADDELL/Atty. for pl.
RESPONSIVE PLEADING
10. [08-13589](#)-B-7 SHAWN DEITZ APPLICATION FOR APPEARANCE AND
[08-1217](#) EXAMINATION
FORD ET AL V. DEITZ 12-10-14 [[195](#)]
- Based on the debtor's ex parte request for a continuance, and the applicant's response, the court has issued an order rescheduling this matter to February 12, 2015, at 9:00 a.m. or to such other time on the court's self-set calendar as the parties may agree. No appearance is necessary.**
11. [14-10588](#)-B-11 J & D WILSON AND SONS CONTINUED HEARING RE: OMNIBUS
KDG-25 DAIRY OBJECTION TO CLAIMS
J & D WILSON AND SONS DAIRY/MV 10-27-14 [[393](#)]
JACOB EATON/Atty. for dbt.

10:00 A.M.

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|----|--------------------------------------|---------------------------------|----------------------------------------|
| 1. | <u>13-11300</u> -B-7 | HARMESH/KASHMIR KUMAR | MOTION TO COMPROMISE |
| | DRJ-3 | | CONTROVERSY/APPROVE SETTLEMENT |
| | TRUDI MANFREDO/MV | | AGREEMENT WITH DEBTOR AND |
| | | | JANNAT CARE SERVICES |
| | | | 12-31-14 [<u>53</u>] |
| | | THOMAS ARMSTRONG/Atty. for dbt. | |
| | | DAVID JENKINS/Atty. for mv. | |
| 2. | <u>14-14000</u> -B-7 | JAMES/ROSE CASTILLO | MOTION TO AVOID LIEN OF |
| | TCS-1 | | FIRESIDE BANK AND/OR MOTION TO |
| | JAMES CASTILLO/MV | | AVOID LIEN OF CAVALRY |
| | | | INVESTMENTS, LLC |
| | | | 12-29-14 [<u>49</u>] |
| | | TIMOTHY SPRINGER/Atty. for dbt. | |

This matter will be continued to February 26, 2015, at 10:00 a.m. The debtors shall file evidence to show that the debtors possessed an interest in the subject property to which the judgment lien could have attached at the time the judgment lien was recorded on September 2009. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.

3. [14-15027](#)-B-7 JENNIFER CRAWFORD MOTION TO DISMISS CASE PURSUANT
UST-1 TO 11 U.S.C. SECTION 707(B)
TRACY DAVIS/MV 12-19-14 [[19](#)]
PETER BUNTING/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

The motion will be denied as moot. The debtor has voluntarily converted her case to chapter 13. No appearance is necessary.

4. [14-13348](#)-B-7 LAGENA DUNN
RHT-2
LAGENA DUNN/MV
ERIC ESCAMILLA/Atty. for dbt.

MOTION TO SELL
1-7-15 [[24](#)]

5. [09-62372](#)-B-7 ZANE/EVA HAMMOND
RR-4
ZANE HAMMOND/MV
RANDY RISNER/Atty. for dbt.

MOTION TO AVOID LIEN OF
CREDITORS BUREAU USA
12-30-14 [[100](#)]

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

6. [09-62372](#)-B-7 ZANE/EVA HAMMOND
RR-5
ZANE HAMMOND/MV
RANDY RISNER/Atty. for dbt.

MOTION TO AVOID LIEN OF
TREICHEL CONCRETE CONTRUCTION
12-30-14 [[103](#)]

This matter will be continued to February 26, 2015, at 10:00 a.m. The debtors shall file a copy of the subject abstract of judgment or other evidence to show that the debtors possessed an interest in the Peace River Drive property to which the judgment lien could have attached at the time it was recorded in January 2004. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The judicial lien does not appear on the title report attached in support of the motion and the title report suggests that the debtor did not acquire the Peace River property until 2007.

Finally, the proof of service filed with this motion shows that the wrong motion was served on the respondent. The motion, with supporting evidence and a notice of the continued hearing, needs to be re-served and a proper proof of service needs to be filed. The court will prepare a minute order. No appearance is necessary.

7. [14-15277](#)-B-7 JAMES FLINN

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

ARTURO MATTHEWS/Atty. for dbt.

8. [14-10282](#)-B-7 DELIA RUIZ
PFC-1

RESCHEDULED HEARING RE: CHAPTER
7 TRUSTEE'S FINAL REPORT,
APPLICATION FOR COMPENSATION
AND APPLICATIONS FOR
COMPENSATION OF PROFESSIONALS
FILED ON BEHALF OF TRUSTEE
PETER L. FEAR
10-24-14 [[36](#)]

MARK ZIMMERMAN/Atty. for dbt.
PETER FEAR/Atty. for mv.
ORDER 12/18/14

9. [13-15130](#)-B-7 BONNY SPRUELL
PFT-2
PETER FEAR/MV

CONTINUED HEARING RE: MOTION TO
COMPROMISE CONTROVERSY/APPROVE
SETTLEMENT AGREEMENT WITH SANDY
ASHBY
12-16-14 [[35](#)]

WILLIAM COLLIER/Atty. for dbt.
PETER FEAR/Atty. for mv.

**Based on the trustee's supplemental response, this matter has been
withdrawn. No appearance is necessary.**

10:30 A.M.

1.	<u>14-15210</u> -B-7	WESLEY/LISA VERRERAS	MOTION FOR RELIEF FROM
	JCW-1		AUTOMATIC STAY
	U.S. BANK TRUST, N.A./MV		12-30-14 [<u>19</u>]
	PATRICIA CARRILLO/Atty. for dbt.		
	JENNIFER WONG/Atty. for mv.		

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.

2.	14-14315 -B-7 PETER/CYNTHIA RANGEL EAT-1 WELLS FARGO BANK, N.A./MV PATRICIA CARRILLO/Atty. for dbt. MARISOL NAGATA/Atty. for mv. DISCHARGED	MOTION FOR RELIEF FROM AUTOMATIC STAY 12-29-14 [15]
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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.

3.	13-16155 -B-7 MICHAEL WEILERT AND 13-1134 GENEVIEVE DE MONTREMARE BRIAN L. GWARTZ AND CHERYL A. SKIGIN, CO-TRUSTEES V. WEILERT CHERYL SKIGIN/Atty. for pl. RESPONSIVE PLEADING	CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT 8-28-14 [47]
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4.	13-16155 -B-7 MICHAEL WEILERT AND CAS-4 GENEVIEVE DE MONTREMARE BRIAN L. GWARTZ AND CHERYL A. SKIGIN, CO-TRUSTEES OF THE RILEY WALTER/Atty. for dbt. CHERYL SKIGIN/Atty. for mv.	MOTION FOR RELIEF FROM AUTOMATIC STAY 1-4-15 [237]
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5. [14-15783](#)-B-7 FRANK/ALEXANDRA
RDW-1 BRUNNEMANN
CAM VII TRUST/MV
GLEN GATES/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-26-14 [[32](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules. The chapter 7 trustee did not oppose the motion and the debtors filed a notice of non-opposition. Accordingly, 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.

6. [14-13484](#)-B-7 ALFREDO/NABEL MARTINEZ
APN-1
SANTANDER CONSUMER USA INC./MV
ALBERT GARCIA/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-29-14 [[30](#)]

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

1:30 P.M.

1. [11-61503](#)-B-13 BERTHA HERNANDEZ
APN-1
NISSAN - INFINITI, LT/MV
ADRIAN WILLIAMS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-29-14 [[41](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and the debtor filed a notice of non-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 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.* The court is not awarding any attorney's fees in this ruling, however, relief is granted without prejudice to movant's right to recover, in a subsequent noticed motion, such reasonable attorneys fees as may be appropriate under the terms of the lease agreement and applicable law. No appearance is necessary.

2. [12-17006](#)-B-13 JOSE/EMMA MENDOZA
GH-6
JOSE MENDOZA/MV
GARY HUSS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
12-10-14 [[100](#)]

The motion to modify a chapter 13 plan was fully noticed in compliance with the Local Rules. Based on the debtors' response to the trustee's objection, the motion to modify the plan will be granted without oral argument for cause shown so long as the trustee's objection is resolved by agreement of the parties in the order confirming the modified plan. The debtors 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.

3. [14-14016](#)-B-13 ISMAEL GONZALEZ
TGF-1
ISMAEL GONZALEZ/MV
VINCENT GORSKI/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
11-13-14 [[41](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee's objection has been withdrawn. 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.

4. [11-63226](#)-B-13 EDWARD SANCHEZ AND EMILIA MOTION TO VALUE COLLATERAL OF
RJR-4 MENDONCA WELLS FARGO HOME MORTGAGE
EDWARD SANCHEZ/MV 12-29-14 [[59](#)]
RANDY RISNER/Atty. for dbt.

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

Further, the identity of the intended respondent is unclear from the moving papers. According to the Proof of Claim, the holder of the claim is Wells Fargo Bank N.A. The motion appears to be addressed to either Wells Fargo Home Equity Group and/or Wells Fargo Home Mortgage. The notice of motion is addressed simply to Wells Fargo Home Group and the debtors' declaration refers to an entity identified as Wells Fargo Bank NV NA.

5. [14-14028](#)-B-13 GEORGETTE AVEDIKIAN CONTINUED MOTION TO VALUE
DRJ-2 COLLATERAL OF JPMORGAN CHASE
GEORGETTE AVEDIKIAN/MV BANK, NA
10-26-14 [[33](#)]
DAVID JENKINS/Atty. for dbt.

Based on debtor's supplemental response, this matter will be continued to February 12, 2015, at 1:30 p.m. The court will prepare a minute order. No appearance is necessary.

6. [14-10431](#)-B-13 ANTHONY/CHERI BEASLEY MOTION TO MODIFY PLAN
GH-5 12-10-14 [[77](#)]
ANTHONY BEASLEY/MV
GARY HUSS/Atty. for dbt.
RESPONSIVE PLEADING

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee's opposition has been withdrawn. Therefore, 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. [14-15532](#)-B-13 PEDRO/TERESA LOPEZ
[14-1146](#)
U.S. TRUSTEE V. LOPEZ ET AL
ROBIN TUBESING/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
12-4-14 [[1](#)]

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.

8. [10-18346](#)-B-12 RICKY BEALS
MNE-1
M. ENMARK/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
12-17-14 [[399](#)]

This matter will be continued to February 26, 2015, at 2:30 p.m., to be heard with the debtor's pending motion to modify the chapter 12 plan. The court will prepare a minute order. The court notes that the debtor has not yet filed and served a modified plan for consideration. No appearance is necessary.

9. [14-14555](#)-B-13 IRENE ORNELAS
MHM-1

TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
11-25-14 [[19](#)]

The trustee's objection to confirmation was set for a final hearing. The objection has been withdrawn, therefore the matter will be dropped from calendar without disposition. No appearance is necessary.

10. [14-14356](#)-B-13 ANDRES HORTA AND MARIA
MHM-1 MORALES
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
11-25-14 [[24](#)]

11. [09-60961](#)-B-13 BRIAN/EBONY HAILEY
PLF-5
BRIAN HAILEY/MV
PETER FEAR/Atty. for dbt.

MOTION TO INCUR DEBT
1-15-15 [[124](#)]

12. [14-14061](#)-B-13 EPIFANIO FLORES
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
12-22-14 [[22](#)]

THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

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

13. [14-13962](#)-B-13 JORGE GOMEZ AND MARIA
BSH-3 TOVAR DE GOMEZ
JORGE GOMEZ/MV
BRIAN HADDIX/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
JPMORGAN CHASE BANK, N.A.
1-10-15 [[44](#)]

14. [11-60072](#)-B-13 RICHARD/JANICE TOGNOTTI
MNE-6
RICHARD TOGNOTTI/MV
M. ENMARK/Atty. for dbt.

MOTION TO MODIFY PLAN
12-17-14 [[78](#)]

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.

15. [14-13573](#)-B-13 GREGORY/HEATHER VITUCCI
HDN-4
GREGORY VITUCCI/MV
HENRY NUNEZ/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
12-23-14 [[74](#)]

The motion to modify a chapter 13 plan was fully noticed in compliance with the Local Rules. Based on the debtors' response to the trustee's objection, the motion to modify the plan will be granted without oral argument for cause shown so long as the trustee's objection is resolved by agreement of the parties in the order confirming the modified plan. The debtors 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.

16. [14-14074](#)-B-13 DAVID ALMANZA
MHM-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
11-25-14 [[22](#)]

HENRY NUNEZ/Atty. for dbt.

Based on the trustee's response to the debtor's declaration, this matter will be continued to February 12, 2015, at 1:30 p.m. If the trustee's issues are not resolved then the trustee shall file a statement of disputed issues not less than one week prior to the continued hearing. The court will enter a civil minute order. No appearance is necessary.

17. [14-15385](#)-B-13 CHRISTINA BAIRD
PBB-1
CHRISTINA BAIRD/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

MOTION TO AVOID LIEN OF CAPITAL
COLLECTIONS, LLC
12-22-14 [[15](#)]

The motion has been withdrawn. No appearance is necessary.

18. [14-15385](#)-B-13 CHRISTINA BAIRD
PBB-2
CHRISTINA BAIRD/MV
PETER BUNTING/Atty. for dbt.

MOTION TO AVOID LIEN OF WELLS
FARGO FINANCIAL NATIONAL BANK
12-22-14 [[21](#)]

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.

19. [14-14989](#)-B-13 ARTHUR BELL
MHM-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
11-25-14 [[14](#)]

TIMOTHY SPRINGER/Atty. for dbt.

This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtor has filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.

20. [14-14989](#)-B-13 ARTHUR BELL
MVF-1
BANK OF AMERICA, N.A./MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY BANK OF
AMERICA, N.A.
11-26-14 [[17](#)]

TIMOTHY SPRINGER/Atty. for dbt.
MATTHEW VAN FLEET/Atty. for mv.

This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtor has filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.

21. [14-14892](#)-B-13 PATRICIA TAYLOR
PD-1
HOUSEHOLD FIN CORP OF
CALIFORNIA/MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
HOUSEHOLD FIN CORP OF
CALIFORNIA
11-24-14 [[20](#)]

RANDY RISNER/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.
WITHDRAWN

This objection has been withdrawn. No appearance is necessary.

22. [14-14892](#)-B-13 PATRICIA TAYLOR
RR-1
PATRICIA TAYLOR/MV
RANDY RISNER/Atty. for dbt.

MOTION TO CONFIRM PLAN
12-15-14 [[26](#)]

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.

23. [14-13294](#)-B-13 PEARLINE IRELAND
MDE-1
CAPITAL ONE AUTO FINANCE/MV
PETER BUNTING/Atty. for dbt.
MARK ESTLE/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-30-14 [[24](#)]

This motion for relief from the automatic stay will be denied as moot. The secured claim relating to this collateral is provided for in either Class 3 or Class 4 of the debtor(s) confirmed chapter 13 plan. Upon confirmation of the chapter 13 plan, the automatic stay was modified for this claim to permit enforcement of the creditor's remedies with regard to the collateral in the event of a default under applicable law. No attorney's fees will be awarded in relation to this motion. No appearance is necessary.

2:30 P.M.

1. [14-13949](#)-B-11 FAREED SAPHIEH
GCL-1
SEACOAST COMMERCE BANK/MV
PETER FEAR/Atty. for dbt.
GEORGE LAZAR/Atty. for mv.
RESPONSIVE PLEADING
CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
10-9-14 [[45](#)]
2. [14-13949](#)-B-11 FAREED SAPHIEH
PLF-4
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING
DISCLOSURE STATEMENT FILED BY
DEBTOR FAREED OBEH SAPHIEH
12-16-14 [[92](#)]
3. [14-13949](#)-B-11 FAREED SAPHIEH
UST-1
TRACY DAVIS/MV
PETER FEAR/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
MOTION TO DISMISS CASE
12-31-14 [[104](#)]
4. 15-10161-B-11 FRESNO COUNTY
PLF-1 SPORTSMEN'S CLUB
FRESNO COUNTY SPORTSMEN'S
CLUB/MV
PETER FEAR/Atty. for dbt.
OST 1/23/15
MOTION TO USE CASH COLLATERAL
1-22-15 [4]