

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable W. Richard Lee**  
**Hearing Date: Thursday, February 6, 2014**  
**Place: U.S. Courthouse, 510 19<sup>th</sup> 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.

9:00 A.M.

1. [12-15446](#)-B-7 M. DEAN GARDNER  
[12-1167](#)  
AJSD BAKERSFIELD, LLC V.  
GARDNER  
PATRICK REIDER/Atty. for pl.  
CONTINUED STATUS CONFERENCE RE:  
AMENDED COMPLAINT  
1-24-13 [[16](#)]
2. [12-10963](#)-B-7 TEJWANT/KIRPAL BAL  
VAG-1  
TEJWANT BAL/MV  
VINCENT GORSKI/Atty. for dbt.  
RESPONSIVE PLEADING  
CONTINUED MOTION FOR SANCTIONS  
FOR VIOLATION OF THE DISCHARGE  
INJUNCTION  
10-17-13 [[24](#)]

**This matter will be advanced and called with the motion to dismiss the adversary proceeding on February 5, 2014, at 3:30 p.m. No appearance is necessary on February 6, 2014.**

3. [12-10963](#)-B-7 TEJWANT/KIRPAL BAL  
[13-1129](#)  
STAN BOYETT & SON, INC. V. BAL  
ET AL  
BONNIE ANDERSON/Atty. for pl.  
STATUS CONFERENCE RE: COMPLAINT  
11-19-13 [[1](#)]

**This matter will be advanced and called with the motion to dismiss the adversary proceeding on February 5, 2014, at 3:30 p.m. No appearance is necessary on February 6, 2014.**

4. [12-17199](#)-B-7 GURSEV KAUR  
[12-1188](#)  
VETTER V. KAUR  
RENE LASTRETO/Atty. for pl.  
CONTINUED PRE-TRIAL CONFERENCE  
RE: AMENDED COMPLAINT  
11-16-12 [[6](#)]
5. [12-17199](#)-B-7 GURSEV KAUR  
CRS-1  
GURSEV KAUR/MV  
CYNTHIA SCULLY/Atty. for dbt.  
RESPONSIVE PLEADING  
CONTINUED OBJECTION TO CLAIM OF  
YULECY HERNANDEZ, CLAIM NUMBER  
1  
9-30-13 [[40](#)]

6. [12-17199](#)-B-7 GURSEV KAUR  
CRS-2  
GURSEV KAUR/MV  
CYNTHIA SCULLY/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED OBJECTION TO CLAIM OF  
MARIA CAMARENA, CLAIM NUMBER 2  
9-30-13 [[46](#)]

**10:00 A.M.**

1. [12-19403](#)-B-7 DENNIS/KELLI SARRETT  
VG-1  
VINCENT GORSKI/MV  
ASHTON DUNN/Atty. for dbt.  
VINCENT GORSKI/Atty. for mv.  
MOTION TO EMPLOY VINCENT A.  
GORSKI AS ATTORNEY(S)  
12-29-13 [[41](#)]
2. [12-19403](#)-B-7 DENNIS/KELLI SARRETT  
VG-2  
VINCENT GORSKI/MV  
ASHTON DUNN/Atty. for dbt.  
VINCENT GORSKI/Atty. for mv.  
MOTION FOR AUTHORITY TO SETOFF  
EXEMPT TAX REFUND HELD BY  
ESTATE AGAINST UNEXEMPT EQUITY  
IN DEBTORS' PRIMARY RESIDENCE  
12-29-13 [[45](#)]
3. [13-17212](#)-B-7 JACK CARROLL  
OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
12-11-13 [[15](#)]
4. [14-10226](#)-B-7 FERNANDO HERNANDEZ  
ORDER TO SHOW CAUSE  
1-22-14 [[8](#)]
5. [10-63243](#)-B-7 PICKINPAUGH CONCRETE  
DMG-4 CONSTRUCTION INC  
JEFFREY VETTER/MV  
LEONARD WELSH/Atty. for dbt.  
JEFFREY VETTER/Atty. for mv.  
MOTION TO EMPLOY D. MAX GARDNER  
AS ATTORNEY(S)  
1-13-14 [[94](#)]
6. [13-16556](#)-B-7 PHENG/PHEAP CHAN  
UST-1  
TRACY DAVIS/MV  
FRANK SAMPLES/Atty. for dbt.  
GREGORY POWELL/Atty. for mv.  
MOTION TO DISMISS CASE FOR  
ABUSE  
12-20-13 [[21](#)]

**This matter will be continued to March 6, 2014, at 10:00 a.m. The debtors have filed two amended/corrected 22A forms. If the motion is not withdrawn, the U.S. Trustee shall file and serve a statement of unresolved issues based on the amended forms. The court will prepare a minute order. No appearance is necessary.**

7. [13-17472](#)-B-7 JOSE BORJA  
RP-1  
  
OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341 (A) MEETING  
OF CREDITORS  
12-19-13 [[17](#)]  
  
RANDELL PARKER/Atty. for mv.
8. [13-17177](#)-B-7 CARLOS/MARIA MORENO  
JEB-2  
SAFE 1 CREDIT UNION/MV  
CURTIS FLOYD/Atty. for dbt.  
JAMES BURBOTT/Atty. for mv.  
INCORRECTLY NOTICED FOR  
10:00 A.M.  
  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
1-22-14 [[32](#)]
9. [12-15487](#)-B-7 ANTHONY LEONIS  
TGM-4  
RANDELL PARKER/MV  
  
CONTINUED MOTION TO SELL AND/OR  
MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH GARRY STODDARD  
AND RUTH STODDARD , MOTION TO  
APPROVE STIPULATION BETWEEN  
TRUSTEE AND JAMES AND JEAN  
CIECIORKA  
11-13-13 [[76](#)]  
  
ROBERT WILLIAMS/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.  
RESPONSIVE PLEADING
10. [11-19294](#)-B-7 DEBRA TWISSELMAN  
KDG-6  
RANDELL PARKER/MV  
  
CONTINUED MOTION TO SELL AND/OR  
MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH THOMAS GLEN  
TWISSELMAN  
12-13-13 [[92](#)]  
  
ROBERT BRUMFIELD/Atty. for dbt.  
LISA HOLDER/Atty. for mv.
11. [12-17199](#)-B-7 GURSEV KAUR  
VAG-1  
YULECXY HERNANDES/MV  
CYNTHIA SCULLY/Atty. for dbt.  
VINCENT GORSKI/Atty. for mv.  
  
MOTION TO WITHDRAW CLAIM NUMBER  
1  
1-23-14 [[89](#)]

**This matter will be advanced and called with the continued claim objection on the 9:00 a.m. calendar. No appearance is necessary at 10:00 a.m.**

12. [12-17199](#)-B-7 GURSEV KAUR  
VAG-2  
MARIA CAMARENA/MV  
CYNTHIA SCULLY/Atty. for dbt.  
VINCENT GORSKI/Atty. for mv.  
  
MOTION TO WITHDRAW CLAIM NUMBER  
2  
1-23-14 [[93](#)]

**This matter will be advanced and called with the continued claim objection on the 9:00 a.m. calendar. No appearance is necessary at 10:00 a.m.**

10:30 A.M.

1.    [13-16602](#)-B-7    GARY/LESA LOWREY    MOTION FOR RELIEF FROM  
PD-1    AUTOMATIC STAY  
BANK OF AMERICA, N.A./MV    1-13-14 [[18](#)]  
ALLAN WILLIAMS/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.  
DISCHARGED
  
2.    [13-17102](#)-B-7    FRANK MOORE AND ROSE    MOTION FOR RELIEF FROM  
MBB-1    DEMEIS-MOORE    AUTOMATIC STAY  
BANK OF AMERICA, N.A./MV    12-20-13 [[23](#)]  
BARRY BOROWITZ/Atty. for dbt.  
L. JAQUEZ/Atty. for mv.

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.

3.     [13-17102](#)-B-7     FRANK MOORE AND ROSE     MOTION FOR RELIEF FROM  
          PD-1           DEMEIS-MOORE           AUTOMATIC STAY  
          WELLS FARGO BANK, N.A./MV           12-12-13 [[12](#)]  
          BARRY BOROWITZ/Atty. for dbt.  
          JONATHAN CAHILL/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. 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.

4.     [13-17617](#)-B-7     DEONE BRAXTON     MOTION FOR RELIEF FROM  
          SW-1                      AUTOMATIC STAY  
          WELLS FARGO BANK, N.A./MV           1-16-14 [[22](#)]  
          STEVEN STANLEY/Atty. for dbt.  
          TORIANA HOLMES/Atty. for mv.

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.

5. [13-12227](#)-B-7 DONNA ROGERS MOTION FOR RELIEF FROM  
BHT-1 AUTOMATIC STAY  
U.S. BANK, N.A./MV 1-10-14 [[41](#)]  
PATRICK KAVANAGH/Atty. for dbt.  
BRIAN TRAN/Atty. for mv.  
DISCHARGED
6. [13-10041](#)-B-7 DAVID/SHARON RHODES MOTION FOR RELIEF FROM  
CJO-1 AUTOMATIC STAY  
GREEN TREE SERVICING LLC/MV 1-17-14 [[36](#)]  
CHRISTINA O/Atty. for mv.  
DISCHARGED
7. [13-17368](#)-B-7 PATRICK/JACQUELINE MURPHY MOTION FOR RELIEF FROM  
PD-1 AUTOMATIC STAY  
DEUTSCHE BANK NATIONAL TRUST 12-23-13 [[12](#)]  
COMPANY/MV  
ILYSE KLA VIR/Atty. for dbt.  
JOSEPH DELMOTTE/Atty. for mv.  
WITHDRAWN

**The motion has been withdrawn. No appearance is necessary.**

8. [13-16481](#)-B-7 RICHARD/KAREN GARCIA MOTION FOR RELIEF FROM  
TJS-1 AUTOMATIC STAY  
JPMORGAN CHASE BANK, N.A./MV 12-16-13 [[13](#)]  
ROBERT WILLIAMS/Atty. for dbt.  
TIMOTHY SILVERMAN/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.**