

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto  
Hearing Date: Wednesday, February 10, 2016  
Place: Department B – Courtroom #13  
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.**

**9:30 A.M.**

1.    [09-13200](#)-B-7     WADE/GAIL HANSON                               MOTION FOR COMPENSATION FOR  
          JTW-2   JANZEN, TAMBERI AND WONG,  
          JANZEN, TAMBERI AND WONG/MV   ACCOUNTANT(S)  
   1-15-16 [[85](#)]  
  
          JUSTIN HARRIS/Atty. for dbt.

**This application/motion will be dropped from calendar. Pursuant to Federal Rules of Bankruptcy Procedure 2002(a)(6), the court may consider the applicant's request for compensation that does not exceed \$1,000 without a noticed hearing. The court will issue a civil minute order approving the application. No appearance is necessary.**

2.    [15-13600](#)-B-7     CHRISTOPHER MARSHALL                               MOTION TO COMPEL TURNOVER TAX  
          JES-1   REFUNDS  
          JAMES SALVEN/MV   11-20-15 [[17](#)]  
          VARDUHI PETROSYAN/Atty. for dbt.  
          RESPONSIVE PLEADING
  
3.    [15-13503](#)-B-7     JANA RIPIPORTELLA                               CONTINUED OPPOSITION RE:  
          PFT-1   TRUSTEE'S MOTION TO DISMISS FOR  
   FAILURE TO APPEAR AT SEC.  
   341(A) MEETING OF CREDITORS  
   11-23-15 [[15](#)]  
  
          EDWARD KERNS/Atty. for dbt.  
          PETER FEAR/Atty. for mv.

**This hearing was continued to allow the debtor to appear at her January 15, 2016, continued §341 meeting of creditors. Although the debtor and counsel appeared at that meeting, the meeting of creditors was not concluded but was again continued, to January 27, 2016. Neither the debtor nor counsel appeared at that meeting and the trustee's motion has not been withdrawn. Accordingly, the motion will be granted without oral argument for cause shown. The trustee shall submit a proposed order. Debtor's counsel shall inform his client that no appearance is necessary.**

4.     [14-11606](#)-B-7     GORDON/CYNTHIA SAITO     MOTION FOR RELIEF FROM  
WFM-1     AUTOMATIC STAY  
CITIBANK, N.A./MV     12-30-15 [[35](#)]  
THOMAS ARMSTRONG/Atty. for dbt.  
WILLIAM MCDONALD/Atty. for mv.  
DISCHARGED

**This motion is opposed by the debtors who dispute the facts alleged in the motion. Accordingly, the court will recuse itself from hearing this disputed matter which will be rescheduled to February 24, 2016, at 9:00 a.m., on Judge Clement's Fresno calendar in Department A. No appearance is required on Wednesday, February 10, 2016.**

5.     [15-14707](#)-B-7     KARA RENFROE     OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
1-8-16 [[31](#)]

**No appearance is necessary. The debtor shall attend the meeting of creditors continued to February 18, 2016, at 11:00 a.m. If the debtor fails to appear, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed on February 24, 2016, without a further hearing.**

**The time prescribed in Rules 1017(e) (1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor(s) discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.**

6.     [15-13808](#)-B-7     JUAN AVILA AND MARIA     MOTION TO EMPLOY BAIRD'S  
JES-1     PEREZ     AUCTIONS AS AUCTIONEER,  
JAMES SALVEN/MV     AUTHORIZING SALE OF PROPERTY AT  
PUBLIC AUCTION AND AUTHORIZING  
PAYMENT OF AUCTIONEER FEES AND  
EXPENSES  
1-8-16 [[21](#)]

SUSAN HEMB/Atty. for dbt.

**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.**

7. [14-15313](#)-B-7 EVA COELHO  
JES-2  
JAMES SALVEN/MV  
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO COMPEL  
11-23-15 [[31](#)]

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 debtor will be ordered to turnover to the trustee within two weeks of this order any state or federal tax refunds received for 2014. If the debtor has not filed a return, the debtor shall provide the trustee with any records or information available to the debtor to permit the trustee to file the 2014 returns. The trustee shall submit a proposed order. No appearance is necessary.

8. [16-10120](#)-B-7 SCOT/LANA HARDIE  
TPH-1  
SCOT HARDIE/MV  
THOMAS HOGAN/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT  
1-21-16 [[7](#)]

9. [15-13925](#)-B-7 GEORGE GARCIA

OPPOSITION/OBJECTION TO CHAPTER  
7 TRUSTEE'S REPORT OF NO  
DISTRIBUTION  
12-14-15 [[23](#)]

JUSTIN HARRIS/Atty. for dbt.  
DAVID GILMORE/Atty. for mv.  
RESPONSIVE PLEADING

10. [15-13730](#)-B-7 LARRY CASTEEL  
JES-1

CONTINUED OPPOSITION RE:  
TRUSTEE'S MOTION TO DISMISS FOR  
FAILURE TO APPEAR AT SEC.  
341(A) MEETING OF CREDITORS  
11-22-15 [[21](#)]

SCOTT LYONS/Atty. for dbt.

This hearing was continued to allow the debtor to appear at his continued \$341 meeting of creditors on January 13, 2016 or to make other arrangements, as he represented in his December 23<sup>rd</sup> declaration filed in opposition to this motion. The debtor did not appear at his meeting of creditors which was again continued and the trustee's motion has not been withdrawn. Accordingly, the motion will be granted without oral argument for cause shown. The trustee shall submit a proposed order. Debtor's counsel shall notify his client that no appearance is necessary at this hearing

11. [15-12834](#)-B-7 JOHN HARRIS  
JRL-1  
JOHN HARRIS/MV  
JERRY LOWE/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT  
1-8-16 [[18](#)]

This matter was fully noticed in compliance with the Local Rules. The trustee filed a declaration of non-opposition to abandonment of all of the assets listed in the motion except for that of the 2003 Toyota Tundra Extended Cab 2-wheel drive vehicle, which he believes has value for the estate. Accordingly, the motion will be granted in part and denied in part without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

12. [14-13848](#)-B-7 ANTHONY WALKER  
JES-1  
JAMES SALVEN/MV  
ERIC ESCAMILLA/Atty. for dbt.

MOTION TO COMPEL  
11-23-15 [[17](#)]

This matter was fully noticed in compliance with the Local Rules and the debtor filed a notice of non-opposition. Accordingly, the motion will be granted without oral argument for cause shown. The debtor will be ordered to turnover to the trustee within two weeks of this order any state or federal tax refunds received for 2014. If the debtor has not filed a return, the debtor shall provide the trustee with any records or information available to the debtor to permit the trustee to file the 2014 returns. The trustee shall submit a proposed order. No appearance is necessary.

13. [15-10257](#)-B-7 JUAN CALVILLO  
MAZ-1  
JUAN CALVILLO/MV  
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO CONVERT CASE FROM  
CHAPTER 7 TO CHAPTER 13  
12-29-15 [[52](#)]

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 case will be converted from chapter 7 to chapter 13. The moving party shall submit a proposed order. No appearance is necessary.

14. [15-14057](#)-B-7 CLAUDINA ESPUDO  
PFT-1

CONTINUED OPPOSITION RE:  
TRUSTEE'S MOTION TO DISMISS FOR  
FAILURE TO APPEAR AT SEC.  
341(A) MEETING OF CREDITORS  
11-23-15 [[11](#)]

THOMAS GILLIS/Atty. for dbt.  
PETER FEAR/Atty. for mv.

**This hearing was continued to allow the debtor to appear at her continued §341 meeting of creditors on January 15, 2016. The record shows that the debtor appeared at the continued meeting. Accordingly, this matter will be dropped from calendar without disposition. Debtor's counsel shall inform his client that no appearance is necessary at this hearing.**

15. [09-19960](#)-B-7 VICTOR FRANCO AND MARIA  
SAS-2 MELENDEZ  
SHERYL STRAIN/MV

MOTION FOR COMPENSATION FOR  
SHERYL A. STRAIN, CHAPTER 7  
TRUSTEE(S)  
1-12-16 [[66](#)]

EDDIE RUIZ/Atty. for dbt.  
RESPONSIVE PLEADING

16. [14-11970](#)-B-7 FELIX HARO CONSTRUCTION,  
JTW-2 INC., A CALIFORNIA  
JANZEN, TAMBERI AND WONG/MV

MOTION FOR COMPENSATION FOR  
JANZEN, TAMBERI, AND WONG,  
ACCOUNTANT(S)  
12-30-15 [[40](#)]

HAGOP BEDOYAN/Atty. for dbt.

**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.**

17. [15-14571](#)-B-7 EDWARD HOPKINS  
JES-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
1-3-16 [[9](#)]

TIMOTHY SPRINGER/Atty. for dbt.

**No appearance is necessary. The debtor shall attend the meeting of creditors continued to February 26, 2016, at 9:00 a.m. If the debtor fails to appear the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.**

***The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor(s) discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.***

18. [15-14873](#)-B-7 ROBERT PATTERSON  
JHW-1  
TD AUTO FINANCE LLC/MV  
PETER BUNTING/Atty. for dbt.  
JENNIFER WANG/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
1-5-16 [[9](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor's default will be entered and 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 California Civil Code 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rules of Bankruptcy Procedure 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.

19. [10-17476](#)-B-7 MARIA MEJIA  
PBB-2  
MARIA MEJIA/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO AVOID LIEN OF VION  
HOLDINGS LLC  
1-8-16 [[24](#)]

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.

Service on the lienholder's attorney is not service on the corporation holding the lien.

20. [14-13478](#)-B-7 RACHELLE GILL  
SL-2  
RACHELLE GILL/MV  
SCOTT LYONS/Atty. for dbt. MOTION TO AVOID LIEN OF CENTRAL  
VALLEY COMMUNITY BANK  
1-18-16 [[43](#)]
21. [15-14478](#)-B-7 KYLEE DEAN  
TMT-1 CONTINUED OPPOSITION RE:  
TRUSTEE'S MOTION TO DISMISS FOR  
FAILURE TO APPEAR AT SEC.  
341(A) MEETING OF CREDITORS  
12-22-15 [[18](#)]
- TRUDI MANFREDO/Atty. for mv.

**This hearing was continued to allow the debtor to appear at her continued §341 meeting of creditors. The record shows that the debtor appeared at the continued meeting which was concluded by the trustee. Accordingly, this motion will be dropped from calendar as moot and no appearance is necessary.**

22. [14-15080](#)-B-7 FERNANDO SERRATO  
JES-1  
JAMES SALVEN/MV  
GEOFFREY ADALIAN/Atty. for dbt.  
JAMES SALVEN/Atty. for mv. OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
11-18-15 [[26](#)]
23. [14-15080](#)-B-7 FERNANDO SERRATO  
JES-2  
JAMES SALVEN/MV  
GEOFFREY ADALIAN/Atty. for dbt.  
WITHDRAWN MOTION TO COMPEL TURNOVER TAX  
REFUNDS  
11-20-15 [[30](#)]

**The trustee has withdrawn his motion. No appearance is necessary.**

24. [14-13685](#)-B-7 DAVID ESGUERRA AND MARIA  
JES-4 HUIZAR-ESGUERRA  
JAMES SALVEN/MV MOTION TO COMPEL  
11-20-15 [[56](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument for cause shown. The debtors will be ordered to turnover to the trustee within two weeks of this order any state or federal tax refunds received for 2014. If the debtors have not filed a return, the debtors shall provide the trustee with any records or information available to the debtors to permit the trustee to file the 2014 returns. The trustee shall submit a proposed order. No appearance is necessary.**



25. [14-14087](#)-B-7 JESSE/VIOLETA VALADEZ MOTION TO SELL  
JES-3 11-30-15 [[31](#)]  
JAMES SALVEN/MV  
NICHOLAS ANIOTZBEHERE/Atty. for dbt.
26. [15-13988](#)-B-7 ALICE PETRIK MOTION TO AVOID LIEN OF  
SL-1 CALIFORNIA BUSINESS BUREAU,  
ALICE PETRIK/MV INC.  
1-18-16 [[17](#)]  
SCOTT LYONS/Atty. for dbt.
27. [15-13988](#)-B-7 ALICE PETRIK MOTION TO AVOID LIEN OF CAPITAL  
SL-2 ONE BANK (USA), NATIONAL  
ALICE PETRIK/MV ASSOCIATION  
1-18-16 [[22](#)]  
SCOTT LYONS/Atty. for dbt.
28. [15-14291](#)-B-7 JOEL GONZALEZ CONTINUED OPPOSITION RE:  
RHT-1 TRUSTEE'S MOTION TO DISMISS FOR  
FAILURE TO APPEAR AT SEC.  
341(A) MEETING OF CREDITORS  
12-11-15 [[14](#)]  
ROBERT HAWKINS/Atty. for mv.  
WITHDRAWN

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

29. [14-14998](#)-B-7 SILARDO/OLIVIA CHAVANA MOTION TO COMPEL  
JES-3 11-23-15 [[93](#)]  
JAMES SALVEN/MV  
MARK ZIMMERMAN/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument for cause shown. The debtors will be ordered to turnover to the trustee within two weeks of this order any state or federal tax refunds received. If the debtors have not filed a return, the debtors shall provide the trustee with any records or information available to the debtors to permit the trustee to file the 2014 returns. The trustee shall submit a proposed order. No appearance is necessary.**

30. [15-14399](#)-B-7 DEANNA HUFFMAN  
JCW-1  
BANK OF AMERICA, N.A./MV  
JEFFREY ROWE/Atty. for dbt.  
JENNIFER WONG/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
1-13-16 [[14](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and the debtor filed a notice of non-opposition stating she did not claim any interest in the subject property. 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 California Civil Code 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rules of Bankruptcy Procedure 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.

The motion for relief under 11 U.S.C. §362(d)(4) is also granted. It appears from the evidence submitted and from the record that the debtor's bankruptcy case was used as part of a scheme to delay, hinder, or defraud creditors that involved transfer of a portion of the subject real property and multiple bankruptcy filings affecting such real property. The proposed order must comply with 362(d)(4). No appearance is necessary.

**11:00 A.M.**

1.    [15-14702](#)-B-7    CHAD/ZANDRA VILLANUEVA    PRO SE REAFFIRMATION AGREEMENT  
WITH MERCED SCHOOL EMPLOYEES  
FCU  
1-20-16 [[23](#)]
  
2.    [15-14715](#)-B-7    COETA BENNETT    PRO SE REAFFIRMATION AGREEMENT  
WITH SPRINGLEAF FINANCIAL  
SERVICES, INC.  
1-12-16 [[13](#)]
  
3.    [16-10031](#)-B-7    KIMBERLY BARBOZA    PRO SE REAFFIRMATION AGREEMENT  
WITH FRESNO COUNTY FEDERAL  
CREDIT UNION  
1-13-16 [[15](#)]

1:30 P.M.

1. [15-14707](#)-B-7 KARA RENFROE STATUS CONFERENCE RE: COMPLAINT  
[15-1150](#) 12-16-15 [[1](#)]  
U.S. TRUSTEE V. RENFROE  
ROBIN TUBESING/Atty. for pl.

It appears that the defendant's default has been entered and a motion for entry of default judgment has been set. Accordingly, 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 prepare and enter a civil minute order.

2. [15-11311](#)-B-7 CHRISTOPHER/KERRI TYSON CONTINUED STATUS CONFERENCE RE:  
[15-1082](#) AMENDED COMPLAINT  
 SMITH V. TYSON 10-14-15 [[30](#)]