

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, February 13, 2014  
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.

9:00 A.M.

1. [12-14514](#)-B-11 TERRENCE/LORRENE  
HAR-13 GONSALVES  
HILTON RYDER/MV  
  
HILTON RYDER/Atty. for dbt.  
  
MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF MCCORMICK,  
BARSTOW, SHEPPARD, WAYTE AND  
CARRUTH, LLP FOR HILTON A.  
RYDER, DEBTOR'S ATTORNEY(S),  
1-15-14 [[349](#)]
2. [12-12918](#)-B-11 D & J REAL ESTATE  
HOLDINGS, INC  
D & J REAL ESTATE HOLDINGS,  
INC/MV  
MUFTHIHA SABARATNAM/Atty. for dbt.  
BAKERSFIELD CASE  
  
MOTION FOR FINAL DECREE AND  
ORDER CLOSING CASE  
12-14-13 [[213](#)]
3. [13-17930](#)-B-11 ELIAZAR/LOURDES GONZALEZ  
  
THOMAS GILLIS/Atty. for dbt.  
  
CHAPTER 11 STATUS CONFERENCE  
1-7-14 [[28](#)]

Based on the Debtors' status report and the U.S. Trustee's pending adversary proceeding, this matter will be rescheduled to March 13, 2014, at 10:30 a.m., to track with the status conference in the adversary proceeding. No appearance is necessary.

4. [13-17341](#)-B-11 HOWARD SAGASER CONTINUED CHAPTER 11 STATUS  
CONFERENCE  
11-22-13 [[17](#)]  
HAGOP BEDOYAN/Atty. for dbt.

This matter will be dropped from calendar. The case is going to be converted to chapter 7 on the U.S. Trustee's motion below. No further status conference is necessary. No appearance is necessary.

5. [13-17341](#)-B-11 HOWARD SAGASER  
KDG-5  
HAGOP BEDOYAN/MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
RESPONSIVE PLEADING
- MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF KLEIN, DENATALE,  
GOLDNER, COOPER, ROSENLIB &  
KIMBALL, LLP FOR HAGOP T.  
BEDOYAN, DEBTOR'S ATTORNEY(S),  
1-13-14 [[129](#)]

This matter will be continued to March 13, 2014, at 9:00 a.m., for review and response by the chapter 7 trustee. Debtor's counsel shall serve a copy of the moving papers with notice of the continued hearing on the chapter 7 trustee, and the trustee's counsel if any. The court will prepare a minute order. No appearance is necessary.

6. [13-17341](#)-B-11 HOWARD SAGASER  
KDG-6  
HAGOP BEDOYAN/MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION FOR COMPENSATION FOR  
GARY I. ISTANBOULIAN,  
ACCOUNTANT(S),  
1-21-14 [[153](#)]

**This matter will be continued to March 13, 2014, at 9:00 a.m., for review and response by the chapter 7 trustee. Debtor's counsel shall serve a copy of the moving papers with notice of the continued hearing on the chapter 7 trustee, and the trustee's counsel if any. The court will prepare a minute order. No appearance is necessary.**

7. [13-17341](#)-B-11 HOWARD SAGASER  
UST-1  
AUGUST LANDIS/MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv.  
RESPONSIVE PLEADING

MOTION TO CONVERT CASE FROM  
CHAPTER 11 TO CHAPTER 7 (FILING  
FEE NOT PAID OR NOT REQUIRED),  
MOTION TO APPOINT TRUSTEE  
1-14-14 [[135](#)]

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

8. [13-16954](#)-B-11 MADERA ROOFING, INC.  
  
ERIC FROMME/Atty. for dbt.

CONTINUED CHAPTER 11 STATUS  
CONFERENCE  
11-5-13 [[24](#)]

9. [13-16954](#)-B-11 MADERA ROOFING, INC.  
EJF-5  
MADERA ROOFING, INC./MV  
ERIC FROMME/Atty. for dbt.

FINAL HEARING RE: MOTION TO  
INCUR DEBT  
12-13-13 [[61](#)]

10. [13-16954](#)-B-11 MADERA ROOFING, INC.  
EJF-6  
MADERA ROOFING, INC./MV  
ERIC FROMME/Atty. for dbt.

MOTION TO ALLOW AND AUTHORIZE  
PAYMENT OF CLAIMS  
1-16-14 [[97](#)]

**This matter 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 moving party shall submit a proposed order. No appearance is necessary.**

11. [13-16954](#)-B-11 MADERA ROOFING, INC. MOTION FOR RELIEF FROM  
TAJ-1 AUTOMATIC STAY  
WEST STAR CONSTRUCTION, 1-29-14 [[103](#)]  
INC./MV  
ERIC FROMME/Atty. for dbt.  
TODD JONES/Atty. for mv.

**10:30 A.M.**

1. [11-63503](#)-B-7 FRANK/ALICIA ITALIANE CONTINUED STATUS CONFERENCE RE:  
[13-1084](#) AMENDED COMPLAINT  
SALVEN V. ITALIANE ET AL 9-30-13 [[13](#)]  
TRUDI MANFREDO/Atty. for pl.  
RESPONSIVE PLEADING

**Based on plaintiff's status report, this matter will be continued to March 13, 2014, at 10:30 a.m. The parties shall file a joint status report if the motion to approve the proposed settlement has not been filed and set for hearing. The court will prepare a minute order. No appearance is necessary.**

2. [13-15134](#)-B-7 FERNANDO GARCIA CONTINUED STATUS CONFERENCE RE:  
[13-1121](#) COMPLAINT  
U.S. TRUSTEE V. POPOVICH 11-1-13 [[1](#)]  
ROBIN TUBESING/Atty. for pl.  
RESPONSIVE PLEADING

3. [13-10755](#)-B-7 PETRA CAMPOS CONTINUED STATUS CONFERENCE RE:  
[13-1102](#) (31 (APPROVAL OF SALE OF  
PROPERTY OF ESTATE AND OF A  
CO-OWNER - 363(H))), (11  
(RECOVERY OF MONEY/PROPERTY -  
542 TURNOVER OF PROPERTY)) :  
COMPLAINT 13-01102 BY JAMES  
SALVEN AGAINST CARLO CAMPOS.  
9-23-13 [[1](#)]

PETER FEAR/Atty. for pl.  
DISMISSED, CLOSED 1/10/14

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

4. [13-16155](#)-B-7 MICHAEL WEILERT AND STATUS CONFERENCE RE: COMPLAINT  
[13-1134](#) GENEVIEVE DE MONTREMARE 12-9-13 [[1](#)]  
BRIAN L. GWARTZ AND CHERYL A.  
SKIGIN, CO-TRUSTEES V. WEILERT  
CHERYL SKIGIN/Atty. for pl.  
RESPONSIVE PLEADING

5. [13-16155](#)-B-7      MICHAEL WEILERT AND      MOTION TO STRIKE  
[13-1134](#)      GENEVIEVE DE MONTREMARE CAS-21-6-14 [[8](#)]  
BRIAN L. GWARTZ AND CHERYL A.  
SKIGIN, CO-TRUSTEES V. WEILERT  
CHERYL SKIGIN/Atty. for mv.  
RESPONSIVE PLEADING
6. [13-12860](#)-B-7      DANNY/PATRICIA MCCLANAHAN      CONTINUED STATUS CONFERENCE RE:  
[13-1052](#)      AMENDED COMPLAINT  
NATIONAL COMMERCIAL RECOVERY,  
INC. V. MCCLANAHAN      11-20-13 [[45](#)]  
GLENN BESNYL/Atty. for pl.  
RESPONSIVE PLEADING
7. [13-10787](#)-B-7      RICHARD CORTEZ      CONTINUED STATUS CONFERENCE RE:  
[13-1055](#)      COMPLAINT  
STATE OF CALIFORNIA DEPARTMENT  
OF HEALTH CARE SERV V. CORTEZ      5-17-13 [[1](#)]  
JILL BOWERS/Atty. for pl.  
RESPONSIVE PLEADING, ADV.  
DISMISSED 12/19/13, CLOSED  
1/6/14

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

1:30 P.M.

1. [13-16703](#)-B-13 AGUSTIN AREVALO  
SRH-2  
BANNER INVESTMENTS, LLC./MV  
STEVEN HRDLICKA/Atty. for mv.  
CASE DISMISSED  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
1-27-14 [[45](#)]

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

2. [11-63323](#)-B-13 JOHANNA CORDOVA  
SL-4  
JOHANNA CORDOVA/MV  
STEPHEN LABIAK/Atty. for dbt.  
OST 1/31/14  
MOTION TO SELL  
1-31-14 [[57](#)]
3. [13-15129](#)-B-13 BENITO DIAZ AND ROSA  
MHM-1 GARCIA  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.  
CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY MICHAEL  
H. MEYER  
12-23-13 [[71](#)]
4. [13-17931](#)-B-13 MARY BRIXEY  
DAVID JENKINS/Atty. for dbt.  
ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-23-14 [[15](#)]
5. [10-62332](#)-B-13 LARRY/PENNIE STOUT  
ACW-2  
LARRY STOUT/MV  
ANDY WARSHAW/Atty. for dbt.  
MOTION TO APPROVE LOAN  
MODIFICATION  
10-8-13 [[110](#)]

**The hearing will be continued to February 27, 2014, at 1:30 p.m. The form of the proof of service does not comply with LBR 9014-1(d)(1) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)). A corrected proof of service needs to be filed.**

**In addition, the moving papers were not served with the notice on the trustee or any parties in interest. The notice alone does not comply with Local Rule 9014-1(d)(4). The court will prepare a minute order. No appearance is necessary.**

6. [11-61532](#)-B-13 KEITH/GERALDINE CASH MOTION TO MODIFY PLAN  
TCS-4 12-26-13 [[44](#)]  
KEITH CASH/MV  
NANCY KLEPAC/Atty. for dbt.

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

7. [13-16433](#)-B-13 WALTER/VIRGINIA ELLIOTT MOTION TO VALUE COLLATERAL OF  
JDW-1 CITIBANK, N.A.  
WALTER ELLIOTT/MV 1-7-14 [[15](#)]  
JOEL WINTER/Atty. for dbt.

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary. *This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.*

8. [09-16435](#)-B-13 HECTOR/MARISELA MIRANDA MOTION TO VALUE COLLATERAL OF  
HDN-2 SNAP ON CREDIT LLC  
HECTOR MIRANDA/MV 12-30-13 [[86](#)]  
HENRY NUNEZ/Atty. for dbt.

The motion to value the collateral of Snap on Credit LLC will be denied. This bankruptcy was filed in July 2009. The motion is untimely and the delay is prejudicial to the respondent who timely filed its proof of secured claim in August 2009. The property to be valued, a "scanner," was not separately listed or valued on the Debtors' Schedule "B." The "machinery" listed on Schedule "B" was valued at \$6,000. The Debtors' declaration regarding the present value of the collateral is not sufficient to establish its value at the time of confirmation and is not sufficient to rebut the presumption of value in the respondent's proof of claim. The court will enter a civil minute order. No appearance is necessary.

9. [13-18049](#)-B-13 CHEVANN RIVERA  
SL-1  
CHEVANN RIVERA/MV  
STEPHEN LABIAK/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
JP MORGAN CHASE BANK, N.A.  
1-2-14 [[9](#)]

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary. *This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.*

10. [09-60051](#)-B-13 ERNESTO/ANA DEL TORO  
THA-5  
ERNESTO DEL TORO/MV  
  
THOMAS ARMSTRONG/Atty. for dbt.

MOTION FOR PAYMENT OF UNCLAIMED  
FUNDS IN THE AMOUNT OF \$  
3,918.39  
1-27-14 [[80](#)]

11. [13-15254](#)-B-13 JERAL RICHARDSON  
JMI-1  
VANESSA RICHARDSON/MV  
JOSEPH ARNOLD/Atty. for dbt.  
J. IRIGOYEN/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
1-24-14 [[60](#)]

12. [12-17857](#)-B-13 RANULFO ALMANZA AND  
SL-4 CARMEN FLORES ALMANZA  
RANULFO ALMANZA/MV  
SCOTT LYONS/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN  
1-6-14 [[47](#)]



13. [11-62766](#)-B-13 LAUREN/LORI ORNELAS MOTION TO MODIFY PLAN  
SL-3 12-19-13 [[51](#)]  
LAUREN ORNELAS/MV  
SCOTT LYONS/Atty. for dbt.

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

14. [13-15871](#)-B-13 DOMENICO FERRUA AND CONTINUED MOTION FOR RELIEF  
VC-1 SHAWNA GILES FROM AUTOMATIC STAY  
TOP FINANCE CO., INC./MV 10-22-13 [[31](#)]  
PETER FEAR/Atty. for dbt.  
MICHAEL VANLOCHEM/Atty. for mv.  
CASE DISMISSED

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

15. [13-16881](#)-B-13 JOHNNY/GLORIA ALEJANDREZ MOTION FOR RELIEF FROM  
MMW-2 AUTOMATIC STAY  
MAVI GOK LLC/MV 1-29-14 [[40](#)]  
PETER BUNTING/Atty. for dbt.  
MICHAEL WINTRINGER/Atty. for mv.

16. [13-16593](#)-B-7 JASPAL AMROKE AND BALJIT CONTINUED MOTION TO CONFIRM  
TOG-4 KAUR PLAN  
JASPAL AMROKE/MV 11-5-13 [[23](#)]  
THOMAS GILLIS/Atty. for dbt.

This matter will be deemed withdrawn. The case has been converted to chapter 7 on the debtors' motion. No appearance is necessary.

17. [10-10795](#)-B-13 JOSE/CAROL MARTINEZ MOTION TO SELL  
MNE-5 12-26-13 [[73](#)]  
JOSE MARTINEZ/MV  
M. ENMARK/Atty. for dbt.  
RESPONSIVE PLEADING

18. [13-14395](#)-B-13 DARLA RAMBONGA CONTINUED MOTION TO DISMISS  
MHM-2 CASE FOR FAILURE TO MAKE PLAN  
MICHAEL MEYER/MV PAYMENTS  
11-6-13 [[41](#)]  
SCOTT LYONS/Atty. for dbt.

19. [11-16697](#)-B-13 RONALD/DONNA HOFFART CONTINUED NOTICE OF DEFAULT AND  
MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
AS TRANSMITTED TO BNC FOR  
SERVICE.  
6-13-13 [[76](#)]

ANDY WARSHAW/Atty. for dbt.  
RESPONSIVE PLEADING

20. [11-16697](#)-B-13 RONALD/DONNA HOFFART CONTINUED MOTION TO MODIFY PLAN  
ACW-7 12-10-13 [[133](#)]  
RONALD HOFFART/MV  
ANDY WARSHAW/Atty. for dbt.

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

21. [09-11499](#)-B-13 CHARLES/KATHY LOUCKS MOTION FOR COMPENSATION BY THE  
PLF-8 LAW OFFICE OF PETER L. FEAR FOR  
PETER FEAR/MV PETER L. FEAR, DEBTOR'S  
ATTORNEY(S),  
1-13-14 [[81](#)]

PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

22. [14-10423](#)-B-13 MARIA OROZCO MOTION TO EXTEND AUTOMATIC STAY  
SL-1 2-6-14 [[14](#)]  
MARIA OROZCO/MV  
SCOTT LYONS/Atty. for dbt.

2:00 P.M.

1. [13-15410](#)-B-13 GREGORY/ROSA MOORE  
MHM-1  
MICHAEL MEYER/MV  
  
DONNY BRAND/Atty. for dbt.  
RESPONSIVE PLEADING  
  
MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
1-27-14 [[63](#)]
2. [13-16639](#)-B-13 GEORGE LOGAN  
MHM-1  
MICHAEL MEYER/MV  
  
GEORGE LOGAN/Atty. for dbt.  
RESPONSIVE PLEADING  
  
MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
1-27-14 [[26](#)]
3. [13-17846](#)-B-13 REYES SALCEDO  
MHM-1  
MICHAEL MEYER/MV  
  
HENRY NUNEZ/Atty. for dbt.  
  
MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
1-29-14 [[32](#)]
4. [13-15548](#)-B-13 LISA MILLER  
MHM-2  
MICHAEL MEYER/MV  
  
JERRY LOWE/Atty. for dbt.  
  
MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
1-27-14 [[54](#)]
5. [13-16590](#)-B-13 JOSE VERA  
MHM-1  
MICHAEL MEYER/MV  
ALLAN WILLIAMS/Atty. for dbt.  
  
OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
1-15-14 [[43](#)]

The matter will be dropped from calendar without disposition. The spousal waiver has been filed. It appears that this resolves the trustee's objection and that no further action is necessary. No appearance is necessary.