

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, February 18, 2016
Place: Department C – 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.

1:30 P.M.

1. [15-10705](#)-C-11 CHARLOTTE SALWASSER STATUS CONFERENCE RE: COMPLAINT
[15-1152](#) 12-21-15 [[1](#)]
5T FARMS ET AL V. SALWASSER
RILEY WALTER/Atty. for pl.

The debtor has not filed a responsive pleading. However, the court intends to dismiss this adversary proceeding without prejudice. The plaintiffs seek to equitably subordinate the defendant's right to payment, if any, in the West Coast Growers ("WCG") case based in part on an allegation of "grossly inequitable conduct toward WCG." WCG is a necessary party to that issue and the question of equitable subordination of claims needs to be adjudicated in the case where the claims are pending. The plaintiffs have also filed an objection to the defendant's claim in the WCG case contending in essence that the debtor has no claim in WCG. The plaintiffs report in their status conference statement that the parties are engaged in discussions regarding a global settlement of all issues. However, if equitable subordination is still an issue, it needs to be refiled and prosecuted in the WCG case and possibly consolidated with the claim objection. No appearance is necessary.

2. [15-10705](#)-C-11 CHARLOTTE SALWASSER CONTINUED MOTION FOR
DMG-27 COMPENSATION FOR D. MAX
CHARLOTTE SALWASSER/MV GARDNER, DEBTORS ATTORNEY(S)
12-30-15 [[794](#)]

D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING
3. [15-10705](#)-C-11 CHARLOTTE SALWASSER CONTINUED MOTION TO DISMISS
WW-2 CASE AND/OR MOTION TO APPOINT
5T FARMS/MV TRUSTEE
12-30-15 [[788](#)]

D. GARDNER/Atty. for dbt.
RILEY WALTER/Atty. for mv.
RESPONSIVE PLEADING

Based on the stipulation of the parties, this matter has been rescheduled to March 16, 2016, at 1:30 p.m. At that time the court will set dates for the completion of discovery and an evidentiary hearing if necessary. If the parties are not ready to move forward at that time, the motion will be dropped from calendar, subject to being reset at a later date. No appearance is necessary.

4. [10-12709](#)-C-11 ENNIS COMMERCIAL
[12-1033](#) PROPERTIES, LLC
ENNIS COMMERCIAL PROPERTIES,
LLC V. NICHOLSON ET AL
MICHAEL GOMEZ/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: AMENDED
COMPLAINT
2-7-14 [[76](#)]

Based on the joint status conference statement, and the parties' comments at the conclusion of the trial, it appears this adversary proceeding has been settled. 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. The parties may stipulate to an extension of this time up to 30 days and submit that request by ex parte application. 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.

5. [10-62315](#)-C-11 BEN ENNIS
[13-1108](#)
STAPLETON ET AL V. NICHOLSON
ET AL
MICHAEL GOMEZ/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: AMENDED
COMPLAINT
3-12-14 [[46](#)]

Based on the joint status conference statement, and the parties' comments at the conclusion of the trial, it appears this adversary proceeding has been settled. 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. The parties may stipulate to an extension of this time up to 30 days and submit that request by ex parte application. 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.

6. [11-62436](#)-C-7 KEVIN/SUSAN MARTIN
[12-1131](#)
MARTIN ET AL V. IRS
KEVIN MARTIN/Atty. for pl.

FURTHER STATUS CONFERENCE RE:
AMENDED COMPLAINT
1-22-13 [[25](#)]

7. [15-11079](#)-C-7 WEST COAST GROWERS, INC. STATUS CONFERENCE RE: AMENDED
[15-1081](#) A CALIFORNIA CORPORATION COMPLAINT
5T FARMS ET AL V. WEST COAST 12-21-15 [[16](#)]
GROWERS, INC. ET AL
RILEY WALTER/Atty. for pl.

This status conference will be dropped from calendar because the record does not show that the re-issued summons and amended complaint were properly served in compliance with Federal Rules of Bankruptcy Procedure 7004(b) & (e). None of the named defendants have filed a responsive pleading or officially appeared. The clerk of the court will issue a notice of intent to dismiss for unreasonable delay and failure to prosecute if the complaint is not properly served with a reissued summons within 30 days. No appearance is necessary.

8. [15-11079](#)-C-7 WEST COAST GROWERS, INC. MOTION FOR COMPENSATION BY THE
KDG-15 A CALIFORNIA CORPORATION LAW OFFICE OF KLEIN, DENATALE,
GOLDNER, COOPER, ROSENLIB &
KIMBALL, LLP FOR HAGOP T.
BEDOYAN, DEBTORS ATTORNEY(S)
1-4-16 [[673](#)]
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 applicant's fees and costs are approved and shall be paid in order of priority as a chapter 11 administrative expense at the discretion of the chapter 7 trustee. The applicant shall submit a proposed order. No appearance is necessary.

9. [15-11079](#)-C-7 WEST COAST GROWERS, INC. OBJECTION TO CLAIM OF CHARLOTTE
WW-4 A CALIFORNIA CORPORATION E. SALWASSER,
5T FARMS/MV 12-21-15 [[654](#)]
HAGOP BEDOYAN/Atty. for dbt.
RILEY WALTER/Atty. for mv.

10. [15-11080](#)-C-11 SALWASSER, INC. MOTION TO DISMISS CASE AND/OR
UST-1 MOTION TO CONVERT CASE FROM
TRACY DAVIS/MV CHAPTER 11 TO CHAPTER 7
1-13-16 [[158](#)]
PETER FEAR/Atty. for dbt.
GREGORY POWELL/Atty. for mv.
JOINDER FILED 1/18/16

11. [10-16183](#)-C-7 SALMA AGHA MOTION FOR COMPENSATION BY THE
KDG-3 LAW OFFICE OF KLEIN, DENATALE,
GOLDNER, COOPER, ROSENLIB &
KIMBALL, LLP FOR LISA HOLDER,
TRUSTEES ATTORNEY(S)
1-28-16 [[228](#)]
WILLIAM CUMMING/Atty. for dbt.