

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, March 5, 2015
Place: U.S. Courthouse, 510 19th 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.

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.

1. [12-12945](#)-B-7 STEVEN AYLER STATUS CONFERENCE RE: COMPLAINT
[15-1003](#) 1-6-15 [[1](#)]
CATERPILLAR FINANCIAL SERVICES
CORPORATION V. AYLER
MARK PONIATOWSKI/Atty. for pl.

It appears that 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.

2. [14-13358](#)-B-7 THOMAS BRILL STATUS CONFERENCE RE: SECOND
 [14-1126](#) AMENDED COMPLAINT
 RODRIGUEZ V. BRILL 2-26-15 [[39](#)]
 STEVEN SMITH/Atty. for pl.

This matter will be continued to April 9, 2015, at 9:00 a.m. to be heard with the plaintiff's motion to abstain. The court will prepare a minute order. No appearance is necessary.

3. [14-14569](#)-B-7 HENRY/KRISTI GARCIA STATUS CONFERENCE RE: COMPLAINT
[15-1001](#) 1-6-15 [[1](#)]
H SQUARED HOLDINGS, LLC V.
GARCIA
ANDREW SHEFFIELD/Atty. for pl.
RESPONSIVE PLEADING

It appears this adversary proceeding has been settled. The status conference will be dropped from calendar. No appearance is necessary. The parties have filed a stipulation for entry of judgment, however the proposed judgment has been rejected and must be resubmitted. The court will issue a civil minute order.

4. [10-16183](#)-B-7 SALMA AGHA STATUS CONFERENCE RE: COMPLAINT
[14-1155](#) 12-31-14 [[1](#)]
AGHA V. THE UNITED STATES OF
AMERICA ET AL
TRANSFERRED TO DISTRICT
COURT

This matter will be dropped from calendar. This adversary proceeding has been transferred to the District Court and is no longer before this court. No appearance is necessary.

5. [14-13285](#)-B-7 JEFFREY/LINDSAY KERR CONTINUED MOTION FOR ENTRY OF
[14-1128](#) THA-1 DEFAULT JUDGMENT
RIVER RAIL COMMUNITY FEDERAL 1-7-15 [[16](#)]
CREDIT UNION V. KERR ET AL
THOMAS ARMSTRONG/Atty. for mv.

The plaintiff has filed supplemental evidence and briefing in response to the court's request at the initial hearing. This matter is now suitable for resolution without further oral argument. The motion will be taken under submission and the hearing will be dropped from calendar. No appearance is necessary.

6. [13-10692](#)-B-7 LUDOVICO PEREZ CONTINUED STATUS CONFERENCE RE:
[14-1116](#) COMPLAINT
MAURICIO'S GRILL AND CANTINA, 9-30-14 [[1](#)]
INC. V. PEREZ
KERI BLAND/Atty. for pl.

7. [14-10594](#)-B-7 LEOPOLDO/YESENIA VARGAS STATUS CONFERENCE RE: COMPLAINT
[14-1074](#) 7-23-14 [[1](#)]
U.S. TRUSTEE V. VARGAS ET AL
GREGORY POWELL/Atty. for pl.

This matter will be continued to April 9, 2015, at 9:00 a.m. The court will prepare a minute order. No appearance is necessary.

8. [14-10594](#)-B-7 LEOPOLDO/YESENIA VARGAS MOTION FOR ENTRY OF DEFAULT
[14-1074](#) UST-3 JUDGMENT
U.S. TRUSTEE V. VARGAS ET AL 2-3-15 [[25](#)]
GREGORY POWELL/Atty. for mv.

This matter will be continued to April 9, 2015, at 9:00 a.m., for supplemental evidence and briefing. This adversary proceeding was filed after the bar date for objections to the debtors' discharge. It appears from the moving papers that the chapter 7 trustee had possession of the debtors' 2012 and 2013 tax returns and knowledge of the non-disclosed business assets before the bar date. The plaintiff needs to submit supplemental evidence, if any, regarding the trustee's due diligence, and briefing to address the application of J. Pappas' decision in *In re Kribs*, 523 B.R. 830. The court will prepare a minute order. No appearance is necessary.

10:00 A.M.

1. [14-15310](#)-B-7 JOEL PONCE AND ERLINDA CONTINUED MOTION TO AVOID LIEN
PK-1 GARIBAY OF SPRINGLEAF FINANCIAL
JOEL PONCE/MV SERVICES, INC.
1-8-15 [[11](#)]

PATRICK KAVANAGH/Atty. for dbt.
 2. [14-15716](#)-B-7 DAISY GONZALEZ MOTION FOR RELIEF FROM
CJO-1 AUTOMATIC STAY
BANK OF AMERICA, N.A./MV 2-3-15 [[15](#)]
FRANK SAMPLES/Atty. for dbt.
CHRISTINA O/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.**
3. [15-10225](#)-B-7 JAMES UCCELLO MOTION FOR RELIEF FROM
VVF-1 AUTOMATIC STAY
KING OF CREDIT FINANCIAL, 2-17-15 [[33](#)]
INC./MV
CRYSTLE LINDSEY/Atty. for dbt.
VINCENT FROUNJIAN/Atty. for mv.
 4. [09-16426](#)-B-7 CHRISTOPHER/JOLENE CONTINUED MOTION TO AVOID LIEN
PK-2 FORZETTING OF FINANCIAL CREDIT NETWORK,
CHRISTOPHER FORZETTING/MV INC.
12-31-14 [[23](#)]

PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

5. [13-12227](#)-B-7 DONNA ROGERS
MKK-2
M. KLEIN/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION FOR COMPENSATION FOR
M.KATHLEEN KLEIN, ACCOUNTANT(S)
2-3-15 [[67](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. Pursuant to Bankruptcy rule 2002(a)(6), a request to approve professional fees in an amount less than \$1,000 does not require a noticed motion. The moving party shall submit a proposed order. No appearance is necessary.

6. [14-14635](#)-B-7 ODIE LOSA
JMV-1
JEFFREY VETTER/MV
VINCENT GORSKI/Atty. for dbt.
JEFFREY VETTER/Atty. for mv.

MOTION TO EMPLOY WATSON REALTY
AS BROKER(S)
2-13-15 [[16](#)]

7. [05-14537](#)-B-7 STEVEN SMITH
PWG-11
STEVEN SMITH/MV
PHILLIP GILLET/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN
OF CAPITAL ONE FINANCIAL CORP.
1-22-15 [[72](#)]

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.

8. [05-14537](#)-B-7 STEVEN SMITH
PWG-12
STEVEN SMITH/MV

PHILLIP GILLET/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN
OF ACCESS CAPITAL SERVICES,
INC.
1-22-15 [[77](#)]

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.

9. [05-14537](#)-B-7 STEVEN SMITH
PWG-13
STEVEN SMITH/MV
PHILLIP GILLET/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN
OF CITIBANK (SOUTH DAKOTA) N.A.
1-22-15 [[82](#)]

10. [14-16047](#)-B-7 JUAN LOPEZ
JCW-1
MIDFIRST BANK/MV
CURTIS FLOYD/Atty. for dbt.
JENNIFER WONG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-30-15 [[12](#)]

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.

11. [14-15554](#)-B-7 JASON/JOANA CASTLEBERRY
PLG-1
JASON CASTLEBERRY/MV
CHELSEA RYAN/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT
1-9-15 [[16](#)]

12. [14-15257](#)-B-7 STEPHEN/MARY TORPEY
PD-1
WELLS FARGO BANK, NA/MV
CURTIS FLOYD/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-6-15 [[16](#)]

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.

13. [13-13062](#)-B-7 CECILY WATERMAN
KDG-8

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF KLEIN, DENATALE,
GOLDNER, COOPER, ROSENLIB &
KIMBALL, LLP FOR LISA HOLDER,
TRUSTEES ATTORNEY(S)
2-5-15 [[89](#)]

LEONARD WELSH/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.

14. [14-15267](#)-B-7 DINNY MATHEW AND JESSY
KDG-1 JACOB
VINCENT GORSKI/MV
MUFTHIHA SABARATNAM/Atty. for dbt.
VINCENT GORSKI/Atty. for mv.

MOTION TO EMPLOY LISA HOLDER AS
ATTORNEY(S)
2-18-15 [[34](#)]

15. [12-18995](#)-B-7 LORIN/KYMBERLI SMALLEY MOTION FOR COMPENSATION FOR M.
MKK-2 KATHLEEN KLEIN, ACCOUNTANT(S)
M. KLEIN/MV 2-3-15 [[95](#)]
NEIL SCHWARTZ/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.

11:00 A.M.

1. [14-15734](#)-B-7 SALVADOR LOPEZ AND TERESA PRO SE REAFFIRMATION AGREEMENT
DE LOPEZ WITH HYUNDAI MOTOR FINANCE
1-30-15 [[12](#)]

OSCAR SWINTON/Atty. for dbt.

The hearing will be dropped from calendar. The court intends to deny approval of this reaffirmation agreement. Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The debtors' attorney refused to sign the reaffirmation agreement. In the absence of a declaration by debtor's counsel, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

2. [14-15734](#)-B-7 SALVADOR LOPEZ AND TERESA PRO SE REAFFIRMATION AGREEMENT
DE LOPEZ WITH ALLY FINANCIAL
2-10-15 [[16](#)]

OSCAR SWINTON/Atty. for dbt.

The hearing will be dropped from calendar. The court intends to deny approval of this reaffirmation agreement. Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The debtors' attorney refused to sign the reaffirmation agreement. In the absence of a declaration by debtor's counsel, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

3. [14-15078](#)-B-7 DIANA KNOWLAND PRO SE REAFFIRMATION AGREEMENT
WITH HYUNDAI MOTOR FINANCE
1-26-15 [14]

1:30 P.M.

1. [12-19900](#)-B-13 LUIS MORALES
MHM-2
MICHAEL MEYER/MV

ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING
- MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-20-15 [[41](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules. The debtor's response was not supported by evidence and the record does not show that the default has been cured. This appears to be the fifth motion to dismiss, since the plan was confirmed in March 2013, that the trustee has had to file based on a failure to make plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

2. [10-11001](#)-B-13 STEVEN/TOMIE HARP
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-5-15 [[133](#)]
3. [12-12404](#)-B-13 NICOLAS/CARMEN FELIX
MHM-1
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-16-15 [[49](#)]

This motion has been withdrawn. No appearance is necessary.

4. [12-17504](#)-B-13 MICHAEL/DEBORAH COLBERT
MHM-4
MICHAEL MEYER/MV
WILLIAM OLCOTT/Atty. for dbt.
WITHDRAWN
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-16-15 [[85](#)]

This motion has been withdrawn. No appearance is necessary.

5. [14-10606](#)-B-13 OSCAR MORENO AND EBONY
MHM-3 WILLIAMS MORENO
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-16-15 [[51](#)]

This motion has been withdrawn. No appearance is necessary.

6. [14-15209](#)-B-13 BILLY/ROSEMARY CURRIN
PWG-1
BILLY CURRIN/MV
PHILLIP GILLET/Atty. for dbt. MOTION TO VALUE COLLATERAL OF
WELLS FARGO HOME MORTGAGE
2-19-15 [[23](#)]

7. [11-60514](#)-B-13 SHANE/CAROL DUNNAWAY
MHM-1
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt. MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-12-15 [[76](#)]
RESPONSIVE PLEADING, MOTION
WITHDRAWN

This motion has been withdrawn. No appearance is necessary.

8. [11-63220](#)-B-13 LARRY/ANNAMARIE FRIESON
MHM-2
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt. MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-16-15 [[47](#)]

This motion has been withdrawn. No appearance is necessary.

9. [12-12133](#)-B-13 ALFONSO/SYLVIA OLAGUE
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt. MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-16-15 [[123](#)]
RESPONSIVE PLEADING, MOTION
WITHDRAWN

This motion has been withdrawn. No appearance is necessary.

10. [14-14734](#)-B-13 JAMES ZOPPE
ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-29-15 [[41](#)]

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

11. [14-14734](#)-B-13 JAMES ZOPPE
CONTINUED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
12-30-14 [[34](#)]

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

12. [14-14734](#)-B-13 JAMES ZOPPE
MHM-1
MICHAEL MEYER/MV

CONTINUED MOTION TO DISMISS
CASE FOR UNREASONABLE DELAY
THAT IS PREJUDICIAL TO
CREDITORS AND/OR MOTION TO
DISMISS CASE
12-23-14 [[29](#)]

This motion will be dropped from calendar. The court intends to dismiss this case on the trustee's unopposed motion below. No appearance is necessary

13. [14-14734](#)-B-13 JAMES ZOPPE
MHM-2
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-14-15 [[37](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The records shows there has been a material default in the plan that has not been cured. There have been no post-petition payments since the petition was filed on September 26, 2014. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

14. [11-11439](#)-B-13 SOPHIA WILLIAMS
MHM-4
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-9-15 [[128](#)]

This motion has been withdrawn. No appearance is necessary.

15. [11-62742](#)-B-13 JAMES/KATHERINE SEPSEY
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-16-15 [[38](#)]

This motion has been withdrawn. No appearance is necessary.

16. [14-15646](#)-B-13 CRAIG/SAUNDRA PETTYJOHN
MHM-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
1-15-15 [[26](#)]

PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

17. [10-17747](#)-B-13 STEVEN/TRICIA STANKORB
PK-6
STEVEN STANKORB/MV
OBJECTION TO CLAIM OF SANTANDER
CONSUMER USA INC., CLAIM NUMBER
6 AND/OR MOTION FOR TURNOVER OF
UNCLAIMED CREDITOR FUNDS
1-15-15 [[90](#)]

PATRICK KAVANAGH/Atty. for dbt.
ORDER RESCHEDULING 2/23/15,

This matter has been rescheduled to April 9, 2015, at 1:30 p.m. No appearance is necessary.

18. [14-14047](#)-B-13 FRANCES GONZALES
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-9-15 [[35](#)]

This motion has been withdrawn. No appearance is necessary.

19. [14-14753](#)-B-13 CHARLES/MYLENE GABRIEL
RSW-2
CHARLES GABRIEL/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING
MOTION TO CONFIRM PLAN
1-20-15 [[30](#)]

20. [13-15260](#)-B-13 KARON METTLER
NLG-1
CENTRAL MORTGAGE COMPANY/MV
SUSAN SALEHI/Atty. for dbt.
NICHOLE GLOWIN/Atty. for mv.
WITHDRAWN
MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-5-15 [[37](#)]

This motion has been withdrawn. No appearance is necessary.

21. [15-10462](#)-B-13 CAROLYN MINER
PK-1
BARBARA FERRANTE/MV
PATRICK KAVANAGH/Atty. for mv.
MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-19-15 [[11](#)]

22. [14-13564](#)-B-13 LEE/DEBORAH MCDOWELL
PK-2
LEE MCDOWELL/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
ALTA ONE FEDERAL CREDIT UNION
2-5-15 [[66](#)]

This motion to value respondent's collateral 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 presented, the respondent's secured claim will be fixed at \$8,969. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

23. [09-18365](#)-B-13 TONY/DEBRA HODGES
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

OBJECTION TO DISCHARGE BY
MICHAEL H. MEYER
1-22-15 [[84](#)]

This objection has been withdrawn. No appearance is necessary.

24. [14-15467](#)-B-13 STEVEN WILLIAMS
MHM-1

ROBERT WILLIAMS/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
2-12-15 [[22](#)]

25. [11-18768](#)-B-13 JOSE RAMOS
LKW-5

LEONARD WELSH/Atty. for dbt.

MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
2-10-15 [[77](#)]

26. [08-14370](#)-B-13 REBECCA RODRIQUEZ
PWG-2
REBECCA RODRIQUEZ/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO AVOID LIEN OF
CITIBANK (SOUTH DAKOTA) N.A.
2-19-15 [[66](#)]

27. [08-14370](#)-B-13 REBECCA RODRIQUEZ
PWG-3
REBECCA RODRIQUEZ/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO AVOID LIEN OF FORTIS
CAPITAL, LLC
2-19-15 [[73](#)]

28. [14-14872](#)-B-13 ANTHONY LEONIS
SJS-2
ANTHONY LEONIS/MV
SUSAN SALEHI/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BANK OF AMERICA
1-22-15 [[29](#)]

The motion will be denied without prejudice. No appearance is necessary. The named respondent in the motion is Bank of America. Based on the proof of claim, the holder of this mortgage lien appears to be Bank of New York Mellon as Trustee.

If the debtor also contends that the junior lien holder is not entitled to an unsecured claim, based on the prior chapter 7 discharge, then that relief must be clearly stated in a separate objection to the respondent's claim and the debtor needs to brief the application of *In re Gounder*, 266 B.R. 879 (Bankr.E.D.Cal.,2001) to these facts.

29. [15-10076](#)-B-13 ESTEBAN ZAVALA

PATRICK KAVANAGH/Atty. for dbt.
PAID \$100.00 ON 2/23/15

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-17-15 [[22](#)]

30. [11-17278](#)-B-13 EDWARD/MARY JONES
PK-6
EDWARD JONES/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
ANSON STREET LLC
2-5-15 [[120](#)]

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.

31. [13-10982](#)-B-13 LAWRENCE/CHRISTINA BOWSER
MHM-1
MICHAEL MEYER/MV
WILLIAM OLCOTT/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
1-16-15 [[39](#)]

This motion has been withdrawn. No appearance is necessary.

32. [14-14683](#)-B-13 SHERLYN BULL

CONTINUED OBJECTION TO

MHM-1

CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
1-15-15 [[29](#)]

PATRICK KAVANAGH/Atty. for dbt.

33. [11-16485](#)-B-13 MICHAEL MANN
MHM-2
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-9-15 [[155](#)]

This motion has been withdrawn. No appearance is necessary.

34. [10-13293](#)-B-13 THOMAS/LENORA HUNTER
MHM-3
MICHAEL MEYER/MV
SUSAN SALEHI/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
1-6-15 [[75](#)]

This motion has been withdrawn. No appearance is necessary.

35. [14-15496](#)-B-13 NADER HADDAD
TGF-1
THE PROBATE ESTATE OF WAYNE
LEE VAUGHN, SR./MV

PATRICK KAVANAGH/Atty. for dbt.
VINCENT GORSKI/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY THE
PROBATE ESTATE OF WAYNE LEE
VAUGHN, SR.
1-15-15 [[27](#)]

This matter will be continued to May 7, 2015, at 1:30, to be called, and consolidated, with adversary proceeding No. 15-1021. The court will prepare a minute order. No appearance is necessary.