

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Thursday, March 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.

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| 1. | 15-14017 -B-11 CLUB ONE CASINO, INC.

HAGOP BEDOYAN/Atty. for dbt. | CONTINUED STATUS CONFERENCE RE:
CHAPTER 11 VOLUNTARY PETITION
10-14-15 [1] |
| 2. | 15-14017 -B-11 CLUB ONE CASINO, INC.
KDG-15

HAGOP BEDOYAN/Atty. for dbt.
ORDER APPROVING STIPULATION | RESCHEDULED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF JOHN K. MALONEY FOR JOHN K.
MALONEY, SPECIAL COUNSEL(S)
1-14-16 [396] |
| This matter has been resolved by stipulation of the parties and order of
the court. No appearance is necessary. | | |
| 3. | 15-14017 -B-11 CLUB ONE CASINO, INC.
SMR-2
HAGOP BEDOYAN/Atty. for dbt. | CONFIRMATION HEARING RE: PLAN
2-1-16 [471] |
| 4. | 15-14017 -B-11 CLUB ONE CASINO, INC.
WW-3
ELAINE LONG/MV

HAGOP BEDOYAN/Atty. for dbt.
HOLLY ESTES/Atty. for mv.
RESPONSIVE PLEADING | CONTINUED MOTION TO CONSOLIDATE
LEAD CASE 15-14017 WITH
15-14021
11-21-15 [189] |
| 5. | 15-14021 -B-11 CLUB ONE ACQUISITION
CORP.

T. BELDEN/Atty. for dbt. | CONTINUED STATUS CONFERENCE RE:
CHAPTER 11 VOLUNTARY PETITION
10-14-15 [1] |
| 6. | 15-13167 -B-12 DOUG KOPHAMER FARMS
LKW-13
DOUG KOPHAMER FARMS/MV

LEONARD WELSH/Atty. for dbt. | MOTION TO EMPLOY RITCHIE
BROTHERS AS AUCTIONEER(S) NUNC
PRO TUNC AND/OR MOTION FOR
COMPENSATION FOR RITCHIE
BROTHERS, AUCTIONEER(S)
2-19-16 [217] |

1:30 P.M.

1. [15-12701](#)-B-13 LISA MERCADO
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt. MOTION TO DISMISS CASE
1-13-16 [[27](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

2. [16-10002](#)-B-13 ANGELO/MERRI PINTOR
BF-6
BANK OF AMERICA, N.A./MV
DAVID JENKINS/Atty. for dbt.
BRANDYE FOREMAN/Atty. for mv.
BANK OF AMERICA, N.A. VS. OBJECTION TO CONFIRMATION OF
PLAN BY BANK OF AMERICA, N.A.
2-12-16 [[12](#)]

3. [12-16505](#)-B-13 ERIC/JUDY GRAHAM
MHM-2
MICHAEL MEYER/MV
MICHAEL ARNOLD/Atty. for dbt. MOTION TO DISMISS CASE
1-14-16 [[56](#)]

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

4. [15-14405](#)-B-13 PRITPAL CHAHAL
MHM-2
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt. OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
2-5-16 [[32](#)]

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 objection to the debtor's exemptions will be sustained without prejudice to the debtor filing an amended schedule C. The moving party shall submit a proposed order. No appearance is necessary.

5. [14-11111](#)-B-13 PHILLIP/MARNIE HAMILTON
MHM-2
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING CONTINUED MOTION TO DISMISS
CASE
12-10-15 [[79](#)]

6. [14-11111](#)-B-13 PHILLIP/MARNIE HAMILTON MOTION TO MODIFY PLAN
TCS-4 1-28-16 [[86](#)]
PHILLIP HAMILTON/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING
7. [12-16615](#)-B-13 FRANK/IRENE DELEMA MOTION TO DISMISS CASE
MHM-4 1-15-16 [[65](#)]
MICHAEL MEYER/MV
JAMES MILLER/Atty. for dbt.
8. [11-62116](#)-B-13 TEDDY/DEBRA KEPLEY MOTION TO DISMISS CASE
MHM-1 2-10-16 [[65](#)]
MICHAEL MEYER/MV
BENJAMIN SHEIN/Atty. for dbt.
RESPONSIVE PLEADING

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

9. [14-10121](#)-B-13 GREGORY/ERIKA IRELAND MOTION TO DISMISS CASE
MHM-3 1-14-16 [[76](#)]
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

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

10. [14-11321](#)-B-13 RONALD/LEANNA BUYS MOTION TO DISMISS CASE
MHM-1 1-14-16 [[55](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

11. [16-10021](#)-B-13 WILLIAM HAGEN
JAA-1
WILMINGTON SAVINGS FUND
SOCIETY, FSB/MV
JESSICA ABDOLLAHI/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY WILMINGTON SAVINGS FUND
SOCIETY, FSB
2-3-16 [[18](#)]

12. [15-14723](#)-B-13 ALVINO GARCIA
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE
2-4-16 [[26](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows the debtor failed to appear at either her initial §341 meeting of creditors or the continued meeting. In addition, the debtor has failed to cooperate with the trustee by providing all of the documentation required by 11 U.S.C. §521(a)(3)(4). There is unreasonable delay by the debtor that is prejudicial to creditors. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

13. [15-11426](#)-B-13 JAMES CRAIN
MHM-1
MICHAEL MEYER/MV
RICHARD STURDEVANT/Atty. for dbt.

MOTION TO DISMISS CASE
1-13-16 [[32](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

14. [15-13626](#)-B-13 BRUCE/CORINNA COOKE
MHM-2
MICHAEL MEYER/MV
MARK ZIMMERMAN/Atty. for dbt.
CASE DISMISSED 2/12/16

MOTION TO DISMISS CASE
1-13-16 [[37](#)]

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

15. [11-19028](#)-B-13 MOISES/CECILIA VILLAFAN MOTION TO MODIFY PLAN
ASW-2 1-26-16 [[47](#)]
MOISES VILLAFAN/MV
ADRIAN WILLIAMS/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.

16. [12-16828](#)-B-13 MARY BOCANEGRA MOTION TO DISMISS CASE
MHM-2 1-15-16 [[75](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

17. [14-14028](#)-B-13 GEORGETTE AVEDIKIAN CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 12-10-15 [[78](#)]
DAVID JENKINS/Atty. for dbt.

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

18. [15-14228](#)-B-13 OSCAR GUTIERREZ OBJECTION TO CONFIRMATION OF
MHM-2 PLAN BY TRUSTEE MICHAEL H.
MEYER
2-16-16 [[62](#)]
GLEN GATES/Atty. for dbt.

19. [15-14733](#)-B-13 JAVIER VELIZ CONTINUED MOTION TO VALUE
PBB-3 COLLATERAL OF NELLIE O. WADE
JAVIER VELIZ/MV 1-8-16 [[24](#)]
PETER BUNTING/Atty. for dbt.

This matter was continued for the submission of additional documents and briefing. Nothing has been filed in response to the court's civil minute order. Accordingly, the motion will be denied without prejudice for the reasons stated at the prior hearing. No appearance is necessary.

20. [12-16249](#)-B-13 BENJAMIN/ELVIA DORADO MOTION TO INCUR DEBT
DRJ-3 2-24-16 [[89](#)]
BENJAMIN DORADO/MV
DAVID JENKINS/Atty. for dbt.

21. [14-14555](#)-B-13 IRENE ORNELAS CONTINUED MOTION TO DISMISS
MHM-3 CASE
MICHAEL MEYER/MV 12-10-15 [[50](#)]
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

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

22. [14-14555](#)-B-13 IRENE ORNELAS MOTION TO MODIFY PLAN
TCS-2 1-28-16 [[57](#)]
IRENE ORNELAS/MV
TIMOTHY SPRINGER/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.

23. [15-13659](#)-B-13 TONY MESA FURTHER STATUS CONFERENCE RE:
BF-5 OBJECTION TO CONFIRMATION OF
FINANCIAL FREEDOM/MV PLAN BY FINANCIAL FREEDOM
11-3-15 [[26](#)]
SCOTT LYONS/Atty. for dbt.
BRANDYE FOREMAN/Atty. for mv.
ORDER 2/2/16

24. [13-10962](#)-B-13 JOSE/MARY GONZALES MOTION TO DISMISS CASE
MHM-1 1-14-16 [[55](#)]
MICHAEL MEYER/MV
JANINE ESQUIVEL/Atty. for dbt.

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

25. [11-18972](#)-B-13 GREG/DIANA SIMERAL MOTION TO MODIFY PLAN
PLG-1 1-25-16 [[33](#)]
GREG SIMERAL/MV
RABIN POURNAZARIAN/Atty. for dbt.
JOHN SARAI/Atty. for mv.

This motion will be continued to April 14, 2016, at 1:30 p.m., for the submission of further evidence in support of §1325(a). The attorney's declaration of his opinion, that the plan was filed in good faith, is irrelevant. Further evidence shall be filed by March 31, 2016. No appearance is necessary.

26. [15-13573](#)-B-13 ROUDNI/MELISSA HAROUN
JRL-2
ROUDNI HAROUN/MV
JERRY LOWE/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CAPITAL ONE AUTO FINANCE
1-28-16 [[45](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The default of responding parties is hereby entered. The debtors are competent to testify as to the value of the subject vehicle. Accordingly, 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 \$5,395. 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.

27. [14-13575](#)-B-13 ROBERT ZOELLNER
MHM-2
MICHAEL MEYER/MV
ERIC SCHWAB/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
1-14-16 [[75](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules. The debtor filed a notice of non-opposition and the record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

28. [12-19278](#)-B-13 KENNETH/MARIA PRECIADO
MHM-2
MICHAEL MEYER/MV
BENNY BARCO/Atty. for dbt.

MOTION TO DISMISS CASE
1-14-16 [[57](#)]

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

29. [14-15379](#)-B-13 CARLOS NAVARRETTE
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE
1-14-16 [[37](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

30. [16-10080](#)-B-13 MARY MIGLIORE
GEG-2
MARY MIGLIORE/MV
GLEN GATES/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF
WELLS FARGO DEALER SERVICES
2-9-16 [[26](#)]

31. [15-12993](#)-B-13 ROBERT/KARLA RODRIGUEZ
GEG-2
ROBERT RODRIGUEZ/MV
GLEN GATES/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
1-22-16 [[62](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee has withdrawn his opposition. The motion will be granted without oral argument for cause shown. The debtors 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.

32. [15-12993](#)-B-13 ROBERT/KARLA RODRIGUEZ
GEG-3
ROBERT RODRIGUEZ/MV
GLEN GATES/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CONSUMER PORTFOLIO SERVICES
2-10-16 [[73](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The default of responding parties is hereby entered. The debtors are competent to testify as to the value of the subject vehicle. Accordingly, 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 \$12,369. 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.

33. [15-12993](#)-B-13 ROBERT/KARLA RODRIGUEZ
JES-1
JAMES SALVEN/MV

GLEN GATES/Atty. for dbt.
JAMES SALVEN/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION FOR
COMPENSATION FOR JAMES E.
SALVEN, CHAPTER 7 TRUSTEE(S)
11-24-15 [[48](#)]

34. [15-14793](#)-B-13 OCTAVIO SANCHEZ
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
CASE DISMISSED 2/12/16

MOTION TO DISMISS CASE
2-3-16 [[34](#)]

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

35. [15-11896](#)-B-13 CHRISTINE WOODS
MHM-2
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE
1-27-16 [[87](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

36. [14-15797](#)-B-13 MISTY PEREZ
MHM-2
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE
1-13-16 [[51](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

37. [16-10299](#)-B-13 KARINA PIMENTEL
RCO-1
RESIDENTIAL MORTGAGE, INC./MV
PHILLIP GILLET/Atty. for dbt.
JONATHAN DAMEN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-5-16 [[9](#)]