

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto  
Hearing Date: Thursday, March 24, 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.     [15-14685](#)-B-11   B&L EQUIPMENT RENTALS,                   MOTION TO SELL  
          LKW-14               INC.                                       3-2-16 [[160](#)]  
          B&L EQUIPMENT RENTALS, INC./MV  
          LEONARD WELSH/Atty. for dbt.

1:30 P.M.

1. [15-10407](#)-B-13 STEPHEN/KYMBERLY SALTER  
TCS-1  
STEPHEN SALTER/MV  
TIMOTHY SPRINGER/Atty. for dbt. MOTION TO SELL AND/OR MOTION TO  
INCUR DEBT  
3-10-16 [[25](#)]
2. [16-10009](#)-B-13 RANDY PALMER  
MHM-1  
MICHAEL MEYER/MV MOTION TO DISMISS CASE  
3-1-16 [[20](#)]
3. [16-10214](#)-B-7 GLENN BEVER  
MHM-1  
MICHAEL MEYER/MV MOTION TO DISMISS CASE  
3-10-16 [[19](#)]
4. [11-62116](#)-B-13 TEDDY/DEBRA KEPLEY  
BCS-4  
TEDDY KEPLEY/MV  
BENJAMIN SHEIN/Atty. for dbt. MOTION TO MODIFY PLAN  
2-18-16 [[72](#)]

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 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.

5. [16-10021](#)-B-13 WILLIAM HAGEN  
JAA-1  
WILMINGTON SAVINGS FUND  
SOCIETY, FSB/MV CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY  
WILMINGTON SAVINGS FUND  
SOCIETY, FSB  
2-3-16 [[18](#)]  
JESSICA ABDOLLAHI/Atty. for mv.

This matter will be dropped from calendar without disposition. The court intends to dismiss the case on the trustee's unopposed motion below. No appearance is necessary.

6. [16-10021](#)-B-13 WILLIAM HAGEN  
MHM-1  
MICHAEL MEYER/MV MOTION TO DISMISS CASE  
2-29-16 [[24](#)]

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 has failed to appear at the continued §341 meeting of creditors. In addition, the debtor has failed to provide the trustee with all of the documentation required by 11 U.S.C. §521(a)(3)(4) and detailed in the trustee's motion. 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.

7. [12-14324](#)-B-13 FRANK/GUADALUPE MEJIA  
MHM-4  
MICHAEL MEYER/MV

MOTION TO DETERMINE FINAL CURE  
AND MORTGAGE PAYMENT RULE  
3002.1  
2-24-16 [[85](#)]

RICHARD BAMBL/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.**

1. Deutsche Bank National Trust Company and its successors in interest are precluded from presenting any omitted information, which was required to be provided in the response to the Notice of Final Cure, pursuant to 3002.1(i), in any form in any contested matter regarding Debtors' first mortgage herein.
2. Debtors have cured the default on the loan with Deutsche Bank National Trust; and
3. Debtors are current on mortgage payments to Deutsche Bank National Trust through November 2015.

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

8. [15-11327](#)-B-13 NORMAN/LESLIE OGLETREE  
CGF-1  
NORMAN OGLETREE/MV  
CHRISTOPHER FISHER/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN  
1-25-16 [[30](#)]

**The debtors' motion to modify a chapter 13 plan has been withdrawn. No appearance is necessary.**

9. [11-13928](#)-B-13 MICHAEL/MARGARET FUNK  
FW-3

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF FEAR WADDELL,  
P.C. FOR PETER L. FEAR, DEBTORS  
ATTORNEY(S)  
2-18-16 [[83](#)]

PETER FEAR/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.**

10. [11-16631](#)-B-13 TONY/ELISA CARLOS  
FW-4

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF FEAR WADDELL,  
P.C. FOR PETER L. FEAR, DEBTORS  
ATTORNEY(S)  
2-18-16 [[119](#)]

PETER FEAR/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. [15-14735](#)-B-13 JAYCE/LISA LEWIS  
MHM-2

OBJECTION TO CONFIRMATION OF  
PLAN BY TRUSTEE MICHAEL H.  
MEYER  
2-25-16 [[31](#)]

JERRY LOWE/Atty. for dbt.

12. [11-10438](#)-B-13 LARRY/SUSAN JAMESON  
MHM-1  
MICHAEL MEYER/MV

MOTION TO DETERMINE FINAL CURE  
AND MORTGAGE PAYMENT RULE  
3002.1  
2-24-16 [[86](#)]

THOMAS ARMSTRONG/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and the respondent has filed a reply acknowledging the trustee's determination of a final cure. Accordingly, the motion will be granted without oral argument for cause shown.**

1. Green Tree Servicing, LLC, and its successors in interest are precluded from presenting any omitted information, which was required to be provided in the response to the Notice of Final Cure, pursuant to 3002.1(i), in any form in any contested matter regarding Debtors' first mortgage herein.
2. Debtors have cured the default on the loan with Green Tree Servicing LLC, and
3. Debtors are current on mortgage payments to Green Tree Servicing through November 2015.

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

13. [11-10241](#)-B-13 DAVID/LISA WATSON  
MHM-2  
MICHAEL MEYER/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE  
2-8-16 [[136](#)]

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

14. [11-14148](#)-B-13 JUSTIN HILL  
FW-3

MOTION FOR COMPENSATION FOR  
PETER L. FEAR, DEBTORS  
ATTORNEY(S)  
2-24-16 [[64](#)]

PETER FEAR/Atty. for dbt.

**This motion will be denied. The motion was filed without admissible supporting evidence, as required by Local Bankruptcy Rule 9014-1(d)(7), explaining why the change in the debtor's financial situation was unanticipated. The court notes that the debtor's schedule I, Line 17, filed with the petition On April 8, 2011, states, "Debtor's wife is pregnant and Debtor is not certain that she will continue working after the baby is born in September." The court will enter a civil minute order. No appearance is necessary.**

15. [12-17850](#)-B-13 DALIA FAUNI  
GH-1  
DALIA FAUNI/MV  
GARY HUSS/Atty. for dbt.

MOTION FOR HARDSHIP DISCHARGE  
2-4-16 [[31](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The discharge will be entered after May 9, 2016.

The record shows that the debtor has satisfied the requirements for a hardship discharge pursuant to §1328(b). The debtor's confirmed plan provided for a 100% dividend to unsecured creditors; to date the debtor has paid a total of \$22,576.17 to unsecured creditors, including priority taxes of \$14,532.76 which were paid in full. The dividend distributed to unsecured creditors was approximately 50% and is not less than what they would have received in a chapter 7 case on November 13, 2012, the effective date of the plan. No liens were avoided and no collateral was valued.

Modification of the plan is not feasible because the debtor is no longer employed.

In addition, the debtor's failure to complete her chapter 13 plan is due to circumstances for which she should not justly be held accountable. The debtor is an R.N. and is the caregiver for her elderly and ill mother who lives in the debtor's home. Initially the debtor reduced her employment from full-time to part-time in order to care for her mother. Currently however the debtor's mother requires care 24-hours a day and the debtor was required to terminate her job in December 2015. No improvement in the mother's health is anticipated and the debtor's siblings are unable to provide meaningful assistance in this situation. The debtor's net income was \$5,500 when she filed the case in 2012. She has filed amended schedules I and J that show that her current income is \$0 and that she now relies on her spouse's income.

The debtor has not received a discharge under chapters 7, 11, or 12, during four years before she filed this case on September 13, 2012. She did not receive a chapter 13 discharge within two years of the date of this court's order. The debtor's prior chapter 13 case was dismissed on August 8, 2012, for failure to make plan payments. The debtor has completed a personal financial management course and has complied with LBR 5009-1(b) by serving and filing the § 1328 certificate and the § 522(q) statement regarding exemptions. It appears that § 522(q)(1) does not apply and there was no domestic support order against the debtor during the case. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown.

The court will issue a civil minute order setting May 9, 2016, as the deadline for filing dischargeability complaints under 11 U.S.C. §523(a)(6). Debtor's counsel shall provide notice, pursuant to FRBP 4007(d) and in the manner provided for by FRBP 2002, to all creditors at least 30 days before May 9, 2016. Debtor's counsel shall file a proof of service showing compliance with the order. No appearance is necessary.

16. [10-61052](#)-B-13 JULIO/VIOLA INGUANZO RESCHEDULED MOTION TO DETERMINE  
MHM-3 FINAL CURE AND MORTGAGE PAYMENT  
MICHAEL MEYER/MV RULE 3002.1  
1-4-16 [[76](#)]  
THOMAS GILLIS/Atty. for dbt.

**The motion has been withdrawn. No appearance is necessary.**

17. [10-65062](#)-B-13 CHAD/ADRIANA BRUCE MOTION TO DETERMINE FINAL CURE  
MHM-1 AND MORTGAGE PAYMENT RULE  
MICHAEL MEYER/MV 3002.1  
2-24-16 [[53](#)]  
GEOFFREY ADALIAN/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and the respondent has filed a reply acknowledging the trustee's determination of a final cure. Accordingly, the motion will be granted without oral argument for cause shown.**

1. Green Tree Servicing, LLC, and its successors in interest are precluded from presenting any omitted information, which was required to be provided in the response to the Notice of Final Cure, pursuant to 3002.1(i), in any form in any contested matter regarding Debtors' first mortgage herein.
2. Debtors have cured the default on the loan with Green Tree Servicing. LLC, and
3. Debtors are current on mortgage payments to Green Tree Servicing, LLC, through December 2015.

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



18. [11-11362](#)-B-13 ROBERT/CAROL POPL  
MHM-2  
MICHAEL MEYER/MV

MOTION TO DETERMINE FINAL CURE  
AND MORTGAGE PAYMENT RULE  
3002.1  
2-25-16 [[94](#)]

JOSEPH ARNOLD/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. Accordingly,**

1. Federal National Mortgage Association ("Fannie Mae") c/o Seterus, Inc., and its successors in interest are precluded from presenting any omitted information, which was required to be provided in the response to the Notice of Final Cure, pursuant to 3002.1(i), in any form in any contested matter regarding Debtors' first mortgage herein.
2. Debtors have cured the default on the loan with Federal National Mortgage Association ("Fannie Mae") c/o Seterus, Inc., and
3. Debtors are current on mortgage payments to Federal National Mortgage Association ("Fannie Mae") c/o Seterus, Inc., through November 2015.

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

19. [15-14662](#)-B-13 JUAN ALVARADO AND DORIS  
CARRILLO-CENTENO

CONTINUED CONFIRMATION HEARING  
RE: PLAN  
11-30-15 [[5](#)]

TIMOTHY SPRINGER/Atty. for dbt.

20. [15-14662](#)-B-13 JUAN ALVARADO AND DORIS  
MHM-1 CARRILLO-CENTENO  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS  
CASE  
1-14-16 [[17](#)]

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

21. [15-12868](#)-B-13 WHSYEENA FLOWERS-KIRKLAND  
KSH-3

MOTION TO CONFIRM PLAN  
1-25-16 [[51](#)]

WSYEENA FLOWERS-KIRKLAND/MV  
KYLE HACKETT/Atty. for dbt.

**The motion to confirm a chapter 13 plan will be denied without prejudice. The certificate of service does not comply with LRBP 7005-1(d)(3). The certificate of service does not include the addresses at which the respondents were served and, therefore, creates no presumption that they received the pleadings. See *Schikore v. Bankamerica Supplemental Retirement Plan*, 269 F.3d 956, 963 (9th Cir., 2001).**

22. [16-10080](#)-B-13 MARY MIGLIORE  
APN-1  
WELLS FARGO BANK, N.A./MV  
GLEN GATES/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.  
WELLS FARGO BANK, N.A. VS.

OBJECTION TO CONFIRMATION OF  
PLAN BY WELLS FARGO BANK, N.A.  
2-25-16 [[38](#)]

The objection is overruled as moot. It appears that this issue has been resolved by stipulation of the parties in connection with the debtor's motion to value the collateral that is the subject of this objection. No further relief appears necessary. The court will enter a civil minute order. No appearance is necessary.

23. [14-14593](#)-B-13 WAYNE HEAD  
MHM-2  
MICHAEL MEYER/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO CONVERT CASE FROM  
CHAPTER 13 TO CHAPTER 7  
2-18-16 [[41](#)]

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 to chapter 7. The court will enter a civil minute order. No appearance is necessary.

24. [15-14294](#)-B-13 ERLINDA MAGLIBA  
MHM-2  
MICHAEL MEYER/MV  
ALBERTO MONTEFALCON/Atty. for dbt.

MOTION TO DISMISS CASE  
2-16-16 [[71](#)]

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's failure to confirm a chapter 13 plan constitutes unreasonable delay that is prejudicial to the 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.

25. [15-14195](#)-B-13 SERGIO MEDINA  
TOG-3  
SERGIO MEDINA/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO CONFIRM PLAN  
2-4-16 [[26](#)]

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 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.

26. [13-15896](#)-B-13 KAREN SHARPE  
BCS-3

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF SHEIN LAW GROUP,  
PC FOR BENJAMIN C. SHEIN,

DEBTORS ATTORNEY(S)  
3-3-16 [[56](#)]

BENJAMIN SHEIN/Atty. for dbt.

This motion will be continued to April 14, 2016, at 1:30 p.m., for submission of additional evidence. A motion for attorneys fees must be accompanied by a declaration of consent by the debtor. If the client consent is submitted with a proposed order then the court will grant the motion and drop the April 14, 2016, continued date from calendar. The court will enter a civil minute order. No appearance is necessary.

27. [13-13398](#)-B-13 LORENZO/CRISPINA GIRON  
FW-3

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF FEAR WADDELL,  
P.C. FOR PETER L. FEAR, DEBTORS  
ATTORNEY(S)  
2-24-16 [[74](#)]

PETER FEAR/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.