

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, April 2, 2015
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.

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.

10:00 A.M.

1. [15-10100](#)-B-7 MICHAEL ACEVEDO MOTION FOR RELIEF FROM
 EAT-1 AUTOMATIC STAY
 U.S. BANK TRUST, N.A./MV 2-27-15 [[16](#)]
 ALBERT GARCIA/Atty. for dbt.
 MARISOL NAGATA/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.

2. [14-16009](#)-B-7 CINDY MILLER MOTION TO AVOID LIEN OF RISK
 JRL-1 MANAGEMENT ALTERNATIVES
 CINDY MILLER/MV 2-20-15 [[11](#)]
 JERRY LOWE/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.

3. [14-16009](#)-B-7 CINDY MILLER
JRL-2
CINDY MILLER/MV
JERRY LOWE/Atty. for dbt.

MOTION TO AVOID LIEN OF PMGI,
LLC
2-20-15 [[15](#)]

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

4. [14-14221](#)-B-7 KATHLEEN CURTIS
RCO-1
WELLS FARGO BANK, N.A./MV
MARK ZIMMERMAN/Atty. for dbt.
KRISTI WELLS/Atty. for mv.
DISCHARGED, RESPONSIVE
PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-27-15 [[22](#)]

Based on the chapter 7 trustee's response, this motion for relief from the automatic stay will be denied provided the movant may reset this matter for further consideration after 90 days if the property is not sold or in a bona fide escrow. The movant appears to be adequately protected by equity in the property. The movant shall first meet and confer with the chapter 7 trustee regarding the status of his/her marketing effort. The trustee and the movant may submit a stipulation for relief from stay in lieu of a further hearing since the debtor's discharge has already been entered. The court will enter a civil minute order. No appearance is necessary.

5. [10-64833](#)-B-7 LOUIE/ROSEMARY LANDIN
JES-1
JAMES SALVEN/MV
IRMA EDMONDS/Atty. for dbt.
RESPONSIVE PLEADING

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
1-28-15 [[22](#)]

The objection will be overruled without prejudice. There is no present case or controversy. The debtors have not filed amended schedules and have not yet filed any exemption for the undisclosed assets. If the debtors amend their schedules and exemptions, the trustee needs to brief the application of *Law v. Siegel*, 134 S.Ct. 1188, 188 L.Ed.2d 146 (2014), in any subsequent objection.

6. [12-60054](#)-B-7 DWIGHT/NELLIE LONG
RHT-16
ROBERT HAWKINS/MV
LAYNE HAYDEN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
WITHDRAWN

MOTION TO SELL FREE AND CLEAR
OF LIENS AND/OR MOTION TO PAY
3-12-15 [[211](#)]

This motion has been withdrawn. No appearance is necessary.

7. [14-15857](#)-B-7 VIRGILIO/ORLANDA TAYONG
JCW-1
BAYVIEW LOAN SERVICING, LLC/MV
PETER FEAR/Atty. for dbt.
JENNIFER WONG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-27-15 [[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 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.

8. [15-10271](#)-B-7 PAUL/MICHELLE POMICPIC

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
2-24-15 [[30](#)]

9. [13-16981](#)-B-7 SILVIA PADILLA MOTION TO SELL
 JES-4 3-4-15 [[124](#)]
 JAMES SALVEN/MV
 HENRY NUNEZ/Atty. for dbt.
 JAMES SALVEN/Atty. for mv.

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

10. [12-19887](#)-B-7 CHARLIE/CHARLOTTE MONROE MOTION TO APPROVE LOAN
 JDR-3 MODIFICATION
 CHARLIE MONROE/MV 3-10-15 [[67](#)]
 JEFFREY ROWE/Atty. for dbt.

11. [12-19887](#)-B-7 CHARLIE/CHARLOTTE MONROE MOTION TO DELAY DISCHARGE
 JDR-4 3-10-15 [[72](#)]
 CHARLIE MONROE/MV
 JEFFREY ROWE/Atty. for dbt.

11:00 A.M.

1. [15-10416](#)-B-7 FRANCIS BARBA AND
MARCELINA DE BARBA PRO SE REAFFIRMATION AGREEMENT
WITH SPRINGLEAF FUNDING TRUST
2013-B SPRINGLEAF FINANCIAL
SERVICES OF AMERICA, INC.
3-17-15 [[19](#)]

1:30 P.M.

1. [11-10200](#)-B-13 WARREN/MICHELLE BOND MOTION TO MODIFY PLAN
TCS-5 2-18-15 [[125](#)]
WARREN BOND/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.

2. [14-12900](#)-B-13 MEILY YIP MOTION TO DISMISS CASE
MHM-1 2-19-15 [[38](#)]
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

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

3. [11-13502](#)-B-13 BEVERLY TAYLOR MOTION TO DISMISS CASE
MHM-1 2-17-15 [[33](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

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

4. [11-61503](#)-B-13 BERTHA HERNANDEZ OBJECTION TO DISCHARGE BY
MHM-1 MICHAEL H. MEYER
MICHAEL MEYER/MV 2-26-15 [[60](#)]
ADRIAN WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

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

5. [12-17603](#)-B-13 JOHN/KER VANG MOTION FOR COMPENSATION BY THE
PLF-4 LAW OFFICE OF FEAR LAW GROUP
FOR PETER L. FEAR, DEBTORS
ATTORNEY(S)
3-2-15 [[108](#)]

PETER FEAR/Atty. for dbt.

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

6. [12-17903](#)-B-13 RAMON/ARACELI LEON
MHM-3
MICHAEL MEYER/MV
ADRIAN WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
2-18-15 [[147](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or response. Based on the evidence there is a material default in the plan 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 a civil minute order. No appearance is necessary.

7. [12-10815](#)-B-13 JOHN/JOSEPHINE RIGBY
MHM-1
MICHAEL MEYER/MV
ADRIAN WILLIAMS/Atty. for dbt.
DISMISSED, RESPONSIVE
PLEADING

MOTION TO VACATE DISMISSAL OF
CASE
3-18-15 [[58](#)]

8. [12-16615](#)-B-13 FRANK/IRENE DELEMA
MHM-1
MICHAEL MEYER/MV
JAMES MILLER/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-18-15 [[41](#)]

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

9. [10-15617](#)-B-13 REYNALDO ORITO
MHM-1
MICHAEL MEYER/MV

THOMAS ARMSTRONG/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE AND/OR
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
2-13-15 [[57](#)]

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

10. [11-16917](#)-B-13 FABIOLA LULE
MHM-2
MICHAEL MEYER/MV
JOHN SARAI/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
2-17-15 [[78](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules. Based on the evidence there is a material default in the plan that has not been cured and the record shows a history of not making timely plan payments. The debtor's response was filed without supporting evidence and acknowledges the default. No modified plan has been filed. 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.

11. [13-15718](#)-B-13 MATHEW ALFORD
MHM-3
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE
2-19-15 [[65](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or response. Based on the evidence there is a material default in the plan 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 a civil minute order. No appearance is necessary.

12. [14-11619](#)-B-13 DONALD ANGLE AND MARY
MHM-1 HOLLAUER
MICHAEL MEYER/MV
BENNY BARCO/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

MOTION TO DISMISS CASE
2-19-15 [[26](#)]

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

13. [14-13120](#)-B-13 IDA TISCARENO
MHM-2
MICHAEL MEYER/MV
NANCY KLEPAC/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-19-15 [[42](#)]

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

14. [14-11026](#)-B-13 DONALD OBRIEN, SR. AND MOTION TO DISMISS CASE
MHM-2 DAWN OBRIEN 2-19-15 [[35](#)]
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or response. Based on the evidence there is a material default in the plan 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 a civil minute order. No appearance is necessary.

15. [11-60434](#)-B-13 RICHARD/DIANE MICHAUD MOTION TO MODIFY PLAN
DRJ-4 2-25-15 [[62](#)]
RICHARD MICHAUD/MV
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING

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. [11-63239](#)-B-13 THOMAS/KRISTAN ADAMS MOTION TO DISMISS CASE
MHM-2 2-17-15 [[58](#)]
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.

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

17. [10-63242](#)-B-13 JUAN/ELVA RODRIGUEZ MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV AND/OR MOTION TO DISMISS CASE
2-13-15 [[28](#)]
PETER BUNTING/Atty. for dbt.
WITHDRAWN

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

18. [12-15543](#)-B-13 KAY WARD
MHM-2
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

MOTION TO DISMISS CASE
2-17-15 [[51](#)]

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

19. [10-17157](#)-B-13 TOMAS REYES
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
2-13-15 [[53](#)]

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

20. [12-16958](#)-B-13 BENJAMIN BRUFFETT
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-18-15 [[52](#)]

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

21. [14-14163](#)-B-13 MANUEL/RISSY MONTOYA
MHM-1
MICHAEL MEYER/MV
ADRIAN WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
2-13-15 [[68](#)]

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

22. [11-60364](#)-B-13 DELFINO/ANTONIETTA DURAN
MHM-1
MICHAEL MEYER/MV
ADRIAN WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

OBJECTION TO DISCHARGE BY
MICHAEL H. MEYER
2-26-15 [[59](#)]

This matter has been withdrawn. No appearance is necessary.

23. [12-17776](#)-B-13 STEPHEN/TINA BEATON
MHM-2
MICHAEL MEYER/MV
MARK ZIMMERMAN/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-18-15 [[43](#)]

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

24. [12-19279](#)-B-13 JOHNNY/JUANITA SOTO
MHM-1
MICHAEL MEYER/MV
JOSEPH ARNOLD/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-19-15 [[44](#)]

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

25. [10-17482](#)-B-13 RORY/SHERIE BENEDICT
PLF-5

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. FOR PETER L. FEAR, DEBTORS
ATTORNEY(S)
3-5-15 [[100](#)]

PETER FEAR/Atty. for dbt.

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

26. [12-13384](#)-B-13 BRADLEY PEARCE
MHM-1
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-17-15 [[37](#)]

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

27. [13-13184](#)-B-13 CATHRYN SMITH
MHM-1
MICHAEL MEYER/MV
RANDY RISNER/Atty. for dbt.

MOTION TO DISMISS CASE
2-18-15 [[37](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or response. Based on the evidence there is a material default in the plan 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 a civil minute order. No appearance is necessary.

28. [10-60687](#)-B-13 ETHAN/CYNTHIA BARE
MHM-1
MICHAEL MEYER/MV
JAMES MILLER/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
2-13-15 [[46](#)]

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

29. [10-15997](#)-B-13 ALEXANDER/EVA CALINGO
MHM-1
MICHAEL MEYER/MV
GARY HUSS/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
2-13-15 [[43](#)]

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

30. [12-19597](#)-B-13 RICHARD MCDOUGALL
MHM-3
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE
2-19-15 [[70](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or response. Based on the evidence there is a material default in the plan 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 a civil minute order. No appearance is necessary.

31. [12-18699](#)-B-13 GARY/LISA RIGGINS
MHM-1
MICHAEL MEYER/MV
BENJAMIN SHEIN/Atty. for dbt.

MOTION TO DISMISS CASE
2-19-15 [[75](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or response. Based on the evidence there is a material default in the plan 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 a civil minute order. No appearance is necessary.

2:30 P.M.

1. [15-11079](#)-B-11 WEST COAST GROWERS, INC.
KDG-1 A CALIFORNIA CORPORATION
WEST COAST GROWERS, INC. A
CALIFORNIA CORPORATION/MV

HAGOP BEDOYAN/Atty. for dbt.

CONTINUED INTERIM HEARING RE:
MOTION TO USE CASH COLLATERAL
AND/OR MOTION FOR ADEQUATE
PROTECTION
3-23-15 [[9](#)]