

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, April 3, 2014
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.

9:00 A.M.

1. [13-16914](#)-B-7 GREGORY CARDOZA AND ANNA STATUS CONFERENCE RE: AMENDED
[14-1010](#) MENDOZA COMPLAINT
TERRY V. MENDOZA 3-26-14 [[18](#)]
ROBERT BRUMFIELD/Atty. for pl.
2. [13-17617](#)-B-7 DEONE BRAXTON STATUS CONFERENCE RE: COMPLAINT
[14-1015](#) SNIDER LEASING CORP. V. 1-27-14 [[1](#)]
BRAXTON
JOHN BRITTON/Atty. for pl.
3. [13-17157](#)-B-7 LUIZ SOARES STATUS CONFERENCE RE: COMPLAINT
[14-1017](#) TRANSPORT FUNDING, LLC V. 2-4-14 [[1](#)]
SOARES
JENNIFER CRASTZ/Atty. for pl.

The status conference will be dropped from calendar. No appearance is necessary. The plaintiff has filed and served a request for entry of default. The default will be entered and plaintiff shall apply for a default judgment within 30 days of the date of this order. A "prove-up" hearing shall be scheduled on the court's regular law and motion calendar on notice to the defendant pursuant to Local Rule 9014-1. The request for default judgment may be supported by affidavit in lieu of live testimony. Failure to comply with this order may result in the imposition of sanctions pursuant to Fed.R.Civ.P. 16(f), including, without limitation, dismissal of this adversary proceeding without further notice or hearing.

4. [12-10963](#)-B-7 TEJWANT/KIRPAL BAL CONTINUED MOTION FOR SANCTIONS
VAG-1 FOR VIOLATION OF THE DISCHARGE
TEJWANT BAL/MV INJUNCTION
10-17-13 [[24](#)]
VINCENT GORSKI/Atty. for dbt.
RESPONSIVE PLEADING
5. [12-10963](#)-B-7 TEJWANT/KIRPAL BAL STATUS CONFERENCE RE: AMENDED
[13-1129](#) COMPLAINT
STAN BOYETT & SON, INC. V. BAL 3-27-14 [[38](#)]
ET AL
BONNIE ANDERSON/Atty. for pl.
6. [12-17199](#)-B-7 GURSEV KAUR CONTINUED STATUS CONFERENCE RE:
[12-1188](#) AMENDED COMPLAINT
VETTER V. KAUR 11-16-12 [[6](#)]
RENE LASTRETO/Atty. for pl.

7. [12-17199](#)-B-7 GURSEV KAUR
CRS-3
GURSEV KAUR/MV
CYNTHIA SCULLY/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
2-12-14 [[101](#)]

9:30 A.M.

1. [12-15446](#)-B-7 M. DEAN GARDNER
[12-1167](#)
AJSD BAKERSFIELD, LLC V.
GARDNER
EDNA WENNING/Atty. for pl.

PRE-TRIAL CONFERENCE RE:
AMENDED COMPLAINT
1-24-13 [[16](#)]

10:00 A.M.

1. [13-17639](#)-B-7 RAMIRO SANCHEZ MOTION TO AVOID LIEN OF CACH,
RSW-1 LLC
RAMIRO SANCHEZ/MV 2-25-14 [[13](#)]
ROBERT WILLIAMS/Atty. for dbt.

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

2. [13-17644](#)-B-7 GARY/LEESA RIPLING OPPOSITION RE: TRUSTEE'S MOTION
JMV-1 TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
2-17-14 [[17](#)]
ROBERT WILLIAMS/Atty. for dbt.

3. [13-16845](#)-B-7 KEYSTONE MINE MANAGEMENT MOTION FOR COMPENSATION FOR
PWG-4 II PHILLIP W. GILLET JR., DEBTOR'S
PHILLIP GILLET/MV ATTORNEY(S),
2-18-14 [[107](#)]
PHILLIP GILLET/Atty. for dbt.

4. [13-17948](#)-B-7 SPRING MOUNTAIN MOTION TO EMPLOY GOULD AUCTION
RP-1 INDUSTRIES, INC. & APPRAISAL COMPANY, LLC AS
RANDELL PARKER/MV AUCTIONEER(S) AND/OR MOTION TO
CONDUCT PUBLIC AUCTION SALE
3-6-14 [[8](#)]
D. GARDNER/Atty. for dbt.
RANDELL PARKER/Atty. for mv.

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

5. [13-13062](#)-B-7 CECILY WATERMAN MOTION TO SELL
KDG-4 3-13-14 [[40](#)]
JEFFREY VETTER/MV
LEONARD WELSH/Atty. for dbt.
LISA HOLDER/Atty. for mv.
6. [13-18075](#)-B-7 DANIEL/MONIQUE BOHL OPPOSITION RE: TRUSTEE'S MOTION
JMV-1 TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
2-17-14 [[22](#)]
LINDSAY JONES/Atty. for dbt.

7. [13-13176](#)-B-7 TONY PADILLA
RSW-4
TONY PADILLA/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO AVOID LIEN OF CREDIT
BUREAU OF SANTA MARIA, INC.
2-27-14 [[44](#)]

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

8. [13-13176](#)-B-7 TONY PADILLA
RSW-5
TONY PADILLA/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO AVOID LIEN OF JP
MORGAN CHASE BANK, N.A.
2-27-14 [[48](#)]

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

9. [13-13176](#)-B-7 TONY PADILLA
RSW-6
TONY PADILLA/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT
2-28-14 [[52](#)]

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

10. [13-10985](#)-B-7 JAY PATEL
PK-2
JAY PATEL/MV
PATRICK KAVANAGH/Atty. for dbt.
WITHDRAWN

OBJECTION TO CLAIM OF ASSET
ACCEPTANCE LLC, CLAIM NUMBER 7
2-18-14 [[25](#)]

The objection has been withdrawn. No appearance is necessary.

11. [13-10985](#)-B-7 JAY PATEL
PK-3
JAY PATEL/MV
PATRICK KAVANAGH/Atty. for dbt.

OBJECTION TO CLAIM OF ATLAS
ACQUISITIONS, LLC, CLAIM NUMBER
2
2-18-14 [[31](#)]

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall submit a proposed order. No appearance is necessary.

12. [13-10985](#)-B-7 JAY PATEL
PK-4
JAY PATEL/MV
PATRICK KAVANAGH/Atty. for dbt.
WITHDRAWAL

OBJECTION TO CLAIM OF ASSET
ACCEPTANCE LLC, CLAIM NUMBER 6
2-21-14 [[37](#)]

The objection has been withdrawn. No appearance is necessary.

13. [13-10985](#)-B-7 JAY PATEL
PK-5
JAY PATEL/MV
PATRICK KAVANAGH/Atty. for dbt.

OBJECTION TO CLAIM OF AMERICAN
INFOSOURCE LP, CLAIM NUMBER 8
2-21-14 [[43](#)]

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall submit a proposed order. No appearance is necessary.

14. [13-17189](#)-B-7 DAVID/CAROLYN WATSON
RP-1
RANDELL PARKER/MV
PATRICK KAVANAGH/Atty. for dbt.
RANDELL PARKER/Atty. for mv.

MOTION TO EMPLOY GOULD AUCTION
AND APPRAISAL COMPANY, LLC AS
AUCTIONEER, AUTHORIZING SALE OF
PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF
AUCTIONEER FEES AND EXPENSES
3-6-14 [[19](#)]

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

15. [11-13995](#)-B-7 FELIPE/SILVIA GUERRA
FPS-1
FELIPE GUERRA/MV

MOTION TO AVOID LIEN OF
ATLANTIC CREDIT AND FINANCE
INC.
2-20-14 [[26](#)]

FRANK SAMPLES/Atty. for dbt.

This matter will be continued to May 1, 2014, at 10:00 a.m., for evidence the co-debtor owned an interest in the Esperanza Drive property at the time the judgment lien was recorded in October 2008. It appears from the judgment lien that the co-debtor's address at that time was on Bridget Avenue. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.

10:30 A.M.

1. [12-19136](#)-B-7 JOSE FAUSTINO ROJO AND MOTION FOR RELIEF FROM
PPR-1 MARIBEL ARMENTA AUTOMATIC STAY
BANK OF AMERICA, N.A./MV 2-6-14 [[18](#)]
VINCENT GORSKI/Atty. for dbt.
BONNI MANTOVANI/Atty. for mv.
DISCHARGED

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.

2. [13-16845](#)-B-7 KEYSTONE MINE MANAGEMENT MOTION FOR RELIEF FROM
DMT-1 II AUTOMATIC STAY
JOHN HAGESTAD/MV 3-14-14 [[130](#)]
PHILLIP GILLET/Atty. for dbt.
WILLIAM LOBEL/Atty. for mv.
3. [14-10748](#)-B-7 JENNIFER MILLER MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
BMW BANK OF NORTH AMERICA/MV 3-10-14 [[9](#)]
ROBERT WILLIAMS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

4. [13-17949](#)-B-7 MIKE/SHEILA HUNTER
PD-1
WELLS FARGO BANK, N.A./MV
D. GARDNER/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-3-14 [[13](#)]

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.

5. [14-10249](#)-B-7 ROCHELLE GEIL
MRG-1
CAPITAL ONE AUTO FINANCE/MV
NEIL SCHWARTZ/Atty. for dbt.
MICHAEL GONZALES/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-24-14 [[13](#)]

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

6. [14-10363](#)-B-7 SHYANNE MCGEE
RCO-1
WELLS FARGO BANK, NA/MV
FRANK SAMPLES/Atty. for dbt.
KRISTI WELLS/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-28-14 [[10](#)]

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. 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.

7. [11-10565](#)-B-7 MATTHEW/CHARITY LOEFFLER
PD-1
CITIMORTGAGE, INC./MV
TYSON TAKEUCHI/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-12-14 [[66](#)]

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. 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.

11:00 A.M.

1. [14-10109](#)-B-7 JASON/JODI PORTELL

REAFFIRMATION AGREEMENT WITH
TOYOTA MOTOR CREDIT CORPORATION
2-28-14 [[13](#)]

NEIL SCHWARTZ/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The debtors' schedule J does not provide for this car payment. Both the reaffirmation agreement and the debtors' schedules I and J 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. [14-10528](#)-B-7 SALVADOR/MARIA ORTEGA

PRO SE REAFFIRMATION AGREEMENT
WITH WELLS FARGO DEALER
SERVICES
3-5-14 [[18](#)]

3. [14-10528](#)-B-7 SALVADOR/MARIA ORTEGA

PRO SE REAFFIRMATION AGREEMENT
WITH KERN SCHOOLS FEDERAL
CREDIT UNION
2-24-14 [[13](#)]

4. [13-17887](#)-B-7 STEVE/CRYSTAL GIN

PRO SE REAFFIRMATION AGREEMENT
WITH FINANCE AND THRIFT COMPANY
2-20-14 [[18](#)]