

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, April 9, 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. | <u>14-13358</u> -B-7 | THOMAS BRILL | CONTINUED STATUS CONFERENCE RE: |
| | <u>14-1126</u> | | AMENDED COMPLAINT |
| | RODRIGUEZ V. BRILL | | 1-29-15 [<u>29</u>] |
| | STEVEN SMITH/Atty. for pl. | | |
| 2. | <u>14-13358</u> -B-7 | THOMAS BRILL | MOTION FOR ABSTENTION |
| | <u>14-1126</u> | | 3-12-15 [<u>48</u>] |
| | RODRIGUEZ V. BRILL | | |
| | STEVEN SMITH/Atty. for mv. | | |
| 3. | <u>13-10692</u> -B-7 | LUDOVICO PEREZ | MOTION BY PHILLIP W. GILLET JR. |
| | <u>14-1116</u> | PWG-2 | TO WITHDRAW AS ATTORNEY |
| | MAURICIO'S GRILL AND CANTINA, | | 3-12-15 [<u>47</u>] |
| | INC. V. PEREZ | | |
| | PHILLIP GILLET/Atty. for mv. | | |
| 4. | <u>14-10594</u> -B-7 | LEOPOLDO/YESENIA VARGAS | CONTINUED STATUS CONFERENCE RE: |
| | <u>14-1074</u> | | COMPLAINT |
| | U.S. TRUSTEE V. VARGAS ET AL | | 7-23-14 [<u>1</u>] |
| | GREGORY POWELL/Atty. for pl. | | |
| 5. | <u>14-10594</u> -B-7 | LEOPOLDO/YESENIA VARGAS | CONTINUED MOTION FOR ENTRY OF |
| | <u>14-1074</u> | UST-3 | DEFAULT JUDGMENT |
| | U.S. TRUSTEE V. VARGAS ET AL | | 2-3-15 [<u>25</u>] |
| | GREGORY POWELL/Atty. for mv. | | |

The motion will be denied. Nothing has been filed in response to the court's March 5, 2010, civil minute order. No appearance is necessary.

10:00 A.M.

1. [14-14301](#)-B-7 VITTORIA ALLENDORF MOTION TO SELL
RP-1 3-2-15 [[23](#)]
RANDELL PARKER/MV
ROBERT WILLIAMS/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.

2. [15-10301](#)-B-7 MARSHA OSBORN MOTION FOR RELIEF FROM
CJO-1 AUTOMATIC STAY
GREEN TREE SERVICING LLC/MV 3-20-15 [[9](#)]
NEIL SCHWARTZ/Atty. for dbt.
CHRISTINA O/Atty. for mv.

3. [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.

This motion will be denied without prejudice. The debtors have failed to respond to the court's request for more information as stated in the February 5, 2015, civil minute order. No appearance is necessary.

4. [12-60112](#)-B-7 FRANCISCO/JULIA MORALES MOTION TO AVOID LIEN OF
NES-2 CITIBANK, N.A.
FRANCISCO MORALES/MV 3-18-15 [[27](#)]
NEIL SCHWARTZ/Atty. for dbt.

This motion will be denied without prejudice. No appearance is necessary. The motion was served only 22 days prior to the hearing and the notice period does not comply with LBR 9014-1(f) (1).

In addition, the motion was filed without admissible supporting evidence regarding the value of the house and the senior liens as required by Local Rule 9014-1(d) (6).

Finally, 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.

5. [10-63221](#)-B-7 GARY/KIM BUTLER MOTION TO AVOID LIEN OF
RSW-2 HOUSEHOLD FINANCE CORPORATION
GARY BUTLER/MV 3-23-15 [[27](#)]
ROBERT WILLIAMS/Atty. for dbt.

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.

6. [15-10225](#)-B-7 JAMES UCCELLO

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-24-15 [[42](#)]

CRYSTLE LINDSEY/Atty. for dbt.
\$30.00 FILING FEE PAID
2/24/15

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

7. [14-15530](#)-B-7 TONYA MCCLAIN-ALI

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-23-15 [[24](#)]

8. [14-14635](#)-B-7 ODIE LOSA

VAG-1

ODIE LOSA/MV

VINCENT GORSKI/Atty. for dbt.

MOTION TO CONVERT CASE FROM
CHAPTER 7 TO CHAPTER 13
3-12-15 [[36](#)]

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 case will be converted to chapter 13. The court will enter a civil minute order. No appearance is necessary.

9. [15-10846](#)-B-7 JOHN BENTLEY

JAR-1

CITIZENS BUSINESS BANK/MV

LEONARD WELSH/Atty. for dbt.

J. RHIM/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-12-15 [[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.

10. [15-10846](#)-B-7 JOHN BENTLEY
JAR-2
CITIZENS BUSINESS BANK/MV
LEONARD WELSH/Atty. for dbt.
J. RHIM/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-12-15 [[20](#)]

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. [15-10349](#)-B-7 PATRICIA RYMER
PD-1
GREEN TREE SERVICING LLC/MV
PHILLIP GILLET/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-5-15 [[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 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.

12. [15-10352](#)-B-7 TIMOTHY/MELINDA LITTLE
APN-1
SANTANDER CONSUMER USA INC./MV
PHILLIP GILLET/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-3-15 [[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 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.

13. [12-19456](#)-B-7 JORGE PADILLA
RSB-2
JORGE PADILLA/MV
R. BELL/Atty. for dbt.

MOTION TO AVOID LIEN OF GOLDEN
1 CREDIT UNION
3-11-15 [[25](#)]

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. [12-19456](#)-B-7 JORGE PADILLA
RSB-3
JORGE PADILLA/MV
R. BELL/Atty. for dbt.

MOTION TO AVOID LIEN OF EQUABLE
ASCENT FINANCIAL LLC
3-11-15 [[30](#)]

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.

15. [14-15761](#)-B-7 LAURA HENRY
MDE-1
CITIMORTGAGE, INC./MV
R. BELL/Atty. for dbt.
MARK ESTLE/Atty. for mv.
DISCHARGED

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 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.

16. [14-14266](#)-B-7 JESUS/AURELIA NUNEZ
RP-1
RANDELL PARKER/MV
VINCENT GORSKI/Atty. for dbt.

MOTION TO SELL
3-12-15 [[22](#)]

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.

17. [15-10567](#)-B-7 DOUGLAS BAIRD
JDM-1
PENTAGON FEDERAL CREDIT
UNION/MV
STEVEN STANLEY/Atty. for dbt.
JOHN MENDONZA/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-9-15 [[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 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.

18. [15-10571](#)-B-7 ROY DELANEY
APN-1
WELLS FARGO BANK, N.A./MV
TYSON TAKEUCHI/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-9-15 [[11](#)]

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.

19. [10-60686](#)-B-7 THOMAS AVENALL
RP-1
RANDELL PARKER/MV

MOTION FOR COMPENSATION FOR
RANDELL PARKER, CHAPTER 7
TRUSTEE(S)
3-4-15 [[64](#)]

WILLIAM OLCOTT/Atty. for dbt.
LISA HOLDER/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.

20. [15-10694](#)-B-7 JORGE RIOS

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-12-15 [[13](#)]

WILLIAM EDWARDS/Atty. for dbt.
\$335.00 FILING FEE PAID

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

21. [15-10399](#)-B-7 DIANA/JOSE GUERRERO
APN-1
WELLS FARGO BANK, N.A./MV
MICHAEL SHEMAUB/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-12-15 [[9](#)]

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.

11:00 A.M.

1. [14-15940](#)-B-7 JOSE VILLALOBOS PRO SE REAFFIRMATION AGREEMENT
WITH WELLS FARGO DEALER
SERVICES
2-23-15 [[32](#)]

1:30 P.M.

1. [12-12302](#)-B-13 KENNETH HART MOTION TO DISMISS CASE
MHM-3 2-18-15 [[76](#)]
MICHAEL MEYER/MV
STEVEN STANLEY/Atty. for dbt.
WITHDRAWN

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

2. [14-10606](#)-B-13 OSCAR MORENO AND EBONY MOTION TO MODIFY PLAN
RSW-2 WILLIAMS MORENO 2-19-15 [[56](#)]
OSCAR MORENO/MV
ROBERT WILLIAMS/Atty. for dbt.

3. [11-17609](#)-B-13 ERMELINDA RAMIREZ MOTION TO DISMISS CASE
MHM-3 2-17-15 [[102](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

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

4. [11-60509](#)-B-13 JIMMY/WANDA JAMES MOTION TO DISMISS CASE
MHM-2 2-17-15 [[140](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

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

5. [14-15209](#)-B-13 BILLY/ROSEMARY CURRIN OBJECTION TO CONFIRMATION OF
MHM-1 PLAN BY TRUSTEE MICHAEL H.
MEYER
3-12-15 [[31](#)]
PHILLIP GILLET/Atty. for dbt.
RESPONSIVE PLEADING

Based on the debtors' response, it appears that the trustee's objection can be resolved by an adjustment to the plan payment which may be included in the order confirming the plan. The debtors shall submit a proposed confirmation order that resolves the trustee's objection and has been approved by the trustee. No appearance is necessary.

6. [15-10011](#)-B-13 ASHLEY RANDOLPH
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY MICHAEL H. MEYER
3-12-15 [[20](#)]

This objection to confirmation was noticed as a preliminary hearing. The objection will be continued and set for a final hearing on May 7, 2015, at 1:30 p.m. Unless this case is voluntarily converted to chapter 7 or dismissed or the objection has been withdrawn, the debtor shall file and serve a written response not later than April 23, 2015. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than April 30, 2015. If the debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated and confirmation will be denied without a further hearing. The court will prepare a civil minute order.

7. [15-10011](#)-B-13 ASHLEY RANDOLPH
MHM-2
MICHAEL MEYER/MV

ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR
FAILURE TO PROVIDE TAX
DOCUMENTS
3-12-15 [[20](#)]

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on May 7, 2015, at 1:30 p.m. The debtor's responsive pleadings with admissible supporting evidence shall be filed by April 23, 2015. No appearance is necessary.

8. [14-15612](#)-B-13 PHILIP/SUSANNE ICARDO
RSW-2
PHILIP ICARDO/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
12-23-14 [[23](#)]

The motion will be denied without prejudice. Based on the trustee's supplemental statement, the court cannot find that the elements for confirmation of a plan have been satisfied. This bankruptcy has now been pending for more than four months without a confirmable plan. No appearance is necessary.

9. [14-12417](#)-B-13 JOHN/MARGIE VALENZUELA
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-18-15 [[60](#)]

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

10. [11-63220](#)-B-13 LARRY/ANNAMARIE FRIESON MOTION TO MODIFY PLAN
PK-4 2-25-15 [[52](#)]
LARRY FRIESON/MV
PATRICK KAVANAGH/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.

11. [14-13922](#)-B-13 DAVID ARNONE MOTION TO DISMISS CASE
MHM-1 2-18-15 [[26](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

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

12. [10-62823](#)-B-13 BURL/AGNES MAXWELL MOTION FOR ENTRY OF DISCHARGE
LKW-8 AND/OR MOTION WAIVING
BURL MAXWELL/MV REQUIREMENT THAT AGNES JANE
MAXWELL COMPLETE DEBTOR'S 11
USC 1328 CERTIFICATE
3-11-15 [[136](#)]
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.

13. [12-12133](#)-B-13 ALFONSO/SYLVA OLAGUE MOTION TO DISMISS CASE
MHM-4 3-18-15 [[144](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

14. [12-12133](#)-B-13 ALFONSO/SYLVA OLAGUE MOTION TO MODIFY PLAN
RSW-7 2-19-15 [[130](#)]
ALFONSO OLAGUE/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

15. [14-15233](#)-B-13 BRADLEY MEYER
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
2-26-15 [[21](#)]

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

16. [14-15035](#)-B-13 DONALD MARTIN
MHM-1
MICHAEL MEYER/MV

ROBERT WILLIAMS/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
3-12-15 [[29](#)]

This objection to confirmation was noticed as a preliminary hearing. The objection will be continued and set for a final hearing on May 7, 2015, at 1:30 p.m. Unless this case is voluntarily converted to chapter 7 or dismissed or the objection has been withdrawn, the debtor shall file and serve a written response not later than April 23, 2015. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than April 30, 2015. If the debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated and confirmation will be denied without a further hearing. The court will prepare a civil minute order.

17. [14-15035](#)-B-13 DONALD MARTIN
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
3-12-15 [[29](#)]

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on May 7, 2015, at 1:30 p.m. The debtor's responsive pleading with admissible supporting evidence shall be filed by April 23, 2015. No appearance is necessary.

18. [10-19740](#)-B-13 JAMES/SADIE WITT
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
2-13-15 [[38](#)]

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

19. [11-62742](#)-B-13 JAMES/KATHERINE SEPSEY
RSW-2
JAMES SEPSEY/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
2-19-15 [[43](#)]

20. [14-13642](#)-B-13 RICHARD/SHERYL HOLLAR
PLG-2
RICHARD HOLLAR/MV
RABIN POURNAZARIAN/Atty. for dbt.

MOTION TO INCUR DEBT
2-18-15 [[40](#)]

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.

21. [12-17745](#)-B-13 F. OLIVER COOPER
MHM-2
MICHAEL MEYER/MV
D. GARDNER/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
WITHDRAWN

MOTION TO DISMISS CASE
2-18-15 [[119](#)]

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

22. [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

23. [10-17747](#)-B-13 STEVEN/TRICIA STANKORB
PK-6
STEVEN STANKORB/MV

RESCHEDULED HEARING RE:
OBJECTION TO CLAIM OF SANTANDER
CONSUMER USA INC., CLAIM NUMBER
6
1-15-15 [[90](#)]

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

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, except as to the funds already paid to GEMB. The debtors' counsel shall submit a proposed order which has been approved by the chapter 13 trustee. No appearance is necessary.

24. [13-12951](#)-B-13 GUADALUPE/YURALVA JIMENEZ
MHM-2
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-18-15 [[95](#)]

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

25. [14-14753](#)-B-13 CHARLES/MYLENE GABRIEL
RSW-2
CHARLES GABRIEL/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
1-20-15 [[30](#)]

The motion will be denied. Based on the trustee's supplemental statement, the court cannot find that the elements for confirmation of a plan have been satisfied. It further appears that the debtors are failing to cooperate with the trustee and unduly delaying confirmation of a plan. This bankruptcy has now been pending for more than six months without a confirmable plan.

26. [14-15955](#)-B-13 ERNEST/LETICIA IBARRA
LKW-1

MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
3-19-15 [[21](#)]

LEONARD WELSH/Atty. for dbt.

27. [11-63156](#)-B-13 TIMOTHY HARBOUR
MHM-1
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-17-15 [[80](#)]

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

28. [13-15657](#)-B-13 GARY SAMPLEY
PK-7
GARY SAMPLEY/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO MODIFY PLAN
2-11-15 [[122](#)]

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.

29. [13-15260](#)-B-13 KARON METTLER
NLG-2
CENTRAL MORTGAGE COMPANY/MV
SUSAN SALEHI/Atty. for dbt.
NICHOLE GLOWIN/Atty. for mv.
WITHDRAWN

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-11-15 [[45](#)]

This matter has been withdrawn. No appearance is necessary.

30. [14-13564](#)-B-13 LEE/DEBORAH MCDOWELL
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE AND/OR
MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS
1-26-15 [[62](#)]

PATRICK KAVANAGH/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
RESPONSIVE PLEADING

The trustee's motion to dismiss will be denied. The "delay" problem has been resolved by the unopposed confirmation of the chapter 13 plan below. No appearance is necessary.

31. [14-13564](#)-B-13 LEE/DEBORAH MCDOWELL
PK-3
LEE MCDOWELL/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO CONFIRM PLAN
2-6-15 [[76](#)]

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.

32. [14-13564](#)-B-13 LEE/DEBORAH MCDOWELL MOTION TO SELL
PK-5 3-19-15 [[96](#)]
LEE MCDOWELL/MV
PATRICK KAVANAGH/Atty. for dbt.

33. [14-13564](#)-B-13 LEE/DEBORAH MCDOWELL MOTION FOR COMPENSATION FOR
PK-6 PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
3-19-15 [[102](#)]
PATRICK KAVANAGH/Atty. for dbt.

34. [11-17266](#)-B-13 ALBERT/BARBARA CHANCELLOR MOTION TO MODIFY PLAN
PK-4 2-3-15 [[58](#)]
ALBERT CHANCELLOR/MV
PATRICK KAVANAGH/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.

35. [13-13867](#)-B-13 DELL/MICHELLE DAVIS MOTION FOR COMPENSATION FOR
PWG-3 PHILLIP W. GILLET, JR., DEBTORS
ATTORNEY(S)
3-17-15 [[55](#)]
PHILLIP GILLET/Atty. for dbt.
RESPONSIVE PLEADING

36. [14-15467](#)-B-13 STEVEN WILLIAMS CONTINUED OBJECTION TO
MHM-1 CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
2-12-15 [[22](#)]
ROBERT WILLIAMS/Atty. for dbt.

37. [14-12570](#)-B-13 STEPHEN/CAROL CHOAT
NMM-1
KERN COUNTY TREASURER - TAX
COLLECTOR/MV
D. GARDNER/Atty. for dbt.
NICOLE MISNER/Atty. for mv.

MOTION FOR LEAVE TO FILE LATE
PROOF OF CLAIM
3-3-15 [[55](#)]

The motion will be denied. No appearance is necessary. There is no provision in the Bankruptcy Code for the allowance of a late-filed claim in a Chapter 13 case. Further, there is no provision in Bankruptcy Rule 3002(c) for enlarging the time to file the County's claim in a chapter 13 case (see limitation in Rule 9006(b)(3).) The bankruptcy court lacks equitable discretion to enlarge the time for filing a proof of claim in chapter 13. *In re Gardenhire*, 209 F.3d 1145; 1148-49 (9th Cir., 2000).

There is no evidence to support a finding that the failure to list the County in the schedules, and to give the County timely notice, was inadvertent. The County may file a proof of claim at any time and the claim is allowed as a matter of law unless a party in interest files an objection. 11 U.S.C. § 502(a). If the County's claim is not properly provided for in the Chapter 13 plan, then the claim will not be discharged upon completion of the plan. §1328(a). The failure to give notice to a secured creditor, and to properly provide for its secured claim in a plan, is grounds for relief from the automatic stay.

38. [15-10076](#)-B-13 ESTEBAN ZAVALA

CAM VII TRUST/MV
PATRICK KAVANAGH/Atty. for dbt.
REILLY WILKINSON/Atty. for mv.
RESPONSIVE PLEADING

OBJECTION TO CONFIRMATION OF
PLAN BY CAM VII TRUST
3-12-15 [[35](#)]

This matter will be continued to May 7, 2015, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan.

In addition, the moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c).

Also, the form of the proof of service does not comply with LBR 9014-1(d)(1) and needs to be amended (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)). The court will prepare a civil minute order. No appearance is necessary.

39. [14-15877](#)-B-13 DANIEL/LINDA MONTES
RSW-1
DANIEL MONTES/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
U.S. BANK NATIONAL ASSOCIATION
2-23-15 [[16](#)]

This matter will be continued to May 7, 2015, at 1:30 p.m., for filing supplemental evidence to show the balance owed on the senior mortgage at the commencement of this case. The senior mortgage is provided for in class 4 of the chapter 13 plan which suggests that the mortgage payments were current when the petition was filed. Yet the evidence (the mortgage statement) attached to the motion is dated December 17, 2013, which is almost one year before the petition was filed. The outdated evidence does not support a finding that the senior debt exceeded the value of the house at the commencement of the case. The court will prepare a minute order. No appearance is necessary.

40. [13-16480](#)-B-13 MICHAEL/CATHERINE WHORF
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
2-18-15 [[33](#)]

The motion has been withdrawn. No appearance is necessary.

41. [15-10581](#)-B-13 ANGEL BELTRAN
SJS-1
ANGEL BELTRAN/MV

SUSAN SALEHI/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
JP MORGAN CHASE BANK,
N.A./NATIONSTAR MORTGAGE
3-8-15 [[9](#)]

The motion to value the collateral of JP Morgan Chase Bank, N.A./Nationstar Mortgage, will be denied without prejudice. The moving documents are inconsistent as to the identity of the holder of the junior deed of trust that the debtor seeks to value. The debtor's declaration and bankruptcy schedule D state that Wells Fargo Bank holds the junior mortgage to secure a home equity line of credit. Wells Fargo Bank was not named as a respondent and was not served with the motion. Paragraph 2 of the motion states that J.P. Morgan Chase Bank holds the junior lien. If Wells Fargo is the senior lien holder, then the junior lien does not appear to be wholly unsecured based on the value of the property. The court will enter a civil minute order. No appearance is necessary.

42. [14-14683](#)-B-13 SHERLYN BULL
MHM-1

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

PATRICK KAVANAGH/Atty. for dbt.
WITHDRAWN

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

43. [13-17088](#)-B-13 JAMES/ALICE LOCKHART
MHM-2
MICHAEL MEYER/MV
CRAIG STREED/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-18-15 [[51](#)]

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

44. [15-10192](#)-B-13 LLOYD/KATHY BELL
PK-1
LLOYD BELL/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
SANTANDER CONSUMER USA,
2-25-15 [[18](#)]

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 \$10,919. 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.

45. [11-19393](#)-B-13 MICHAEL/LYNNETTE DAVIES
RSW-3
MICHAEL DAVIES/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO INCUR DEBT
3-26-15 [[71](#)]

46. [12-13294](#)-B-13 RODOLFO/PATRICIA SERAFICA
MHM-3
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
2-18-15 [[119](#)]

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

47. 15-11130-B-13 DAVID/MARGARET SANCHEZ
RSW-1
DAVID SANCHEZ/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
4-1-15 [8]

The motion will be denied as moot. The record shows that the prior case was fully administered and closed after entry of the debtors' discharge. Therefore, §362(c)(3) does not apply. No appearance is necessary.

48. 15-11174-B-13 JENNIFER JOHNSON
RSW-1
JENNIFER JOHNSON/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
4-1-15 [8]

49. 15-10985-B-13 CHERYL LOPEZ
DMG-1
CHERYL LOPEZ/MV
D. GARDNER/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
4-2-15 [10]

2:00 P.M.

1. [09-16426](#)-B-7 CHRISTOPHER/JOLENE
PK-2 FORZETTING
CHRISTOPHER FORZETTING/MV

EVIDENTIARY HEARING RE: MOTION
TO AVOID LIEN OF FINANCIAL
CREDIT NETWORK, INC.
12-31-14 [[23](#)]

PATRICK KAVANAGH/Atty. for dbt.
ORDER 3/9/15, RESPONSIVE
PLEADING

Based on the parties' notice of settlement, this matter has been resolved by stipulation of the parties. The evidentiary hearing has been vacated. No appearance is necessary.