

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, April 26, 2017
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 an 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. [16-10702](#)-B-7 WALTER/JACQUELINE MOTION TO SELL
RHT-1 PRICHARD 3-31-17 [[15](#)]
ROBERT HAWKINS/MV
JEFF REICH/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

2. [16-10706](#)-B-7 ARLEEN MAROZIK MOTION FOR COMPENSATION FOR
TGM-6 TRUDI G. MANFREDO, TRUSTEES
ATTORNEY(S)
3-24-17 [[83](#)]

DAVID JENKINS/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

3. [16-12507](#)-B-7 RICHARD/MARA MAXWELL
TMT-3
TRUDI MANFREDO/MV
HILTON RYDER/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO SELL
3-20-17 [[47](#)]

This motion will proceed as scheduled only for submission of higher and better bids, if any.

The motion was fully noticed in compliance with the Local Rules of Practice and no opposition was filed. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. It appears that the sale is a reasonable exercise of the trustee's business judgment. The trustee shall submit a proposed order after the hearing.

4. [14-10808](#)-B-7 FRANK WEST

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
4-3-17 [[44](#)]

MARK ZIMMERMAN/Atty. for dbt.
PAID \$11.50, DUE \$1.50

This matter will be called as scheduled. If the remaining \$1.50 of the certification fee now due has not been paid by the time of the hearing, the case will be dismissed. If the payment due is fully paid by the time of the hearing, the OSC will be vacated and no appearance will be necessary.

5. [16-14412](#)-B-7 ALFRED/REBECCA ESCAMILLA MOTION TO COMPEL ABANDONMENT
EPE-2 3-28-17 [[36](#)]
ALFRED ESCAMILLA/MV
ERIC ESCAMILLA/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered. The proposed order shall specifically identify each item of property to be abandoned.

6. [17-10019](#)-B-7 SANDRA BENNETT OPPOSITION RE: TRUSTEE'S MOTION
PFT-1 TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
3-7-17 [[37](#)]

The motion is conditionally denied. No appearance is necessary at this hearing. The court will issue an order.

The debtor shall attend the meeting of creditors rescheduled for June 5, 2017, at 11:00 a.m. If the debtor fails to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor's discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

7. [16-12226](#)-B-7 MICHAEL GRIFFIN AND NANCY CONTINUED OBJECTION TO DEBTOR'S
JES-1 PAGE-GRIFFIN CLAIM OF EXEMPTIONS
JAMES SALVEN/MV 10-6-16 [[46](#)]
JERRY LOWE/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

Unless a status conference statement is filed showing that the objection has been settled before the hearing, this matter will proceed as scheduled.

8. [16-13427](#)-B-7 JASON/NATASHA BATSON
JDM-2
SAFE 1 CREDIT UNION/MV
PATRICK KAVANAGH/Atty. for dbt.
JOHN MENDONZA/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-5-17 [[96](#)]

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the debtors' and the trustee's defaults and grant the motion for relief from stay.

The automatic stay will be terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The record shows that cause exists to terminate the automatic stay.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset that the debtors intend to surrender.

If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2).

The movant shall submit a proposed order after hearing that specifically describes the property or action to which the order relates.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

9. [17-10233](#)-B-7 RICCI VETETO
PFT-1

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
3-7-17 [[11](#)]

TIMOTHY SPRINGER/Atty. for dbt.

The motion is conditionally denied. Debtor's counsel shall notify his client that no appearance is necessary at this hearing. The court will issue an order.

The debtor shall attend the meeting of creditors rescheduled for June 5, 2017, at 9:00 a.m. If the debtor fails to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor's discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

10. [15-11935](#)-B-7 LEROY WEBER
KDG-3

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF KLEIN, DENATALE,
GOLDNER, COOPER, ROSENLIB &
KIMBALL FOR LISA HOLDER,
TRUSTEES ATTORNEY(S)
3-29-17 [[87](#)]

KENNETH HENJUM/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

11. [05-62248](#)-B-7 RONALD/FRAN KOLKKA
SDL-3
SHERAZ GILL/MV
JOHN ELEAZARIAN/Atty. for dbt.
SCOTT LONG/Atty. for mv.

MOTION TO AVOID LIEN OF
INTERNAL REVENUE SERVICE
3-16-17 [[279](#)]

The motion will be denied. The court will issue an order. No appearance is necessary.

The record does not establish that the motion was served on the Internal Revenue Service, in compliance Rule 7004, at the addresses specified in the Roster of Governmental Agencies, EDC 2-785 (Rev. 3/9/17).

In addition, the form of the proof of service does not comply with LBR 9014-1(d)(2).

The record shows the trustee filed a motion on November 9, 2006, to sell the real property that is the subject of this motion pursuant to §363(b), free and clear of liens, with the liens to attach to the proceeds. However, because of opposition by some lien holders, on January 10, 2007, the trustee withdrew that request and the order entered by the court, on January 24, 2007, authorized the trustee to sell the real property to the debtors subject to all liens and encumbrances. The record does not show the court entered any other order that affected this real property.

It appears from the moving papers that movant purchased the property February 2014, at a foreclosure trustee's sale, and that the same month the IRS renewed its lien. The movant has filed this motion to avoid the lien of the IRS, however a nondebtor is not entitled to avoid a lien under §522(f).

It appears from the evidence submitted in support of this motion that the movant may have some type of claim against the IRS, however it does not appear that remedy may be found in the Bankruptcy Code. At this point in the case, which has been fully administered and long since closed, the court doubts that it has any jurisdiction over the IRS in this matter in any case.

12. [13-14352](#)-B-7 GLORIA DEL RIO
ALG-2
GLORIA DEL RIO/MV
JANINE ESQUIVEL/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN
OF NOVA CASUALTY COMPANY
3-9-17 [[23](#)]

This motion was continued to permit the debtor to submit additional supporting evidence. Such evidence having been submitted, the motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

13. [17-10554](#)-B-7 SILVIA VALENCIA
JES-1
JAMES SALVEN/MV

MOTION TO RECONSIDER
3-23-17 [[16](#)]

This motion will proceed as scheduled.

14. [17-10557](#)-B-7 DUVIS FUNEZ
JES-1
JAMES SALVEN/MV

MOTION TO RECONSIDER
3-23-17 [[16](#)]

This motion will proceed as scheduled.

15. [15-14470](#)-B-7 RAUL/RAQUEL REYES
JES-2
JAMES SALVEN/MV
STEVE FOX/Atty. for dbt.

MOTION FOR COMPENSATION FOR
JAMES E. SALVEN, ACCOUNTANT(S)
3-23-17 [[64](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

16. [16-10771](#)-B-7 CHRIS/KIMBERLY KATELEY
TGM-4
PETER FEAR/MV

MARK ZIMMERMAN/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO EMPLOY BERKSHIRE
HATHAWAY HOMESERVICES
CALIFORNIA REALTY AS BROKER(S)
3-28-17 [[66](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

17. [16-14571](#)-B-7 SCHEHERZADE COLEMAN
UST-1
TRACY DAVIS/MV

MOTION TO EXTEND DEADLINE TO
FILE A COMPLAINT OBJECTING TO
DISCHARGE OF THE DEBTOR AND/OR
MOTION TO EXTEND TIME TO FILE A
MOTION TO DISMISS CASE UNDER
SEC. 707(B)
3-23-17 [[27](#)]

JANINE ESQUIVEL/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered. The time for the U.S. Trustee and the Chapter 7 Trustee to file a motion to dismiss and a complaint to deny discharge will be enlarged up to and including May 24, 2017.

18. [16-10380](#)-B-7 DONALD/CONNIE MUSSON
APN-2
WELLS FARGO BANK, N.A./MV
SCOTT LYONS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-22-17 [[29](#)]

This motion for relief from the automatic stay will be denied as moot. No appearance is necessary.

The debtors are individuals. The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by 11 U.S.C. §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. No attorney fees will be awarded in relation to this motion.

19. [17-11180](#)-B-7 ELMER/RICARDINA WAYMIRE MOTION TO COMPEL ABANDONMENT
MAZ-1 4-6-17 [[15](#)]
ELMER WAYMIRE/MV
MARK ZIMMERMAN/Atty. for dbt.

This matter will proceed as scheduled.

20. [17-10182](#)-B-7 DOUGLAS WEANT MOTION TO DISMISS CASE PURSUANT
UST-1 TO 11 U.S.C. SECTION 707(B)
TRACY DAVIS/MV 3-28-17 [[22](#)]
MARK ZIMMERMAN/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondent's default will be entered. The case will be dismissed under §707(b) for presumed abuse.

21. [17-10482](#)-B-7 KEONDRA MOORE MOTION TO RECONSIDER
JES-1 3-22-17 [[18](#)]
JAMES SALVEN/MV

This motion will proceed as scheduled.

22. [16-12687](#)-B-7 LORAINÉ GOODWIN MILLER OBJECTION TO DEBTOR'S CLAIM OF
TGM-2 EXEMPTIONS
JAMES SALVEN/MV 3-29-17 [[55](#)]
TRUDI MANFREDO/Atty. for mv.
RESPONSIVE PLEADING

This matter will proceed as scheduled. While the record is particularly unclear, it appears the debtor and trustee agree that the automobile and home are not property of the estate and not subject to administration.

It appears that the debtor seeks to protect certain funds she claims are exempt and which she deposited in connection with an early 2015 real estate transaction. From the record and schedules, it appears that there has been litigation in connection with that transaction and, perhaps, a judgment entered. The court intends to inquire as to the relevant transactions and actual location of the funds at this time as well as the identity of any entities who might claim a right to these funds in addition to the trustee and the debtor.

23. [13-11489](#)-B-7 FERNANDO/LUCILA MOTION FOR COMPENSATION BY THE
TGM-3 BAGUINGUITO LAW OFFICE OF WILD, CARTER &
TIPTON FOR MONRAE ENGLISH,
SPECIAL COUNSEL(S)
3-29-17 [[56](#)]

JAMES MILLER/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

24. [17-10489](#)-B-7 JAMIE MEDEIROS MOTION TO RECONSIDER
JES-1 3-22-17 [[22](#)]
JAMES SALVEN/MV

This matter will proceed as scheduled.

25. [17-10593](#)-B-7 MICHAEL/JENNIFER CALDWELL MOTION TO APPROVE LOAN
JCW-1 MODIFICATION
JPMORGAN CHASE BANK, NATIONAL 3-29-17 [[12](#)]
ASSOCIATION/MV
TIMOTHY SPRINGER/Atty. for dbt.
JENNIFER WONG/Atty. for mv.

The motion will be granted in part and denied in part. The moving party may submit a proposed order consistent with this ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. There is nothing in the Bankruptcy Code that requires the bankruptcy court to review and approve the modification of a mortgage by the debtors in a chapter 7 case so long as the mortgage modification does not affect the trustee's administration of the case. The subject property is still property of the bankruptcy estate. The case is still pending and the property has not been abandoned by the chapter 7 trustee. The request to affirmatively approve the mortgage modification is therefore denied. To the extent that the creditor and the debtors seek clarification that the debtors merely authorized to enter into the proposed mortgage modification, that request will be granted without oral argument for cause shown without prejudice to the trustee's right to administer the property.

26. [16-14195](#)-B-7 JOHN BOONE MOTION FOR EXEMPTION FROM
JOHN BOONE/MV FINANCIAL MANAGEMENT COURSE
JOHN BOONE/Atty. for mv. 3-15-17 [[31](#)]

This matter will proceed as scheduled.

11:00 A.M.

1. [17-10400](#)-B-7 ODELIA SALAZAR

PRO SE REAFFIRMATION AGREEMENT
WITH AMERICREDIT FINANCIAL
SERVICES, INC.
4-7-17 [[14](#)]

This matter will proceed as scheduled.

2. [17-10322](#)-B-7 ERIK/NADIA NORTH

REAFFIRMATION AGREEMENT WITH
TOYOTA MOTOR CREDIT CORPORATION
3-17-17 [[14](#)]

JOHN BIANCO/Atty. for dbt.

Approval of the Reaffirmation Agreement will be denied. No appearance is necessary.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Although the debtor's attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtor would be able to make the payments.

3. [17-10473](#)-B-7 TINA HOWE

PRO SE REAFFIRMATION AGREEMENT
WITH TOYOTA MOTOR CREDIT
CORPORATION
3-15-17 [[13](#)]

This matter will proceed as scheduled.

4. [17-10490](#)-B-7 JESSE ALVARADO

PRO SE REAFFIRMATION AGREEMENT
WITH SANTANDER CONSUMER USA
INC.
4-6-17 [[15](#)]

This matter will proceed as scheduled.

1:30 P.M.

1. [16-10016](#)-B-13 KEVIN DAVEY
[16-1074](#)
DAVEY V. OCWEN LOAN SERVICING,
LLC ET AL
VINCENT GORSKI/Atty. for pl.
RESPONSIVE PLEADING

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
11-18-16 [[84](#)]

This matter will proceed as scheduled. The court has reviewed the status reports filed by the parties and will set dates including a pre-trial hearing date.

The court is not inclined to bifurcate any matters before the pre-trial hearing and discovery should go forward on all issues.

The parties requesting a jury trial are referred to the requirements under the Code and Rules, *inter alia* 28 U.S.C.A. §157(b)(5) and (e).

2. [17-10245](#)-B-13 MICHAEL/CAROL LUSK
[17-1016](#)
PETERSON V. LUSK
HAGOP BEDOYAN/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: AMENDED
COMPLAINT
3-10-17 [[12](#)]

This matter will proceed a scheduled.