

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein
Chief Bankruptcy Judge
Sacramento, California

April, 29, 2014 at 9:30 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Danielle Hendricks, the Courtroom Deputy, at (916) 930-4421 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	14-21802 -C-7	WILLIAM/PHYLLIS DAVIS	MOTION TO CONFIRM TERMINATION
	EAT-1		OR ABSENCE OF STAY AND/OR
	FEDERAL NATIONAL MORTGAGE		MOTION FOR RELIEF FROM
	ASSOC. VS.		AUTOMATIC STAY
			3-26-14 [20]

2. [13-35506](#)-C-7 SUSAN/ROBERT BOSWORTH MOTION FOR RELIEF FROM
JCW-1 AUTOMATIC STAY
4-1-14 [[21](#)]

CITIMORTGAGE, INC. VS.

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The debtors received their discharge on March 14, 2014 and, as a result, the stay is no longer in effect as to the debtors (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtors as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

3. [12-34007](#)-C-7 ROBERT/KATHLEEN JENNISON MOTION FOR COMPENSATION BY THE
HCS-2 LAW OFFICE OF HERUM CRABTREE
SUNTAG FOR DANA A. SUNTAG,
TRUSTEE'S ATTORNEY(S)
3-27-14 [[108](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

4. [12-34007](#)-C-7 ROBERT/KATHLEEN JENNISON MOTION FOR COMPENSATION FOR
PEQ-1 RYAN, CHRISTIE, QUINN & HORN,
ACCOUNTANT(S)
3-27-14 [[103](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

5. [13-35709](#)-C-7 NICHOLAS NOWLIN MOTION FOR RELIEF FROM
RCO-1 AUTOMATIC STAY AND/OR MOTION
WELLS FARGO BANK, N.A. VS. FOR ADEQUATE PROTECTION
3-25-14 [[13](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The debtor received his discharge on March 26, 2014 and, as a result, the stay is no longer in effect as to the debtor (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtor as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

6. [12-36216](#)-C-7 ACS MARINE INC MOTION FOR COMPENSATION FOR
ADJ-2 GRIMBLEBY COLEMAN CERTIFIED
 PUBLIC ACCOUNTANTS, INC.,
 ACCOUNTANT(S)
4-3-14 [[32](#)]

7. [12-36216](#)-C-7 ACS MARINE INC MOTION FOR COMPENSATION BY THE
ADJ-3 LAW OFFICE OF BERLINER COHEN
 FOR ANTHONY D. JOHNSTON,
 TRUSTEE'S ATTORNEY(S)
4-3-14 [[39](#)]

8. [14-23519](#)-C-7 CHARLTON CURRY ORDER TO SHOW CAUSE - FAILURE
 TO PAY FEES
4-8-14 [[10](#)]

9. [14-22924](#)-C-7 THE ISIS GROUP, INC. MOTION FOR AUTHORITY TO OPERATE
TAA-1 BUSINESS
3-28-14 [[8](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the Chapter 7 trustee's motion for authority to operate business through June 30, 2014 is supported by the record. Specifically, the record demonstrates that operation of the business will be of economic benefit to the estate. As such the court will grant the trustee's motion for authority to operate business. Moving party is to submit an appropriate order. No appearance is necessary.

10. [13-23726](#)-C-7 COLLEGE KNIGHTS MINI MOTION FOR COMPENSATION FOR
MPD-3 MART, INC. WAYNE BROWN, ACCOUNTANT
4-1-14 [[101](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion and the moving party is to submit an appropriate order. No appearance is necessary.

11. [13-23726](#)-C-7 COLLEGE KNIGHTS MINI MOTION FOR COMPENSATION FOR
MPD-4 MART, INC. MICHAEL P. DACQUISTO, TRUSTEE'S
ATTORNEY
4-1-14 [[106](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

12. [13-27626](#)-C-7 CHARLES/CLAUDIA ANKRIM MOTION TO EXTEND TIME
HSM-4 3-20-14 [[54](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the trustee's motion for order extending time to file objections to debtors' claims of exemptions is supported by the record. As such the court will grant the trustee's motion for order extending time to file objections to debtors' claims of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

13. [13-34529](#)-C-7 PAUL TIEHM AUTOMOTIVE MOTION IN SUPPORT OF APPROVAL
SSA-2 GROUP, INC. OF STIPULATION RESOLVING
SURCHARGE CLAIM OF ESTATE WITH
TCF EQUIPMENT FINANCE, INC.
3-28-14 [[52](#)]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to approve compromise of controversy, and the trustee has demonstrated the compromise is in the best interest of the creditors and the estate. Specifically, the motion demonstrates that when the compromise is put up against the factors enumerated in In re Woodson, 839 F.2d 610 (9th Cir. 1988), the likelihood of success on the merits, the complexity of the litigation, the difficulty in collectability, and the paramount interests of creditors, the compromise should be approved. Accordingly, the motion is granted and the compromise approved. The moving party is to submit an appropriate order. No appearance is necessary.

14. [14-21531](#)-C-7 MARK GRAVES MOTION TO TRANSFER CASE TO
JAS-1 ANOTHER DISTRICT
3-18-14 [[14](#)]

15. [14-20833](#)-C-7 CAROL HOBSON
APN-1
EXETER FINANCE CORP. VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-25-14 [[16](#)]

Final ruling:

This matter is resolved without oral argument. This is Exeter Finance Corp.'s motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. Accordingly, the court will grant relief from stay by minute order. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. No appearance is necessary.

16. [14-22534](#)-C-7 RACHAEL WOOLDRIDGE
JMC-1

MOTION TO COMPEL ABANDONMENT
4-11-14 [[9](#)]

17. [12-41237](#)-C-7 GEORGE/VIOLA POPESCU
BPE-1

MOTION TO COMPEL ABANDONMENT
3-18-14 [[123](#)]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to Sheridan and Lynne Post's, creditors herein, motion to compel the trustee to abandon property and the Posts have demonstrated the property to be abandoned is of inconsequential value to the estate. Accordingly, the motion will be granted and the property that is the subject of the motion will be deemed abandoned by minute order. No appearance is necessary.

18. [13-30537](#)-C-7 MICHAEL GROOM
[13-2355](#)
TAMARA DAVIS, ATTORNEY IN FACT
FOR BLAIRE LYNLEY G V. GROOM

CONTINUED MOTION FOR SUMMARY
JUDGMENT
1-30-14 [[15](#)]

Final ruling:

The hearing on this motion is continued to May 6, 2014 at 9:30 a.m. No appearance is necessary on April 29, 2014.

19. [14-22139](#)-C-7 LETICIA MARTINEZ
RCO-1
CENTRAL MORTGAGE COMPANY VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
3-31-14 [[11](#)]

Final ruling:

This matter is resolved without oral argument. This is Central Mortgage Company's motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the property is not necessary for an effective reorganization. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

20. [14-20440](#)-C-7 CLARENCE CARRAWAY
SKS-1

CONTINUED TRUSTEE'S MOTION TO
DISMISS FOR FAILURE TO APPEAR
AT SEC. 341(A) MEETING OF
CREDITORS
2-27-14 [[31](#)]

Final ruling:

The debtor appeared at the continued Meeting of Creditors held on April 18, 2014. As a result, the motion will be denied by minute order as moot. No appearance is necessary.

21. [13-22346](#)-C-7 J. ZARATE
HCS-2

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH STERLING BANK
2-25-14 [[276](#)]

Final ruling:

The hearing on this motion is continued to May 6, 2014 at 9:30 a.m. No appearance is necessary on April 29, 2014.

22. [13-22346](#)-C-7 J. ZARATE
MRG-1
THE BANK OF NEW YORK MELLON
VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-31-14 [[306](#)]

23. [13-35053](#)-C-7 EARL PAZ AND CYNTHIA MOTION TO CONVERT CASE TO
GK-2 SHUMP CHAPTER 13
3-21-14 [[53](#)]

Final ruling:

The hearing on this motion is continued to May 13, 2014 at 9:30 a.m. No appearance is necessary on April 29, 2014.

24. [13-35053](#)-C-7 EARL PAZ AND CYNTHIA MOTION FOR TURNOVER OF PROPERTY
MPD-5 SHUMP 4-8-14 [[58](#)]

Final ruling:

The hearing on this motion is continued to May 13, 2014 at 9:30 a.m. No appearance is necessary on April 29, 2014.

25. [13-25761](#)-C-7 LARRY/CYNTHIA WRAY MOTION FOR COMPENSATION FOR
ADJ-4 ACCOUNTANT(S)
4-7-14 [[62](#)]

26. [13-25761](#)-C-7 LARRY/CYNTHIA WRAY MOTION FOR COMPENSATION FOR
ADJ-5 ANTHONY D. JOHNSTON, TRUSTEE'S
ATTORNEY
4-8-14 [[69](#)]

27. [13-23268](#)-C-7 SUSAN ALLARD AND STEVEN MOTION BY STEPHEN M. REYNOLDS
RLC-1 CRAIG TO WITHDRAW AS ATTORNEY
4-14-14 [[47](#)]
28. [13-25369](#)-C-7 DARSHAN VIRK OBJECTION TO CLAIM OF RONNY
PGM-3 DHALIWAL, CLAIM NUMBER 8
3-3-14 [[66](#)]

Final ruling:

The hearing on this motion is continued to May 6, 2014 at 9:30 a.m. No appearance is necessary on April 29, 2014.

29. [08-27971](#)-C-7 RAJESH KAPOOR MOTION FOR COMPENSATION FOR
JRR-3 JOHN R. ROBERTS, TRUSTEE'S
ATTORNEY
3-18-14 [[78](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion and the moving party is to submit an appropriate order. No appearance is necessary.

30. [13-34774](#)-C-7 JAMES/BARBARA WEAVER MOTION TO COMPEL ABANDONMENT
RAH-1 4-15-14 [[26](#)]

31. [14-20275](#)-C-7 PAUL KNUTSON CONTINUED TRUSTEE'S MOTION TO
SKS-1 DISMISS FOR FAILURE TO APPEAR
AT SEC. 341(A) MEETING OF
CREDITORS
2-13-14 [[23](#)]

Final ruling:

The debtor appeared at the continued Meeting of Creditors held on April 18, 2014. As a result, the motion will be denied by minute order as moot. No appearance is necessary.

32. [12-21477](#)-C-7 YOUSIF HALLOUM MOTION FOR COMPENSATION FOR K.
MKK-4 KATHLEEN KLEIN, ACCOUNTANT
3-28-14 [[609](#)]

Final ruling:

The hearing on this motion is continued to May 1, 2014 at 10:00 a.m. No appearance is necessary on April 29, 2014.

33. [12-21477](#)-C-7 YOUSIF HALLOUM MOTION TO SELL FREE AND CLEAR
MLG-8 OF LIENS
4-1-14 [[624](#)]

Final ruling:

The hearing on this motion is continued to May 1, 2014 at 10:00 a.m. No appearance is necessary on April 29, 2014.

34. [08-35881](#)-C-7 LOUIS/LILLIAN ZIMMERLE CONTINUED MOTION FOR SUMMARY
[09-2098](#) DNL-7 JUDGMENT
PORUP V. ZIMMERLE 3-11-14 [[58](#)]

Final ruling:

The hearing on this motion is continued to May 6, 2014 at 9:30 a.m. No appearance is necessary on April 29, 2014.

35. [13-32181](#)-C-7 CLIFFORD/LORRI GUNNERSON MOTION TO AVOID LIEN OF
DNL-1 CITIBANK, N.A.

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

36. [13-32181](#)-C-7 CLIFFORD/LORRI GUNNERSON MOTION TO AVOID LIEN OF
DNL-2 DISCOVER BANK
4-1-14 [[46](#)]

Final ruling:

The motion is denied for defective service. The certificate of service indicates that Discover Bank was served at addresses in Santa Ana, California, Wilmington, Delaware, and New Albany, Ohio. However, the California Secretary Of State business search lists two other addresses, one in Riverwoods, Illinois and one in Los Angeles, California as the proper service address for this creditor. Discover Bank was not served at either of the California Secretary Of State addresses and as such, service is defective. As a result of this service defect the motion will be denied by minute order. No appearance is necessary.

37. [13-32181](#)-C-7 CLIFFORD/LORRI GUNNERSON MOTION TO AVOID LIEN OF
DNL-3 AMERICAN EXPRESS CENTURION BANK
4-1-14 [[51](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

38. [13-35184](#)-C-7 SCOTT/VIRGINIA ELROD MOTION FOR RELIEF FROM

TRM-51
DIAMOND RESORTS CALIFORNIA
COLLECTION DEVELOPMENT, LLC
VS.

AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
3-17-14 [[20](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that the trustee has filed a statement of non-opposition and no other timely opposition has been filed and the relief requested in the motion is supported by the record. The debtors received their discharge on March 17, 2014 and, as a result, the stay is no longer in effect as to the debtors (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtors as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

39. [14-20787](#)-C-7 JEFFREY/MARLENA SMALLING
MRG-1
VW CREDIT, INC. VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
3-31-14 [[15](#)]

Final ruling:

This matter is resolved without oral argument. This is VW Credit, Inc.'s motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtors are not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. Accordingly, the court will grant relief from stay by minute order. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. No appearance is necessary.

40. [13-34388](#)-C-7 DONNA MIFSUD
ICE-1

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
3-12-14 [[27](#)]

Final ruling:

The hearing on this motion is continued to May 6, 2014 at 9:30 a.m. No appearance is necessary on April 29, 2014.

- | | | | |
|-----|---|--|--|
| 41. | <u>13-35893</u> -C-7 | BARRY MCGWIRE | ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
4-1-14 [<u>57</u>] |
| 42. | <u>14-20795</u> -C-7
MPD-3 | BIANCHI ORCHARD SYSTEMS,
INC., A CALIFORNIA | MOTION TO EMPLOY WEST AUCTIONS,
INC. AS AUCTIONEER(S)
4-8-14 [<u>85</u>] |
| 43. | <u>14-20795</u> -C-7
MPD-4 | BIANCHI ORCHARD SYSTEMS,
INC., A CALIFORNIA | MOTION TO SELL
4-8-14 [<u>90</u>] |

44. [14-20795](#)-C-7 BIANCHI ORCHARD SYSTEMS, MOTION FOR COMPENSATION FOR
MPD-5 INC., A CALIFORNIA WEST AUCTIONS, INC.,
 AUCTIONEER(S)
 4-8-14 [[95](#)]

45. [13-31596](#)-C-7 LINA QUILAQUIL MOTION FOR RELIEF FROM
RCO-1 AUTOMATIC STAY AND/OR MOTION
WELLS FARGO BANK, N.A. VS. FOR ADEQUATE PROTECTION
 3-25-14 [[33](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The debtor received her discharge on December 16, 2013 and, as a result, the stay is no longer in effect as to the debtor (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtor as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

46. [11-23597](#)-C-7 AHMAD/MINA ARGHANDIWAL MOTION TO COMPROMISE
DNL-5 CONTROVERSY/APPROVE SETTLEMENT
 AGREEMENT WITH CROSS PETROLEUM
 4-1-14 [[63](#)]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to approve compromise of controversy, and the trustee has demonstrated the compromise is in the best interest of the creditors and the estate. Specifically, the motion demonstrates that when the compromise is put up against the factors enumerated in In re Woodson, 839 F.2d 610 (9th Cir. 1988), the likelihood of success on the merits, the complexity of the litigation, the difficulty in collectability, and the paramount interests of creditors, the compromise should be approved. Accordingly, the motion is granted and the compromise approved. The moving party is to submit an appropriate order. No appearance is necessary.