

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, April 30, 2015
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:00 A.M.

1. [13-17305](#)-B-7 TRINIDAD BEJAR MOTION TO DISMISS ADVERSARY
 [15-1012](#) RHT-1 PROCEEDING/NOTICE OF REMOVAL
 HAWKINS V. BEJAR 3-18-15 [[13](#)]
 ROBERT HAWKINS/Atty. for mv.

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 adversary proceeding will be dismissed. The court will enter a civil minute order. No appearance is necessary.

2. [14-13430](#)-B-7 STEPHEN/JENNIFER FORD MOTION FOR ENTRY OF DEFAULT
 [14-1142](#) TGM-1 JUDGMENT
 FEAR V. ANDERSON ET AL 3-31-15 [[50](#)]
 TRUDI MANFREDO/Atty. for mv.

3. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED STATUS CONFERENCE RE:
 [13-1104](#) GENEVIEVE DE MONTREMARE COMPLAINT
 BRIAN L. GWARTZ AND CHERYL A. 10-1-13 [[1](#)]
 SKIGIN, CO-TRUSTEES V. WEILERT
 CHERYL SKIGIN/Atty. for pl.
 RESPONSIVE PLEADING

This matter will be dropped from calendar, to be reset if necessary after the court rules on the motion for summary judgment. No appearance is needed.

4. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION FOR SUMMARY JUDGMENT
 [13-1104](#) GENEVIEVE DE MONTREMARE CAS-4AND/OR MOTION FOR SUMMARY
 BRIAN L. GWARTZ AND CHERYL A. ADJUDICATION
 SKIGIN, CO-TRUSTEES V. WEILERT 3-23-15 [[34](#)]
 CHERYL SKIGIN/Atty. for mv.
 RESPONSIVE PLEADING

5. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED STATUS CONFERENCE RE:
[13-1134](#) GENEVIEVE DE MONTREMARE AMENDED COMPLAINT
BRIAN L. GWARTZ AND CHERYL A. 8-28-14 [[47](#)]
SKIGIN, CO-TRUSTEES V. WEILERT
CHERYL SKIGIN/Atty. for pl.
RESPONSIVE PLEADING

This matter will be continued to May 14, 2015, at 9:00 a.m. The parties shall meet and confer and decide how best to proceed with this adversary proceeding after the court rules on the motion for summary judgment in Adversary Proceeding No. 13-1104. The court will prepare a minute order. No appearance is necessary.

6. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED OPPOSITION/OBJECTION,
CAS-2 GENEVIEVE DE MONTREMARE AND/OR MOTION TO STRIKE
MICHAEL WEILERT/MV 1-8-15 [[258](#)]
RILEY WALTER/Atty. for dbt.
RESPONSIVE PLEADING

This matter will be continued to May 14, 2015, at 9:00 a.m. The court will prepare a minute order. No appearance is necessary.

7. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED OBJECTION TO
CAS-2 GENEVIEVE DE MONTREMARE HOMESTEAD EXEMPTION
BRIAN L. GWARTZ AND CHERYL A. 10-24-14 [[214](#)]
SKIGIN, CO-TRUSTEES OF THE
RILEY WALTER/Atty. for dbt.
CHERYL SKIGIN/Atty. for mv.
RESPONSIVE PLEADING

This matter will be continued to May 14, 2015, at 9:00 a.m. The parties shall submit supplemental briefs on the question of whether this matter is still ripe for adjudication and whether the court still has subject matter jurisdiction to determine the amount of the state law exemption in light of the court's ruling in the motion to avoid the judicial lien entered on April 16, 2015. The court will prepare a minute order. No appearance is necessary.

8. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED MOTION TO AVOID LIEN
WW-5 GENEVIEVE DE MONTREMARE OF BRIAN L. GWARTZ AND CHERYL
MICHAEL WEILERT/MV A. SKIGIN
1-8-15 [[244](#)]
RILEY WALTER/Atty. for dbt.
RESPONSIVE PLEADING

This matter has been finally resolved in the court's ruling dated April 16, 2015. No further hearing is required. No appearance is necessary.

9. [15-10271](#)-B-7 PAUL/MICHELLE POMICPIC STATUS CONFERENCE RE: COMPLAINT
[15-1024](#) 3-5-15 [[1](#)]
U.S. TRUSTEE V. POMICPIC ET AL
ROBIN TUBESING/Atty. for pl.

It appears that the defendants' defaults have been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 60 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.

10. [14-14382](#)-B-7 CRAIG/ANGELA MUNDY RESCHEDULED STATUS CONFERENCE
[15-1013](#) RE: COMPLAINT
MUFG UNION BANK, N.A. V. MUNDY 1-28-15 [[1](#)]
ET AL
MARK SERLIN/Atty. for pl.
11. [14-14382](#)-B-7 CRAIG/ANGELA MUNDY MOTION TO DISMISS ADVERSARY
[15-1013](#) VR-1 PROCEEDING/NOTICE OF REMOVAL
MUFG UNION BANK, N.A. V. MUNDY 2-27-15 [[8](#)]
ET AL
VINCENT RENDA/Atty. for mv.
RESPONSIVE PLEADING
12. [11-19687](#)-B-7 ROBERT SCARPITTO MOTION FOR ENTRY OF DEFAULT
[14-1122](#) THA-1 JUDGMENT
SALVEN V. SCARPITTO SAND 3-13-15 [[38](#)]
DOLLAR PARTNERSHIP ET AL
THOMAS ARMSTRONG/Atty. for mv.

This motion will be dropped from calendar and may be reset for hearing, if appropriate, when the trustee files his motion to sell/settle with the partnership defendant. The individual defendant's default has been entered. However, pursuant to Fed. R. Civ. P. 54(b) (FRBP 7054), the court may not enter a judgment against only one defendant unless it makes a finding that there is no reason for delay. Here, the individual debtor holds no interest in the property and there is no basis for the entry of a judgment against the individual. The partnership to which the property was transferred, and from which the transfer might be avoided, has filed an answer to the complaint. At this point it is not clear that the proposed transaction being negotiated with the partnership defendant is a *bona fide* sale or a settlement. The likelihood of an interested third-party buyer to bid for the property is minimal. A judgment in this adversary proceeding is unnecessary if the trustee is just proposing to sell back to the partnership the same property he hopes to recover from the partnership.

10:00 A.M.

1. [13-17305](#)-B-7 TRINIDAD BEJAR MOTION TO SELL
RHT-2 3-18-15 [[20](#)]
TRINIDAD BEJAR/MV
KARNEY MEKHITARIAN/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. [13-16923](#)-B-7 ALICIA REYES MOTION TO OBJECT TO TRUSTEE'S
GLA-1 FINAL REPORT
ALICIA REYES/MV 3-26-15 [[39](#)]
GEORGE ALONSO/Atty. for dbt.
WITHDRAWN

The debtor's objection to the Trustee's Final Report has been withdrawn. No appearance is necessary.

3. [11-14827](#)-B-7 MAURICIO/MARIE HERNANDEZ MOTION TO AVOID LIEN OF
TCS-2 CITIBANK (SOUTH DAKOTA) N.A.
MAURICIO HERNANDEZ/MV 3-28-15 [[70](#)]
RAYMOND SWEENEY/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.

4. [15-10159](#)-B-7 MICHELLE KRAMER MOTION TO COMPEL ABANDONMENT
PBB-1 3-24-15 [[15](#)]
MICHELLE KRAMER/MV
PETER BUNTING/Atty. for dbt.

5. [15-10580](#)-B-7 BARRY/DARLENE FERNANDES MOTION TO AVOID LIEN OF
KJL-1 CITIBANK, N.A.
BARRY FERNANDES/MV 3-14-15 [[11](#)]
KENNETH JORGENSEN/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.

6. [15-10580](#)-B-7 BARRY/DARLENE FERNANDES MOTION TO AVOID LIEN OF MIDLAND
KJL-2 FUNDING LLC
BARRY FERNANDES/MV 3-14-15 [[17](#)]
KENNETH JORGENSEN/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.

7. [13-17082](#)-B-7 RONALD RUSHING MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
WELLS FARGO BANK, N.A./MV 3-27-15 [[192](#)]
SCOTT LYONS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
RESPONSIVE PLEADING

This motion for relief from the automatic stay will be denied as moot. The debtor is an individual. 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.

The debtor filed a Statement of Intention as to the pickup that indicated, *"If retaining the property, I intend to (check at least one): X Other. Explain.* Son will continue paying creditor directly." This does not satisfy the debtor's statutory duty to file a Statement of Intent.

Therefore, pursuant to 11 U.S.C. § 362(h), it appears that the pickup is no longer property of the estate and subject to being sold by the trustee, 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.

The trustee filed an opposition to this motion, however her opposition does not address the §362(h) problem and presumes the pickup is still property of the estate. It appears that the trustee has a security interest in some of the debtor's personal property to secure an agreement under a motion to compromise a controversy, however this vehicle does not appear to be part of that property.

No attorney fees will be awarded in relation to this motion. No appearance is necessary.

8. [15-10086](#)-B-7 VICENCIA DONOHO
TGM-1
VICENCIA DONOHO/MV
TRUDI MANFREDO/Atty. for dbt.

MOTION TO AVOID LIEN OF
AMERICAN EXPRESS BANK, FSB
3-24-15 [[14](#)]

This matter will be continued to May 14, 2015, at 10:00 a.m. Based on the evidence presented it appears that the debtor did not acquire an interest in the property, to which the judgment lien attached, until 18 days after the judgment lien was recorded. The debtor shall submit evidence to show that the debtor possessed an interest in the subject property to which the judgment lien could have attached at the time the judgment lien was recorded. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.

9. [15-11288](#)-B-7 FRESNO ACADEMY FOR CIVIC
TMT-1 & ENTREPRENEURIAL
TRUDI MANFREDO/MV
DAVID JENKINS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO REJECT LEASE OR
EXECUTORY CONTRACT
4-9-15 [[13](#)]

10. [15-10198](#)-B-7 MONICA MCFARLAND
JHW-1
TD AUTO FINANCE LLC/MV
JENNIFER WANG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-1-15 [[24](#)]

This matter will be continued to May 14, 2015, at 11:00 a.m., to be called with the motion to reaffirm the same debt. The court will prepare a minute order. No appearance is necessary.

11. [15-10298](#)-B-7 JOHN/DENISE SAUCEDO
JFL-1
SETERUS, INC./MV
SUSAN HEMB/Atty. for dbt.
JAMES LEWIN/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-20-15 [[16](#)]

Based on the debtors' response, the motion will be granted only to the extent necessary to permit further negotiation, processing, and execution of a mortgage modification agreement. The moving party may submit a proposed order. No appearance is necessary.

The court notes from review of the docket that the debtors' discharges may be entered soon. At that time the automatic stay will terminate for all purposes as a matter of law and without further order of the court.

11:00 A.M.

1. [15-10205](#)-B-7 MIGUEL RAMIREZ

PRO SE REAFFIRMATION AGREEMENT
WITH GOLDEN 1 CREDIT UNION
4-9-15 [[14](#)]

THOMAS GILLIS/Atty. for dbt.

The court intends to deny approval of the reaffirmation agreement and the hearing will be dropped from calendar. Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtor's attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, 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. No appearance is necessary at this hearing.

2. [15-11051](#)-B-7 JANE LOZANO

PRO SE REAFFIRMATION AGREEMENT
WITH TRAVIS CREDIT UNION
4-7-15 [[20](#)]

3. [15-10371](#)-B-7 RAQUEL SOLORSANO

PRO SE REAFFIRMATION AGREEMENT
WITH AMERICAN HONDA FINANCE
CORP.
4-1-15 [[15](#)]

1:30 P.M.

1. [11-63001](#)-B-13 MARTIN ARVIZU
MHM-4
MICHAEL MEYER/MV
HENRY NUNEZ/Atty. for dbt.
WITHDRAWN
- MOTION TO DISMISS CASE
3-10-15 [[65](#)]

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

2. [14-15004](#)-B-13 ERIC POOLE
RLF-1
ERIC POOLE/MV
JEFF REICH/Atty. for dbt.
- MOTION TO CONFIRM PLAN
3-17-15 [[71](#)]

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.

3. [13-14607](#)-B-13 GILBERT PEREZ
MHM-2
MICHAEL MEYER/MV
HENRY NUNEZ/Atty. for dbt.
WITHDRAWN
- MOTION TO DISMISS CASE
3-10-15 [[56](#)]

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

4. [10-18408](#)-B-13 RANDY/LORETTA BRYANT
PLF-3
- MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. FOR PETER L. FEAR, DEBTORS
ATTORNEY(S)
3-23-15 [[73](#)]
- PETER FEAR/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

5. [14-11111](#)-B-13 PHILLIP/MARNIE HAMILTON MOTION TO DISMISS CASE
MHM-1 3-10-15 [[64](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or responsive pleading. The record shows there is 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.

6. [14-12713](#)-B-13 SUZANNE KAID MOTION TO DISMISS CASE
MHM-3 3-6-15 [[62](#)]
MICHAEL MEYER/MV
GLEN GATES/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or responsive pleading. The record shows there is a material default in the plan payments. There have been no payments to the trustee since the plan was confirmed. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

7. [13-11014](#)-B-13 HOA/JENNIFER LE MOTION TO MODIFY PLAN
TCS-1 3-24-15 [[22](#)]
HOA LE/MV
TIMOTHY SPRINGER/Atty. for dbt.

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

8. [10-18017](#)-B-13 BRIAN/BRENDA LANGE MOTION TO DISMISS CASE
MHM-1 3-6-15 [[53](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

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

9. [13-12218](#)-B-13 BRADLEY MEYERS MOTION TO DISMISS CASE
MHM-1 3-10-15 [[33](#)]
MICHAEL MEYER/MV
HENRY NUNEZ/Atty. for dbt.

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

10. [11-61723](#)-B-13 DENNIS/KATHRYN HANSON MOTION TO DISMISS CASE
MHM-1 3-10-15 [[22](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or responsive pleading. The record shows there is 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.

11. [12-16828](#)-B-13 MARY BOCANEGRA MOTION TO DISMISS CASE
MHM-1 3-10-15 [[65](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

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

12. [14-10129](#)-B-13 LESLIE WARDERS OBJECTION TO CLAIM OF ONEMAIN
GH-1 FINANCIAL, INC., CLAIM NUMBER 7
LESLIE WARDERS/MV 4-1-15 [[86](#)]
GARY HUSS/Atty. for dbt.

The objection will be sustained as modified below. Claim # 7 was untimely and will not receive any distribution in this chapter 13 proceeding. However, if this case is converted to a case under any other chapter, and a new bar date is set for the filing of claims, this claim shall be deemed timely and, in the absence of a new objection, shall be allowed pursuant to 11 U.S.C. § 502(a), without the necessity of filing a new proof of claim. The objecting party shall submit a proposed order consistent with this ruling. No appearance is necessary.

13. [14-15930](#)-B-13 MANUEL/GUADALUPE BONILLA MOTION TO VALUE COLLATERAL OF
TCS-1 PATELCO CREDIT UNION
MANUEL BONILLA/MV 3-30-15 [[16](#)]
TIMOTHY SPRINGER/Atty. for dbt.

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 \$2,220. 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.

14. [15-10530](#)-B-13 SERGIO SANDOVAL OBJECTION TO CONFIRMATION OF
U.S. BANK, N.A./MV PLAN BY U.S. BANK, N.A.
DIANE WEIFENBACH/Atty. for mv. 4-7-15 [[26](#)]

This matter will be continued to May 28, 2015, at 1:30 p.m., to be called with the trustee's motion to dismiss.

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. The court will prepare a civil minute order. No appearance is necessary.

15. [14-10832](#)-B-13 LIONEL MENDEZ MOTION TO DISMISS CASE
MHM-1 3-6-15 [[32](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or responsive pleading. The record shows there is 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. [09-17935](#)-B-13 CHRISTOPHER KEMPTON MOTION TO DISMISS CASE
MHM-1 3-6-15 [[106](#)]
MICHAEL MEYER/MV
M. ENMARK/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
WITHDRAWN

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

17. [13-16636](#)-B-13 SOLOMON OLIVAS
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE
3-10-15 [[48](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or responsive pleading. The record shows there is 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.

18. [13-11337](#)-B-13 GREGORY/KARAN CARVER
MHM-2
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
3-10-15 [[38](#)]

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

19. [14-12137](#)-B-13 RAYMOND VELASQUEZ
DRJ-2
RAYMOND VELASQUEZ/MV
DAVID JENKINS/Atty. for dbt.

OBJECTION TO CLAIM OF CERASTES,
LLC, CLAIM NUMBER 2
1-19-15 [[18](#)]

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 debtor shall submit a proposed order. No appearance is necessary.

20. [14-12137](#)-B-13 RAYMOND VELASQUEZ
DRJ-3
RAYMOND VELASQUEZ/MV
DAVID JENKINS/Atty. for dbt.

OBJECTION TO CLAIM OF LVNV
FUNDING, LLC, CLAIM NUMBER 6
1-19-15 [[21](#)]

The objection will be overruled as moot. Claim #6 has been withdrawn and no further relief is necessary. No appearance is necessary.

21. [12-13538](#)-B-13 TYRONE PARKS AND LISA MOTION TO DISMISS CASE
MHM-3 STAR-PARKS 3-10-15 [[80](#)]
MICHAEL MEYER/MV
GARY HUSS/Atty. for dbt.

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

22. [12-15543](#)-B-13 KAY WARD MOTION TO MODIFY PLAN
DRJ-2 3-22-15 [[58](#)]
KAY WARD/MV
DAVID JENKINS/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.

23. [12-10145](#)-B-13 JAMES/SHARON STEVENS MOTION TO DISMISS CASE
MHM-2 3-9-15 [[110](#)]
MICHAEL MEYER/MV
CHRISTIAN YOUNGER/Atty. for dbt.
WITHDRAWN

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

24. [12-17145](#)-B-13 DAVID/LISA PINA MOTION TO DISMISS CASE
MHM-1 3-10-15 [[56](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN

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

25. [10-19451](#)-B-13 LAWRENCE/LINDA MCCOLLUM MOTION TO DISMISS CASE
MHM-1 3-6-15 [[136](#)]
MICHAEL MEYER/MV
M. ENMARK/Atty. for dbt.
WITHDRAWN

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

26. [10-12652](#)-B-13 RONALD/SUSAN RENEAU MOTION TO DISMISS CASE
MHM-3 3-6-15 [[67](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

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

27. [12-17857](#)-B-13 RANULFO ALMANZA AND MOTION TO DISMISS CASE
MHM-1 CARMEN FLORES ALMANZA 3-10-15 [[71](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition or responsive pleading. The record shows there is a material default in the plan payments that has not been cured. There have been no payments to the trustee since the modified plan was confirmed. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

28. [15-10660](#)-B-13 STEVEN/BRANDI AVALOS ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
4-1-15 [[32](#)]
ERIC ESCAMILLA/Atty. for dbt.

29. [14-15661](#)-B-13 JOHN ALLEN CONTINUED OBJECTION TO
APN-1 CONFIRMATION OF PLAN BY WELLS
WELLS FARGO BANK, N.A./MV FARGO BANK, N.A.
12-18-14 [[12](#)]
JERRY LOWE/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

This matter will be continued to May 14, 2015, at 1:30 p.m., to be called, if necessary, after the court rules on the trustee's motion to dismiss. The court will prepare a minute order. No appearance is necessary.

30. [10-63562](#)-B-13 ANGELICA CAMARILLO OBJECTION TO DISCHARGE BY
MHM-3 MICHAEL H. MEYER
MICHAEL MEYER/MV 3-25-15 [[132](#)]
THOMAS GILLIS/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
RESPONSIVE PLEADING

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

31. [14-14866](#)-B-13 MONICA MARTINEZ CONTINUED OBJECTION TO
APN-1 CONFIRMATION OF PLAN BY
SANTANDER CONSUMER USA INC./MV SANTANDER CONSUMER USA INC.
2-17-15 [[34](#)]
TIMOTHY SPRINGER/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

The objection will be overruled as moot. The court intends to dismiss the case on the trustee's unopposed motion below. No appearance is necessary.

32. [14-14866](#)-B-13 MONICA MARTINEZ
MHM-2
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE
3-6-15 [[40](#)]

The chapter 13 trustee's motion to dismiss 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 as stated in support of the motion, including unreasonable delay. The case will be dismissed. The petition was filed October 1, 2014. The debtor has been unable to complete her §341 meeting of creditors. The record does not show that the debtor has the ability to confirm a plan. The court will prepare a civil minute order. No appearance is necessary.

33. [13-15371](#)-B-13 CHRISTANIA HAUGHTON
MHM-1
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
3-10-15 [[24](#)]

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

34. [09-12371](#)-B-13 PHILIP/ALEXIS REED
[15-1019](#)
REED ET AL V. HSBC MORTGAGE
CORPORATION (USA) ET AL
GABRIEL WADDELL/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
2-24-15 [[1](#)]

35. [14-16072](#)-B-13 NATALIE EDWARDS
SL-1
NATALIE EDWARDS/MV
STEPHEN LABIAK/Atty. for dbt.
OST 4/13/15

MOTION TO SELL
4-13-15 [[25](#)]

The motion has been withdrawn. No appearance is necessary.

36. [10-16474](#)-B-13 KENNETH/JESSICA HEARD
MHM-1
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
3-6-15 [[47](#)]

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

37. [11-63277](#)-B-13 LEROY/MONICA DURAN
MHM-1
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN
MOTION TO DISMISS CASE
3-10-15 [[46](#)]

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

38. [14-14477](#)-B-13 RICHIE/YESENIA CHOI
PBB-5
RICHIE CHOI/MV
PETER BUNTING/Atty. for dbt.
MOTION TO CONFIRM PLAN
3-6-15 [[74](#)]

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.

39. [11-16480](#)-B-13 DAVID RUSSO
MHM-2
MICHAEL MEYER/MV
GARY HUSS/Atty. for dbt.
MOTION TO DISMISS CASE
3-6-15 [[67](#)]

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

40. [14-13987](#)-B-13 PHILLIP MORELAND
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN
MOTION TO DISMISS CASE
3-6-15 [[29](#)]

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

41. [10-16398](#)-B-13 DENNIS/KATHLEEN THOMPSON
MHM-3
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN
MOTION TO DISMISS CASE
3-6-15 [[79](#)]

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

2:30 P.M.

1. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-10
CHARLOTTE SALWASSER/MV
THOMAS ARMSTRONG/Atty. for dbt.
OST 4/30, RESPONSIVE
PLEADING
MOTION TO SELL FREE AND CLEAR
OF LIENS
4-6-15 [[93](#)]

This matter will be continued to a date to be set after the court rules on the U.S. Trustee's motion to appoint a trustee. The court cannot approve the ongoing sale of estate properties as a reasonable exercise of the debtor's duties until the trustee issue is resolved.

2. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-14
CHARLOTTE SALWASSER/MV
THOMAS ARMSTRONG/Atty. for dbt.
MOTION TO ESTABLISH PERSONAL
PROPERTY AUCTION PROCEDURE
OTHER THAN IN THE ORDINARY
COURSE OF BUSINESS
4-16-15 [[126](#)]

This matter will be continued to a date to be set after the court rules on the U.S. Trustee's motion to appoint a trustee. The court cannot approve the ongoing sale of estate properties as a reasonable exercise of the debtor's duties until the trustee issue is resolved.

3. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-5
CHARLOTTE SALWASSER/MV
THOMAS ARMSTRONG/Atty. for dbt.
RESPONSIVE PLEADING
MOTION TO EMPLOY PEARSON REALTY
AS BROKER(S)
3-11-15 [[51](#)]

This matter will be continued to a date to be set after the court rules on the U.S. Trustee's motion to appoint a trustee. The court cannot approve the employment of professionals as a reasonable exercise of the debtor's duties until the trustee issue is resolved.

4. [15-10705](#)-B-11 CHARLOTTE SALWASSER
THA-8
CHARLOTTE SALWASSER/MV
THOMAS ARMSTRONG/Atty. for dbt.
CONTINUED MOTION TO SELL FREE
AND CLEAR OF LIENS
4-1-15 [[83](#)]

This matter will be continued to a date to be set after the court rules on the U.S. Trustee's motion to appoint a trustee. The court cannot approve the ongoing sale of estate properties as a reasonable exercise of the debtor's duties until the trustee issue is resolved.

5. [15-10705](#)-B-11 CHARLOTTE SALWASSER
UST-1
TRACY DAVIS/MV
THOMAS ARMSTRONG/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING

MOTION TO RECONSIDER
4-2-15 [[89](#)]

6. [15-10705](#)-B-11 CHARLOTTE SALWASSER
UST-2
TRACY DAVIS/MV

THOMAS ARMSTRONG/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
OST 4/20

MOTION TO APPOINT TRUSTEE
AND/OR MOTION TO APPOINT
EXAMINER
4-17-15 [[150](#)]

7. [08-11926](#)-B-11 DAVID TREBAS
MMW-1
DAVID TREBAS/MV
DAVID TREBAS/Atty. for mv.

MOTION FOR ENTRY OF DISCHARGE
AND/OR MOTION FOR FINAL DECREE
4-2-15 [[208](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. It appears that the debtor has cured the deficiencies indicated in the U.S. Trustee's motion to dismiss the case, below. If there are no other issues to be resolved, the court intends to deny the U.S. Trustee's motion below and grant the debtor's motion. The court will enter a civil minute order directing the case manager to enter the debtor's discharge, the final decree and close the case according to the clerk's procedures. No appearance will be necessary.

If either party still desires to appear and argue for different relief, they shall notify the court and opposing counsel.

8. [08-11926](#)-B-11 DAVID TREBAS
UST-1
TRACY DAVIS/MV

GREGORY POWELL/Atty. for mv.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE AND/OR
MOTION TO CONVERT CASE FROM
CHAPTER 11 TO CHAPTER 7
3-9-15 [[197](#)]

The debtor has filed an opposition to dismissal. The debtor has also filed a motion for entry of discharge and final decree. This motion to dismiss was filed by the U.S. Trustee for cause. The debtor was delinquent on his U.S. Trustee Quarterly Fee Payments for 2014 and had also failed to file quarterly post-confirmation reports for 2014. The debtor's opposition represents that the debtor has now filed his outstanding quarterly post-confirmation reports and has mailed his outstanding quarterly payments.

The U.S. Trustee has not opposed the debtor's motion above. If there are no other issues to be resolved, the court intends to deny the U.S. Trustee's motion and grant the debtor's motion above. No appearance will be necessary.

If either party still desires to appear and argue for different relief, they shall notify the court and opposing counsel.

9. [15-11079](#)-B-11 WEST COAST GROWERS, INC. MOTION TO EMPLOY PEARSON REALTY
KDG-3 A CALIFORNIA CORPORATION AS BROKER(S)
WEST COAST GROWERS, INC. A 4-6-15 [[58](#)]
CALIFORNIA CORPORATION/MV
HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING

This matter will be continued to a date to be set after the court rules on the U.S. Trustee's motion to appoint a trustee. The court cannot approve the employment of professionals as a reasonable exercise of the debtor's duties until the trustee issue is resolved.

10. [15-11079](#)-B-11 WEST COAST GROWERS, INC. MOTION TO APPOINT TRUSTEE
UST-2 A CALIFORNIA CORPORATION AND/OR MOTION TO APPOINT
TRACY DAVIS/MV EXAMINER
4-17-15 [[94](#)]

HAGOP BEDOYAN/Atty. for dbt.
GREGORY POWELL/Atty. for mv.
OST 4/20

11. [15-11080](#)-B-11 SALWASSER, INC. MOTION TO EMPLOY PEARSON REALTY
FLG-2 AS BROKER(S)
SALWASSER, INC./MV 4-16-15 [[28](#)]
PETER FEAR/Atty. for dbt.

This matter will be continued to a date to be set after the court rules on the U.S. Trustee's motion to appoint a trustee. The court cannot approve the employment of professionals as a reasonable exercise of the debtor's duties until the trustee issue is resolved.

12. [15-11080](#)-B-11 SALWASSER, INC. MOTION TO APPOINT TRUSTEE
UST-2 AND/OR MOTION TO APPOINT
TRACY DAVIS/MV EXAMINER
4-17-15 [[43](#)]

PETER FEAR/Atty. for dbt.
GREGORY POWELL/Atty. for mv.
OST 4/20

13. [11-15697](#)-B-11 REAL WILSON ENTERPRISES, CONTINUED ORDER TO SHOW CAUSE
INC. 3-16-15 [[669](#)]
HILTON RYDER/Atty. for dbt.
NON-OPPOSITION

This matter was continued from April 16, 2015, for consideration with the U.S. Trustee's motion to dismiss. The debtor has filed a non-opposition to dismissal. The debtor has also filed a status report which states that the U.S. Trustee fees have now been paid. If there are no other issues to be resolved, the court is inclined to drop the OSC and dismiss the case on the U.S. Trustee's motion below. No appearance will be necessary.

If either party still desires to appear and argue for different relief, they shall notify the court and opposing counsel.

14. [11-15697](#)-B-11 REAL WILSON ENTERPRISES, MOTION TO DISMISS CASE AND/OR

UST-2 INC.
TRACY DAVIS/MV

MOTION TO CONVERT CASE FROM
CHAPTER 11 TO CHAPTER 7
3-31-15 [[677](#)]

HILTON RYDER/Atty. for dbt.
GREGORY POWELL/Atty. for mv.
RESPONSIVE PLEADING

The debtor has filed a non-opposition to dismissal. The debtor has also filed a status report which states that the U.S. Trustee fees have now been paid. If there are no other issues to be resolved, the court is inclined to grant the U.S. Trustee's motion and dismiss the case. The U.S. Trustee shall submit a proposed order. No appearance will be necessary.

If either party still desires to appear and argue for different relief, they shall notify the court and opposing counsel.