

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, June 4, 2014
Place: U.S. Courthouse, 510 19th Street
Bakersfield, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:

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

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

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

1:30 P.M.

1. [14-10606](#)-B-13 OSCAR MORENO AND EBONY
BHT-1 WILLIAMS MORENO
PLATINUM HOME MORTGAGE
CORPORATION/MV

ROBERT WILLIAMS/Atty. for dbt.
BRIAN TRAN/Atty. for mv.

AMENDED OBJECTION TO
CONFIRMATION OF PLAN BY
PLANTINUM HOME MORTGAGE
CORPORATION
5-2-14 [[28](#)]
2. [14-10908](#)-B-13 SUSAN/JAMES DIETZ
JFS-1
ALTAONE FEDERAL CREDIT
UNION/MV
CHELLEI JIMENEZ/Atty. for dbt.
JOSEPH SOARES/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY ALTAONE FEDERAL CREDIT
UNION
4-8-14 [[14](#)]

This objection to confirmation of a chapter 13 plan will be overruled without prejudice. The debtor(s) has (have) filed a modified plan. The plan that is the subject of this objection is deemed withdrawn. Within 7 days, the debtor(s) shall serve the modified plan and set a confirmation hearing. The court will prepare a civil minute order. No appearance is necessary.

3. [14-11522](#)-B-13 ANTHONY/JUNE COCKRELL
RSW-1
ANTHONY COCKRELL/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
OCWEN LOAN SERVICING, LLC
5-21-14 [[20](#)]
4. [14-10524](#)-B-13 RONALD MANIORD
RSW-1
RONALD MANIORD/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
5-2-14 [[24](#)]
5. [14-11725](#)-B-13 ARMANDO RAMIREZ
SRH-1
CON AM MANAGEMENT
CORPORATION/MV
STEVEN HRDLICKA/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-16-14 [[28](#)]

This motion will be denied as moot. This case was filed on April 4, 2014. The record shows that this debtor was also a debtor in a chapter 13 case that was dismissed within the preceding year (case no. 14-11041). As such, the automatic stay that protected any interest the debtor may have had in the subject property terminated by operation of law, on May 4, 2014, pursuant to 11 USC §362(c) (3) (A). The moving party may submit a proposed order consistent with this ruling. No appearance is necessary.

6. [13-17626](#)-B-13 MARK SOLORIO
MMA-1
MARK SOLORIO/MV
MARK ALONSO/Atty. for dbt.

MOTION TO CONFIRM PLAN
4-10-14 [[39](#)]

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.

7. [13-16227](#)-B-13 DAVID/DIANA MITCHELL
RSW-1
DAVID MITCHELL/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
4-29-14 [[41](#)]

8. [13-16227](#)-B-13 DAVID/DIANA MITCHELL
RSW-2
DAVID MITCHELL/MV

ROBERT WILLIAMS/Atty. for dbt.

OBJECTION TO CLAIM OF SELF-HELP
FEDERAL CREDIT UNION, CLAIM
NUMBER 1
4-30-14 [[48](#)]

9. [13-12436](#)-B-13 TODD/DENETTE WESTBROOK
RSW-3
TODD WESTBROOK/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
4-25-14 [[60](#)]

10. [14-10941](#)-B-13 ALVA/BEVERLY ARCHER
RCO-1
JPMORGAN CHASE BANK, N.A./MV

ROBERT WILLIAMS/Atty. for dbt.
KRISTI WELLS/Atty. for mv.

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
JPMORGAN CHASE BANK, N.A.
4-16-14 [[20](#)]

11. [14-10744](#)-B-13 BUFORD LAND
PPR-1
BKG INVESTMENTS, INC./MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY BKG
INVESTMENTS, INC.
4-16-14 [[21](#)]

ROBERT WILLIAMS/Atty. for dbt.
CASSANDRA RICHEY/Atty. for mv.

12. [12-12945](#)-B-13 STEVEN AYLER
PWG-9
STEVEN AYLER/MV
PHILLIP GILLET/Atty. for dbt.
RESPONSIVE PLEADING
MOTION TO MODIFY PLAN
3-13-14 [[224](#)]
13. [12-17745](#)-B-13 F. OLIVER COOPER
DMG-5
F. OLIVER COOPER/MV
D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING
CONTINUED MOTION TO MODIFY PLAN
2-26-14 [[104](#)]
14. [13-15357](#)-B-7 CARL/DELAINEA BLACK
[14-1038](#)
BLACK, II ET AL V. HSBC BANK
USA, NATIONAL ASSOCIATION ET
CARL BLACK/Atty. for pl.
MAIN CONVERTED 4/1/14,
RESPONSIVE PLEADING
STATUS CONFERENCE RE: COMPLAINT
4-1-14 [[1](#)]

This matter will be trailed to the 3:30 p.m. calendar and called with the defendants' motions to dismiss. No appearance is necessary at 1:30 p.m.

15. [13-16065](#)-B-13 WILLIAM/SHIRLEY EAST
RCO-1
FLAGSTAR BANK FSB/MV
ROBERT WILLIAMS/Atty. for dbt.
KRISTI WELLS/Atty. for mv.
MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-1-14 [[40](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

16. [13-16065](#)-B-13 WILLIAM/SHIRLEY EAST
RSW-2
WILLIAM EAST/MV
ROBERT WILLIAMS/Atty. for dbt.
- OBJECTION TO CLAIM OF CITIZENS
AUTO FINANCE, CLAIM NUMBER 1
4-3-14 [[47](#)]

The objection will be overruled without prejudice. The objection was filed without admissible supporting evidence as required by Local Rule 9014-1(d)(6). The objection was not supported by admissible evidence sufficient to rebut the *prima facie* validity of the claim. Specifically, there is no evidence of the balance due on the loan at the time the motorhome was surrendered. There is no competent evidence of any agreement to cancel the debt in exchange for surrender. There is no evidence to support a finding that the motorhome was not sold in a commercially reasonable manner in compliance with state law. No appearance is necessary.

17. [10-14866](#)-B-13 MARTIN/MARIA DIAZ
MHM-1
MICHAEL MEYER/MV
PHILLIP GILLET/Atty. for dbt.
- MOTION TO MODIFY PLAN
4-24-14 [[35](#)]
18. [12-17969](#)-B-13 PHILIP/SUSANNE ICARDO
IRS-1
INTERNAL REVENUE SERVICE/MV
ROBERT WILLIAMS/Atty. for dbt.
THOMAS ROHALL/Atty. for mv.
- MOTION TO DISMISS CASE
4-11-14 [[27](#)]
19. [13-17775](#)-B-13 JOSE VILLAGRAN, JR.
PWG-1
JOSE VILLAGRAN, JR./MV
PHILLIP GILLET/Atty. for dbt.
- CONTINUED MOTION TO AVOID LIEN
OF CACH, LLC
4-16-14 [[29](#)]
20. [14-10478](#)-B-13 CLAUDIA DIAZ
PK-1
CLAUDIA DIAZ/MV
PATRICK KAVANAGH/Atty. for dbt.
- MOTION TO VALUE COLLATERAL OF
BANK OF AMERICA, N.A.
4-23-14 [[24](#)]

This motion to value the collateral for a consensual lien against real property 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 offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary. *This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.*

21. [14-11878](#)-B-13 HOLLY DAVENPORT
VVF-1
AMERICAN HONDA FINANCE
CORPORATION/MV
ROBERT WILLIAMS/Atty. for dbt.
VINCENT FROUNJIAN/Atty. for mv.
STIPULATION AND ORDER 5/9/14

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-6-14 [[16](#)]

The matter has been resolved by stipulation of the parties and order dated May 9, 2014. No appearance is necessary.

22. [10-62779](#)-B-13 LANE/LISA MCQUIN
RSW-8
LANE MCQUIN/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
4-25-14 [[77](#)]

23. [13-18094](#)-B-13 MAGDALENO/VIRGINIA
ECH-2 MARTINEZ
MAGDALENO MARTINEZ/MV

MOTION TO VALUE COLLATERAL OF
KERN SCHOOLS FEDERAL CREDIT
UNION
4-30-14 [[47](#)]

ERIC HANSON/Atty. for dbt.

This motion to value the collateral for a consensual lien against real property 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 offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary. *This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.*

2:00 P.M.

1. [13-18002](#)-B-13 JUVENTINO/MARIA RUELAS
MHM-2

THOMAS GILLIS/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
5-21-14 [[34](#)]
2. [14-10524](#)-B-13 RONALD MANIORD
MHM-1
MICHAEL MEYER/MV

ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
4-18-14 [[20](#)]
3. [14-11226](#)-B-13 SARAH MCKAY-WITT
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
AND/OR MOTION TO DISMISS CASE
5-12-14 [[20](#)]
4. [14-10635](#)-B-13 JOE/ARLENE VIZCARRA
MHM-1

ROBERT WILLIAMS/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN
5-21-14 [[22](#)]
5. [14-10782](#)-B-13 CARL/RITA BLACK
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS ,
MOTION TO DISMISS CASE , MOTION
TO DISMISS CASE FOR FAILURE TO
PROVIDE TAX DOCUMENTS
4-18-14 [[27](#)]
6. [14-10788](#)-B-13 BOBBY QUINONEZ
MHM-1
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
4-30-14 [[17](#)]
7. [13-18094](#)-B-13 MAGDALENO/VIRGINIA
MHM-1 MARTINEZ
MICHAEL MEYER/MV
ERIC HANSON/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
4-29-14 [[39](#)]

The motion has been withdrawn. No appearance is necessary.

8. [13-18094](#)-B-13 MAGDALENO/VIRGINIA
MHM-2 MARTINEZ
MICHAEL MEYER/MV

ERIC HANSON/Atty. for dbt.

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
5-8-14 [[60](#)]

3:00 P.M.

1. [14-10588](#)-B-11 J & D WILSON AND SONS
 DAIRY

JACOB EATON/Atty. for dbt.

RESCHEDULED STATUS CONFERENCE
RE: CHAPTER 11 VOLUNTARY
PETITION
2-7-14 [[1](#)]
2. [14-10588](#)-B-11 J & D WILSON AND SONS
KDG-11 DAIRY
J & D WILSON AND SONS DAIRY/MV
JACOB EATON/Atty. for dbt.

MOTION TO FIX AND ALLOW CLAIMS
5-1-14 [[151](#)]
3. [14-10588](#)-B-11 J & D WILSON AND SONS
KDG-12 DAIRY
J & D WILSON AND SONS DAIRY/MV

JACOB EATON/Atty. for dbt.

MOTION TO EXTEND TIME TO ASSUME
OR REJECT UNEXPIRED
NONRESIDENTIAL REAL PROPERTY
LEASE WITH C.A. VANDERHAM AND
SONS DAIRY
5-21-14 [[163](#)]
4. [14-10588](#)-B-11 J & D WILSON AND SONS
KDG-13 DAIRY
J & D WILSON AND SONS DAIRY/MV

JACOB EATON/Atty. for dbt.

MOTION TO EXTEND TIME TO ASSUME
OR REJECT UNEXPIRED
NONRESIDENTIAL REAL PROPERTY
LEASE WITH C.A. VANDERHAM AND
SONS DAIRY
5-21-14 [[168](#)]

5. [10-11289](#)-B-11 ACE FINANCIAL
ASW-1 CORPORATION
BUDGET FINANCE COMPANY/MV
LISA HOLDER/Atty. for dbt.
DANIEL FUJIMOTO/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-7-14 [[508](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

6. [11-15697](#)-B-11 REAL WILSON ENTERPRISES,
INC.

STATUS CONFERENCE RE: VOLUNTARY
PETITION
5-17-11 [[1](#)]

HILTON RYDER/Atty. for dbt.

7. [11-15697](#)-B-11 REAL WILSON ENTERPRISES,
HAR-13 INC.
REAL WILSON ENTERPRISES,
INC./MV
HILTON RYDER/Atty. for dbt.

MOTION TO SELL
5-5-14 [[568](#)]

3:30 P.M.

1. [13-15357](#)-B-7 CARL/DELAINA BLACK MOTION TO DISMISS ADVERSARY
[14-1038](#) SW-1 PROCEEDING/NOTICE OF REMOVAL
BLACK, II ET AL V. HSBC BANK 5-1-14 [[14](#)]
USA, NATIONAL ASSOCIATION ET
ADAM BARASCH/Atty. for mv.

2. [13-15357](#)-B-7 CARL/DELAINA BLACK MOTION TO DISMISS ADVERSARY
[14-1038](#) WGM-1 PROCEEDING/NOTICE OF REMOVAL
BLACK, II ET AL V. HSBC BANK 4-29-14 [[7](#)]
USA, NATIONAL ASSOCIATION ET
WILLIAM MALCOLM/Atty. for mv.