

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Fredrick E. Clement
Bankruptcy Judge

2500 Tulare Street
Department A, Courtroom 11
Fresno, California

WEDNESDAY

JUNE 24, 2015

2:00 P.M. CHAPTER 11 ADVERSARY PROCEEDINGS

PRE-HEARING DISPOSITIONS

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

MATTERS RESOLVED BEFORE HEARING

If the court has issued a final ruling on a matter and the parties directly affected by a matter have resolved the matter by stipulation or withdrawal of the motion before the hearing, then the moving party shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter to be dropped from calendar notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860.

ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 52(b), 59(e) or 60, as incorporated by Federal Rules of Bankruptcy Procedure, 7052, 9023 and 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [10-12709](#)-A-11 ENNIS COMMERCIAL MOTION TO CERTIFY PLAINTIFF'S
 [12-1033](#) PROPERTIES, LLC LRP-8 MOTION FOR PARTIAL SUMMARY
ENNIS COMMERCIAL PROPERTIES, JUDGMENT ON CLAIM FOR RELIEF
LLC V. NICHOLSON ET AL NO. 1 AS A FINAL JUDGMENT
 6-10-15 [[174](#)]

MICHAEL GOMEZ/Atty. for mv.

Tentative Ruling

Motion: Certifying Order Granting Partial Summary Judgment

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Deny

Order: Civil minute order

Because the Certificate of Service, filed Jun 10, 2015, ECF # 178, filed in support of the motion is incomplete, containing only the third page of the document, the court cannot grant the motion at this time. The court believes the problem occurred when the movant uploaded the image to the docket. If the movant re-uploads the Certificate of Service to the docket prior to the hearing and brings a courtesy copy for the court to the hearing the court will consider the motion.

2. [10-62315](#)-A-11 BEN ENNIS MOTION TO CERTIFY PLAINTIFFS'
 [13-1108](#) LRP-22 MOTION FOR PARTIAL SUMMARY
STAPLETON ET AL V. NICHOLSON JUDGMENT ON CLAIM NO. 1 AS A
ET AL FINAL JUDGMENT
 6-10-15 [[376](#)]

MICHAEL GOMEZ/Atty. for mv.

No tentative ruling.

3. [10-62315](#)-A-11 BEN ENNIS CONTINUED STATUS CONFERENCE RE:
 [15-1006](#) STAPLETON V. HERITAGE OAKS COMPLAINT
BANCORP 1-16-15 [[1](#)]
MICHAEL GOMEZ/Atty. for pl.
CONTINUED TO 8/11/15, ECF
NO. 28

Final Ruling

This matter is continued to August 11, 2015, at 2:00 p.m.

4. [10-62315](#)-A-11 BEN ENNIS
[15-1006](#) KYL-1
STAPLETON V. HERITAGE OAKS
BANCORP
JOSHUA NORTON/Atty. for mv.
CONTINUED TO 8/11/15, ECF
NO. 28

MOTION TO DISMISS ADVERSARY
PROCEEDING/NOTICE OF REMOVAL
3-25-15 [[19](#)]

Final Ruling

This matter is continued to August 11, 2015, at 2:00 p.m.