

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, July 2, 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. [14-12415](#)-B-13 CHRISTOPHER HARNER
DMW-1
MARK HARNER/MV
ROBERT WILLIAMS/Atty. for dbt.
DAVID WISEBLOOD/Atty. for mv.
MARK HARNER VS.
- MOTION FOR RELIEF FROM
AUTOMATIC STAY
6-18-14 [[21](#)]

This matter will be set for a final hearing on July 30, 2014, at 1:30 p.m. The court intends to consolidate this matter for discovery and trial, if necessary, with the moving party's objection to confirmation of the chapter 13 plan. The debtor's opposition to both this motion and to the plan objection shall be filed, with supporting evidence, and served 14 days before the final hearing. The court will prepare a minute order. No appearance is necessary.

2. [11-63317](#)-B-13 STEVEN/TERRY MELLO
LKW-4
- MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTOR'S
ATTORNEY(S).
6-11-14 [[68](#)]
- LEONARD WELSH/Atty. for dbt.

3. [14-10524](#)-B-13 RONALD MANIORD
RSW-1
RONALD MANIORD/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING
- CONTINUED MOTION TO CONFIRM
PLAN
5-2-14 [[24](#)]

4. [13-15726](#)-B-13 KEVIN/KATY CARSON
RSW-2
KEVIN CARSON/MV
ROBERT WILLIAMS/Atty. for dbt.
- MOTION TO CONFIRM PLAN
6-6-14 [[83](#)]

The court intends to deny this motion without prejudice. Based on the court's ruling, denying the debtors' motion to value collateral, filed on June 6, 2014, it appears that the junior lien against the debtors' residence is not properly provided for and that the plan as presented is not feasible. The debtors shall file and serve a confirmable modified plan within 14 days. No appearance is necessary.

5. [13-11529](#)-B-13 MARK/JESSICA HAWLEY
LKW-4
- MOTION FOR COMPENSATION BY THE
LAW OFFICE OF LEONARD K. WELSH
FOR LEONARD K. WELSH, DEBTOR'S
ATTORNEY(S)
5-30-14 [[56](#)]
- LEONARD WELSH/Atty. for dbt.

This matter will be continued to July 30, 2014, at 1:30 p.m., to be called with the motion to modify the confirmed plan and the trustee's objections thereto. The court will prepare a minute order. No appearance is necessary.

6. [14-10635](#)-B-13 JOE/ARLENE VIZCARRA
MHM-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN
5-21-14 [[22](#)]

ROBERT WILLIAMS/Atty. for dbt.

7. [14-11637](#)-B-13 RICHARD WARREN
RSW-1

MOTION TO VALUE COLLATERAL OF
21ST MORTGAGE CORPORATION
6-6-14 [[26](#)]

RICHARD WARREN/MV
ROBERT WILLIAMS/Atty. for dbt.

8. [12-19140](#)-B-13 RICHARD/CALLIANDRA MURRAY
LKW-3

MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTOR'S
ATTORNEY(S).
5-30-14 [[50](#)]

LEONARD WELSH/Atty. for dbt.

This matter will be continued to July 30, 2014, at 1:30 p.m., to be called with the motion to modify the confirmed plan. The application needs to be modified to include an accounting of the applicant's prepetition services which does not otherwise appear in the record. The court will prepare a minute order. No appearance is necessary.

9. [12-60240](#)-B-13 HERBERT/CECILIA JUAREZ
PPR-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-27-14 [[29](#)]

THE BANK OF NEW YORK MELLON/MV
SUSAN SALEHI/Atty. for dbt.
BONNI MANTOVANI/Atty. for mv.
RESPONSIVE PLEADING

The court intends to grant this motion for relief from the automatic stay for cause. The subject debt is not provided for in the confirmed chapter 13 plan. Therefore it appears that the debtors have elected to pay this mortgage outside of the chapter 13 plan and without the protection of the automatic stay. 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. Because the motion involves a foreclosure of real property in California, 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.

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

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

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

12. [14-10782](#)-B-13 CARL/RITA BLACK
MHM-1
MICHAEL MEYER/MV

CONTINUED MOTION TO DISMISS
CASE FOR UNREASONABLE DELAY
THAT IS PREJUDICIAL TO
CREDITORS , 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](#)]

RESPONSIVE PLEADING

13. [12-10987](#)-B-13 DAVID IRVINE
LET-1
NATIONSTAR MORTGAGE, LLC/MV
D. GARDNER/Atty. for dbt.
LAUREN TEW/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-27-14 [[37](#)]

This motion for relief from the automatic stay will be denied as moot. The secured claim relating to this collateral is provided for in Class 4 of the debtor's confirmed chapter 13 plan. Upon confirmation of the chapter 13 plan, the automatic stay was modified for this claim to permit enforcement of the creditor's remedies with regard to the collateral in the event of a default under applicable law. No attorney's fees will be awarded in relation to this motion. No appearance is necessary.

14. [12-14191](#)-B-13 WILLIS/YVONNE STEWART
WDO-5
WILLIS STEWART/MV

WILLIAM OLCOTT/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BANK OF AMERICA/NATIONSTAR
MORTGAGE, LLC
6-5-14 [[84](#)]

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.*

15. [14-13097](#)-B-13 JOAQUIN DE LA CERDA
NES-1
JOAQUIN DE LA CERDA/MV
NEIL SCHWARTZ/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
6-19-14 [[9](#)]

16. [14-13146](#)-B-13 JUAN OLMEDO
RSW-1
JUAN OLMEDO/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
6-24-14 [[8](#)]

2:00 P.M.

1. [14-11725](#)-B-13 ARMANDO RAMIREZ
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
AND/OR MOTION TO DISMISS CASE
6-2-14 [[35](#)]

2. [14-11633](#)-B-13 SANTOS/ELVIRA ORNELAS
MHM-1
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
5-30-14 [[33](#)]

The motion has been withdrawn. No appearance is necessary.

3. [14-11849](#)-B-13 CHERYL ZUZON LOPEZ
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
6-2-14 [[24](#)]

D. GARDNER/Atty. for dbt.

This matter will be continued to July 30, 2014, at 1:30 p.m., to be called with the motion to confirm a modified plan. The court will prepare a minute order. No appearance is necessary.

3:00 P.M.

1. [13-16845](#)-B-7 KEYSTONE MINE MANAGEMENT FINAL HEARING RE: MOTION FOR
DMT-1 II RELIEF FROM AUTOMATIC STAY
JOHN HAGESTAD/MV 3-14-14 [[130](#)]
PHILLIP GILLET/Atty. for dbt.
WILLIAM LOBEL/Atty. for mv.

2. [13-16845](#)-B-7 KEYSTONE MINE MANAGEMENT CONTINUED MOTION TO SELL FREE
KDG-2 II AND CLEAR OF LIENS
VINCENT GORSKI/MV 5-8-14 [[166](#)]
PHILLIP GILLET/Atty. for dbt.
LISA HOLDER/Atty. for mv.

3:30 P.M.

1. [14-10609](#)-B-7 ARYA KHATIBI
 [14-1042](#) PK-1
 BABICH V. KHATIBI
 UNKNOWN TIME OF FILING/Atty. for mv.
 RESPONSIVE PLEADING

MOTION TO DISMISS ADVERSARY
PROCEEDING/NOTICE OF REMOVAL
5-14-14 [[7](#)]