

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable W. Richard Lee**  
**Hearing Date: July 20, 2015**  
**Place: U.S. Courthouse, 510 19<sup>th</sup> 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.

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.	<a href="#"><u>14-15870</u></a> -B-7	JOSE/MAGGIE PEREZ	MOTION FOR ENTRY OF DEFAULT
	<a href="#"><u>15-1039</u></a>	JM-1	JUDGMENT
	FIRST NATIONAL BANK OF OMAHA		5-29-15 [ <a href="#"><u>11</u></a> ]
	V. PEREZ		
	JAMES MACLEOD/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 motion for relief under 11 U.S.C. §523(a)(2)(A) is granted. The well-pled facts and evidence establish that the defendant, Jose Perez, used the plaintiff's credit card and incurred the subject charges under circumstances constituting actual fraud. The plaintiff shall submit a proposed order and judgement. No appearance is necessary.

10:00 A.M.

1. [15-10602](#)-B-7 JAVIER/MARIA PLACENCIA MOTION TO AVOID LIEN OF JOHN C.  
MCN-1 WRIGHT DBA BAKERSFIELD CREDIT  
JAVIER PLACENCIA/MV CONTROL SERVICE  
6-19-15 [[19](#)]  
  
FRANK SAMPLES/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.**

2. [14-16117](#)-B-7 DARRELL MORRIS MOTION FOR RELIEF FROM  
BJG-1 AUTOMATIC STAY  
FREEDOM HOMES REAL ESTATE 6-22-15 [[31](#)]  
IV/MV  
MICHAEL BROWN/Atty. for dbt.  
FRANK LEE/Atty. for mv.  
DISCHARGED

**This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor because his discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee and the bankruptcy estate. The debtor's personal liability for this debt has been discharged. The automatic stay is terminated as it applies to the movant's right to prosecute the state court litigation for purposes of recovering available insurance proceeds only. The proposed order shall specifically describe the property or action to which the order relates. 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.**

3. [13-16845](#)-B-7 KEYSTONE MINE MANAGEMENT CONTINUED MOTION TO COMPROMISE  
KDG-5 II CONTROVERSY/APPROVE SETTLEMENT  
VINCENT GORSKI/MV AGREEMENT WITH BUSH MANAGEMENT  
COMPANY  
4-15-15 [[399](#)]  
  
PHILLIP GILLET/Atty. for dbt.  
LISA HOLDER/Atty. for mv.

4.    [13-16845](#)-B-7    KEYSTONE MINE MANAGEMENT    CONTINUED STATUS CONFERENCE RE:  
      [15-1041](#)                II                                COMPLAINT  
      BUSH MANAGEMENT COMPANY V.                                4-8-15 [[1](#)]  
      GORSKI ET AL  
      JESS BRESSI/Atty. for pl.
  
5.    [15-12446](#)-B-7    RODNEY/MELANIE CLAWSON    MOTION FOR RELIEF FROM  
      ABG-1                                AUTOMATIC STAY  
      KINECTA FEDERAL CREDIT                                6-29-15 [[9](#)]  
      UNION/MV  
      NEIL SCHWARTZ/Atty. for dbt.  
      MARK BLACKMAN/Atty. for mv.
  
6.    [15-10880](#)-B-7    SARA HARB    MOTION TO AVOID LIEN OF L.A.  
      RSW-2                                COMMERCIAL GROUP, INC.  
      SARA HARB/MV                                7-1-15 [[26](#)]  
      ROBERT WILLIAMS/Atty. for dbt.

1:30 P.M.

1. [11-11104](#)-B-13 BRENT/SHELLEY BROWN  
JDF-1  
S&S HOMES OF THE CENTRAL  
COAST, INC./MV  
PHILLIP GILLET/Atty. for dbt.  
JASON FELD/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
6-8-15 [[82](#)]

**This motion for relief from stay was fully noticed in compliance with the Local Rules and the debtors have filed a statement of non-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 prosecute the state court litigation and pursue recovery of available insurance proceeds only. The proposed order shall specifically describe the property or action to which the order relates. 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.**

2. [15-11017](#)-B-13 ODILON/SAURISARET  
PPR-1 PEREZ-FLORES  
BAYVIEW LOAN SERVICING, LLC/MV  
  
PHILLIP MYER/Atty. for dbt.  
CASSANDRA RICHEY/Atty. for mv.

OBJECTION TO CONFIRMATION OF  
PLAN BY BAYVIEW LOAN SERVICING,  
LLC  
6-19-15 [[28](#)]

**This matter will be continued to August 25, 2015, at 1:30 p.m., to be heard with the debtors' motion to confirm the first modified plan. The initial plan to which this objection relates is deemed withdrawn by the filing of a modified plan. However, the modified plan does not appear to resolve the issue raised in the objection - the cramdown value of the creditor's collateral. Accordingly, this objection shall be deemed applicable to the modified plan. The debtors' response to this objection shall be filed and served not later than August 11, 2015. The court will prepare a minute order. No appearance is necessary.**

3. [15-11918](#)-B-13 CARLOS/SARA LAM  
RSW-1  
CARLOS LAM/MV  
  
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
SELECT PORTFOLIO SERVICING,  
INC.  
6-29-15 [[17](#)]

4. [15-11918](#)-B-13 CARLOS/SARA LAM  
RSW-2  
CARLOS LAM/MV  
ROBERT WILLIAMS/Atty. for dbt. MOTION TO VALUE COLLATERAL OF  
AFROUZ NIKMANESH  
6-29-15 [[21](#)]
5. [13-16227](#)-B-13 DAVID/DIANA MITCHELL  
RSW-4  
DAVID MITCHELL/MV  
ROBERT WILLIAMS/Atty. for dbt. MOTION TO AUTHORIZE THE DEBTORS  
TO SIGN A DEED IN LIEU OF  
FORECLOSURE  
7-1-15 [[79](#)]
6. [15-10928](#)-B-13 DAVID FOX  
DMG-3  
DAVID FOX/MV  
D. GARDNER/Atty. for dbt. MOTION TO CONFIRM PLAN  
5-29-15 [[47](#)]
7. [15-10928](#)-B-13 DAVID FOX  
PPR-1  
BANK OF AMERICA, N.A./MV  
D. GARDNER/Atty. for dbt.  
BONNI MANTOVANI/Atty. for mv. OBJECTION TO CONFIRMATION OF  
PLAN BY BANK OF AMERICA, N.A.  
6-15-15 [[54](#)]
8. [15-11828](#)-B-13 ALBERT/LINDA CARTER  
PK-1  
ALBERT CARTER/MV  
PATRICK KAVANAGH/Atty. for dbt. MOTION TO CONFIRM PLAN  
5-29-15 [[27](#)]

**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 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.**

9. [15-11029](#)-B-13 TERRY WHEELER  
PK-1  
TERRY WHEELER/MV  
PATRICK KAVANAGH/Atty. for dbt. CONTINUED MOTION TO CONFIRM  
PLAN  
5-21-15 [[35](#)]

**This matter will be continued to August 25, 2015, at 1:30 p.m. 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 and enter a civil minute order. No appearance is necessary.**

10. [15-11130](#)-B-13 DAVID/MARGARET SANCHEZ MOTION TO DISMISS CAS

MHM-1 6-11-15 [[24](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/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. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown in the pleadings filed in support of the motion, which includes failure to appear and conclude the §341 meeting of creditors. The court will prepare and enter a civil minute order. No appearance is necessary.**

11. [14-15931](#)-B-13 DAVID/ALENE SMITH MOTION TO CONFIRM PLAN  
RSW-2 6-8-15 [[42](#)]  
DAVID SMITH/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter will be continued to August 25, 2015, at 1:30 p.m. 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 and enter a civil minute order. No appearance is necessary.**

12. [11-62742](#)-B-13 JAMES/KATHERINE SEPSEY MOTION TO DISMISS CASE  
MHM-2 5-27-15 [[59](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.

**The chapter 13 trustee's motion to dismiss has been withdrawn. No appearance is necessary.**

13. [15-10462](#)-B-13 CAROLYN MINER MOTION FOR RELIEF FROM  
PPR-1 AUTOMATIC STAY  
U.S. BANK NATIONAL 6-9-15 [[67](#)]  
ASSOCIATION/MV  
HALIE LEONARD/Atty. for mv.  
DISMISSED

**This matter will be dropped from calendar without a disposition. The case was dismissed and the automatic stay terminated by operation of law before this motion was filed. No appearance is necessary.**

14. [15-11763](#)-B-13 SANDRA GARCIA MOTION TO VALUE COLLATERAL OF  
RSW-1 JPMORGAN CHASE BANK, N.A.  
SANDRA GARCIA/MV 7-1-15 [[20](#)]  
ROBERT WILLIAMS/Atty. for dbt.

15. [15-10167](#)-B-13 HENRY/ANNABELLE RUBALCADO MOTION TO DISMISS CASE  
MHM-2 6-11-15 [[37](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
DISMISSED

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.**

16. [13-10669](#)-B-13 KRISTINA PECKHAM CONTINUED ORDER TO SHOW CAUSE -  
FAILURE TO TENDER FEE FOR  
FILING TRANSFER OF CLAIM  
6-15-15 [[40](#)]  
  
CURTIS FLOYD/Atty. for dbt.  
FEE PAID

**The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.**

17. [15-10677](#)-B-13 JOHN KING MOTION TO CONFIRM PLAN  
RSW-2 6-8-15 [[34](#)]  
JOHN KING/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

18. [14-15878](#)-B-13 GORDON/DEBI LAIRD MOTION TO MODIFY PLAN  
RSW-2 6-3-15 [[26](#)]  
GORDON LAIRD/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

19. [15-10581](#)-B-13 ANGEL BELTRAN CONTINUED MOTION TO VALUE  
SJS-3 COLLATERAL OF WELLS FARGO BANK,  
ANGEL BELTRAN/MV N.A.  
5-19-15 [[40](#)]  
  
SUSAN SALEHI/Atty. for dbt.

**This motion will be denied without prejudice. The record does not show that the motion was properly noticed and served in compliance with the courts July 6, 2015, civil minute order.**



20. [11-16485](#)-B-13 MICHAEL MANN  
PK-9

MOTION FOR COMPENSATION FOR  
PATRICK KAVANAGH, DEBTORS  
ATTORNEY(S)  
6-22-15 [[174](#)]

PATRICK KAVANAGH/Atty. for dbt.

21. [15-10985](#)-B-13 CHERYL LOPEZ  
MHM-1  
MICHAEL MEYER/MV  
D. GARDNER/Atty. for dbt.

MOTION TO DISMISS CASE  
6-11-15 [[27](#)]

**The chapter 13 trustee's motion to dismiss has been withdrawn. No appearance is necessary.**

22. [15-11290](#)-B-13 ORLANDO GONZALES  
MHM-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY TRUSTEE  
MICHAEL H. MEYER  
6-10-15 [[21](#)]

ROBERT WILLIAMS/Atty. for dbt.

**The debtor has failed to file a response and has failed to file a modified plan. Accordingly, this objection will be sustained pursuant to the court's civil minute order dated July 2, 2015. Confirmation of the plan will be denied. Unless the debtor appears and requests a hearing and a different ruling, a modified plan shall be filed, served and noticed for hearing within 14 days. The court will prepare and enter a civil minute order.**

23. [14-14098](#)-B-13 DONNA MACNEIL  
PLG-4  
DONNA MACNEIL/MV  
STEVEN ALPERT/Atty. for dbt.  
DISMISSED

MOTION TO MODIFY PLAN  
6-3-15 [[79](#)]

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.**

24. [14-15103](#)-B-13 HAROLD BOWDEN  
RSW-1

MOTION FOR NOTICE OF DEATH AND  
MOTION FOR SUBSTITUTION AS THE  
SUCCESSOR FOR DECEASED DEBTOR  
7-7-15 [[23](#)]

ROBERT WILLIAMS/Atty. for dbt.