

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, August 6, 2014
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. | 09-17721 -B-7 | JAMES/JUDITH SACCHERI | APPLICATION FOR ORDER TO APPEAR |
| | 09-1273 | | FOR EXAMINATION AND ORDER TO |
| | ST. LAWRENCE VALLEY DAIRY V. | | APPEAR FOR EXAMINATION |
| | SACCHERI ET AL | | 7-10-14 [270] |

The matter will be dropped from calendar. The record does not show that the Order to Appear for Examination has been served on the defendant. No appearance is necessary.

2. 14-10461-B-7 JAVIER COLIN CONTINUED MOTION FOR SANCTIONS
EPE-1 FOR VIOLATION OF THE AUTOMATIC
JAVIER COLIN/MV STAY AND/OR MOTION TO IMPOSE
AUTOMATIC STAY
6-24-14 [25]

ERIC ESCAMILLA/Atty. for dbt.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

3. 14-10461-B-7 JAVIER COLIN CONTINUED MOTION FOR
EPE-2 COMPENSATION FOR ERIC P.
JAVIER COLIN/MV ESCAMILLA, DEBTOR'S
ATTORNEY(S).
6-24-14 [30]

ERIC ESCAMILLA/Atty. for dbt.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

4. [14-10770](#)-B-7 LENAI MULL STATUS CONFERENCE RE: AMENDED
[14-1055](#) COMPLAINT
BOARD OF DIRECTORS OF MOTION 7-29-14 [[15](#)]
PICTURE INDUSTRY HEAL V. MULL
SALLY FRONTMAN/Atty. for pl.

5. [14-10770](#)-B-7 LENAI MULL
[14-1055](#) DRJ-1
BOARD OF DIRECTORS OF MOTION
PICTURE INDUSTRY HEAL V. MULL
DAVID JENKINS/Atty. for mv.

MOTION TO DISMISS ADVERSARY
PROCEEDING/NOTICE OF REMOVAL
6-17-14 [[8](#)]

This motion will be denied without prejudice. The plaintiff has filed an amended complaint in response to the court's July 24, 2014, civil minute order. The court will fix a date for a responsive pleading at the continued status conference. No appearance is necessary..

6. [14-11674](#)-B-7 CHEWEETA RICHARDSON
[14-1045](#) TCS-1
RICHARDSON V. MIDLAND FUNDING,
LLC
TIMOTHY SPRINGER/Atty. for mv.
WITHDRAWN

MOTION FOR ENTRY OF DEFAULT
JUDGMENT
6-20-14 [[15](#)]

The motion has been withdrawn. The adversary proceeding has been dismissed

10:00 A.M.

1. [13-15601](#)-B-7 PATRICK JOSEPH MOTION TO SELL
PFT-1 7-3-14 [[14](#)]
PETER FEAR/MV
JEFFREY ROWE/Atty. for dbt.
PETER FEAR/Atty. for mv.

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. [13-15610](#)-B-7 MIROSLAV/CLAUDIA RADONIC MOTION TO SELL
PFT-2 6-27-14 [[28](#)]
PETER FEAR/MV
WILLIAM COLLIER/Atty. for dbt.
PETER FEAR/Atty. for mv.

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.

3. [13-14711](#)-B-7 ALFREDO MANZO MOTION TO SELL
PFT-1 7-8-14 [[14](#)]
PETER FEAR/MV
TIMOTHY SPRINGER/Atty. for dbt.
PETER FEAR/Atty. for mv.

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.

4. [13-15620](#)-B-7 FRANCES GARONE CONTINUED MOTION FOR
JES-4 COMPENSATION ACCOUNTANT(S) .
JAMES SALVEN/MV 5-27-14 [[29](#)]
MARIO LANGONE/Atty. for dbt.

This motion will be dropped from calendar without a disposition. Nothing has been filed in response to the court's July 9, 2014, civil minute order. No appearance is necessary.

5. [13-16923](#)-B-7 ALICIA REYES
JES-1
JAMES SALVEN/MV
GEORGE ALONSO/Atty. for dbt.

MOTION TO SELL
6-27-14 [[16](#)]

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.

6. [10-19825](#)-B-7 FRANCISCO/MARIA PARREIRA
HAR-7

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF MCCORMICK,
BARSTOW, SHEPPARD, WAYTE AND
CARRUTH, LLP FOR HILTON A.
RYDER, TRUSTEE'S ATTORNEY(S).
7-3-14 [[315](#)]

RILEY WALTER/Atty. for dbt.

This motion will be continued to September 10, 2014, at 10:00 a.m., for supplemental evidence. The applicant was employed to serve as the chapter 7 trustee's attorney. The trustee has not yet filed her/his final report. Based on the evidence presented in support of the motion, the court cannot tell if the applicant's services are concluded and cannot evaluate the necessity, reasonableness, and benefit of the applicant's services. No appearance is necessary.

7. [14-12529](#)-B-7 REGINALD REED
JES-1

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
6-20-14 [[20](#)]

THOMAS GILLIS/Atty. for dbt.

8. [14-10439](#)-B-7 DONN GUEST
PFT-3
PETER FEAR/MV
ALBERT GARCIA/Atty. for dbt.
PETER FEAR/Atty. for mv.

MOTION TO SELL
7-3-14 [[41](#)]

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.

9. [14-11551](#)-B-7 FRED/TALONA THURMAN MOTION TO AVOID LIEN OF FIRST
JDR-2 RESOLUTION INVESTMENT
FRED THURMAN/MV CORPORATION
7-8-14 [[25](#)]
JEFFREY ROWE/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.

10. [14-11952](#)-B-7 JOSE OCAMPO AND CARMELA MOTION TO DISMISS CASE
UST-1 DE OCAMPO 7-2-14 [[19](#)]
TRACY DAVIS/MV
ROBERT CERVANTES/Atty. for dbt.
ROBIN TUBESING/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 case will be dismissed. The U.S. Trustee shall submit a proposed order. No appearance is necessary.

11. [12-60054](#)-B-7 DWIGHT/NELLIE LONG MOTION TO SELL FREE AND CLEAR
RHT-13 OF LIENS AND/OR MOTION FOR
ROBERT HAWKINS/MV COMPENSATION FOR GUARANTEE REAL
ESTATE, REALTOR(S).
7-15-14 [[170](#)]
LAYNE HAYDEN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

12. [13-13154](#)-B-7 ALFRED LORONA AND ROSA MOTION TO SELL
PFT-1 BANUELOS 7-8-14 [[24](#)]
PETER FEAR/MV
ADRIAN WILLIAMS/Atty. for dbt.
PETER FEAR/Atty. for mv.

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.

13. [13-14954](#)-B-7 ALBERTO GOMEZ MOTION TO COMPEL
RHT-1 6-27-14 [[17](#)]
ROBERT HAWKINS/MV
PETER BUNTING/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

14. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION TO COMPEL ABANDONMENT
WW-3 GENEVIEVE DE MONTREMARE 7-16-14 [[156](#)]
MICHAEL WEILERT/MV
RILEY WALTER/Atty. for dbt.
15. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION TO AVOID LIEN OF
WW-4 GENEVIEVE DE MONTREMARE PENDRAGON TRUST
MICHAEL WEILERT/MV 7-16-14 [[163](#)]
RILEY WALTER/Atty. for dbt.
16. [14-12756](#)-B-7 YVONNE RODRIGUEZ OPPOSITION RE: TRUSTEE'S MOTION
TMT-1 TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341 (A) MEETING
OF CREDITORS
7-7-14 [[14](#)]
17. [14-13556](#)-B-7 ARTURO/AIDE MEDINA MOTION TO COMPEL ABANDONMENT
MAZ-1 7-18-14 [[11](#)]
ARTURO MEDINA/MV
MARK ZIMMERMAN/Atty. for dbt.
18. [14-11865](#)-B-7 GURDEV/NIRMALJIT GILL MOTION TO EXTEND DEADLINE TO
SAS-1 FILE A COMPLAINT OBJECTING TO
SHERYL STRAIN/MV DISCHARGE OF THE DEBTOR
7-9-14 [[17](#)]
MARTHA PASSALAQUA/Atty. for dbt.
19. [13-16171](#)-B-7 FRANCES PASS OBJECTION TO DEBTOR'S CLAIM OF
TGM-2 EXEMPTIONS
JAMES SALVEN/MV 12-31-13 [[32](#)]
GABRIEL WADDELL/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.
RESPONSIVE PLEADING
20. [13-16171](#)-B-7 FRANCES PASS RESCHEDULED STATUS CONFERENCE
[14-1056](#) RE: COMPLAINT
SALVEN V. GALLI ET AL 5-28-14 [[1](#)]
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING
21. [13-16774](#)-B-7 RICHARD/KRISTAL MCCLURE MOTION TO COMPROMISE
PFT-1 CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH BETTY FITZWATER
7-8-14 [[17](#)]
JESSICA DORN/Atty. for dbt.
PETER FEAR/Atty. for mv.

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.

22. [14-10680](#)-B-7 JOSEPH GONZALEZ
JES-2
JAMES SALVEN/MV
JUSTIN HARRIS/Atty. for dbt.

MOTION TO PAY , AND/OR MOTION
TO SELL
6-26-14 [[24](#)]

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.

23. [13-14987](#)-B-7 PAUL/RUTH BRENES
PFT-1
PETER FEAR/MV

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH FRANKLIN BRENES
7-2-14 [[17](#)]

JEFF REICH/Atty. for dbt.
PETER FEAR/Atty. for mv.

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.

24. [14-11896](#)-B-7 GRISELDA ACEVEDO

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-14-14 [[16](#)]

JANINE ESQUIVEL/Atty. for dbt.
\$30.00 FEE PAID 7/15/14

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

10:30 A.M.

1. [14-11914](#)-B-7 SANH/LAI SIRIVONG
PD-1
NRZ PASS-THROUGH TRUST I, U.S.
BANK NATIONAL ASSOCIATION/MV
GREG BLEVINS/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-7-14 [[17](#)]

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(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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.

2. [14-12834](#)-B-7 ROBERT AGUILAR
MBB-1
BANK OF AMERICA, N.A./MV
CORI JONES/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-8-14 [[12](#)]

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.

3. [14-13040](#)-B-7 WILLIAM/LAUREN VAN WINKLE
JMA-5
FEDERAL HOME LOAN MORTGAGE
CORPORATION/MV
JULIA ADAMS/Atty. for mv.

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
6-27-14 [[23](#)]

4. [14-11065](#)-B-7 STEVEN/CISSY CORBITT
APN-1
WELLS FARGO BANK, N.A./MV
LEONARD WELSH/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-1-14 [[38](#)]

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(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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.

5. [14-12988](#)-B-7 MARGARET CASTILLO
APN-1
SANTANDER CONSUMER USA INC./MV
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-2-14 [[19](#)]

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. [14-11591](#)-B-7 HEATHER HOAGLAND
BHT-1
DEUTSCHE BANK NATIONAL TRUST
COMPANY/MV
PATRICIA CARRILLO/Atty. for dbt.
BRIAN TRAN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-14-14 [[15](#)]

7. [14-11497](#)-B-7 KIMBERLY JONES
RFM-1
U.S. BANK, N.A./MV
RAYMOND MOATS/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-7-14 [[15](#)]

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). 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. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate 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. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

11:00 A.M.

1. [14-12632](#)-B-7 SUSY HARO

REAFFIRMATION AGREEMENT WITH
ALLY FINANCIAL
7-2-14 [[13](#)]

SCOTT LYONS/Atty. for dbt.

The reaffirmation agreement is incomplete and does not meet the requirements of 11 U.S.C. § 524. Part D of the reaffirmation agreement, financial information to support "Debtor's Statement in Support of Reaffirmation Agreement," is blank. In the absence of this financial information, the court is unable to determine whether or not this agreement creates an undue hardship for the debtor. The debtor's attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtor, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. It is therefore not enforceable against the debtors and cannot be approved. *In re Lopez*, 274 B.R. 854, 861-62 (9th Cir. BAP 2002), *aff'd*, 345 F.3d 701 (9th Cir. CA 2003). The hearing will be dropped from calendar. No appearance is necessary. hardship.

2. [14-11997](#)-B-7 ARTURO/MARTHA TORRES

REAFFIRMATION AGREEMENT WITH
WELLS FARGO DEALER SERVICES
7-9-14 [[21](#)]

THOMAS GILLIS/Atty. for dbt.

The reaffirmation agreement is incomplete and does not meet the requirements of 11 U.S.C. § 524. The agreement is not signed by the creditor. It is therefore not enforceable against the debtors and cannot be approved. *In re Lopez*, 274 B.R. 854, 861-62 (9th Cir. BAP 2002), *aff'd*, 345 F.3d 701 (9th Cir. CA 2003). The hearing will be dropped from calendar. No appearance is necessary.