

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, August 8, 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.     [13-10302](#)-B-11   GMC DAIRY FARMS LP  
          LRP-6  
          FARM CREDIT WEST, FLCA/MV  
  
          CHRISTIAN JINKERSON/Atty. for dbt.  
          RENE LASTRETO/Atty. for mv.  
  
CONTINUED MOTION TO APPROVE  
DISCLOSURE STATEMENT FILED BY  
CREDITORS FARM CREDIT WEST,  
FLCA, FARM CREDIT WEST, PCA  
AND/OR MOTION TO APPROVE FORM  
OF BALLOT , MOTION TO APPROVE  
BALLOT TABULATION PROCEDURES ,  
MOTION TO FIX RELATED DEADLINES  
AND PROCEDURES  
4-3-14 [[494](#)]
  
2.     [14-10344](#)-B-12   ANTONIO/LUCIA PARREIRA  
          WW-4  
          ANTONIO PARREIRA/MV  
          RILEY WALTER/Atty. for dbt.  
          RESPONSIVE PLEADING  
  
CONTINUED MOTION TO CONFIRM  
CHAPTER 12 PLAN  
4-3-14 [[71](#)]
  
3.     [13-16954](#)-B-11   MADERA ROOFING, INC.  
  
          ERIC FROMME/Atty. for dbt.  
  
ORDER TO SHOW CAUSE WHY RUTAN &  
TUCKER, LLP SHOULD NOT ACCOUNT  
FOR AND DISGORGEE FEES  
7-8-14 [[434](#)]

4. [13-16954](#)-B-11 MADERA ROOFING, INC.  
BW-1  
R. WINDISCH/MV

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF BREMER WHYTE  
BROWN & O'MEARA FOR R. TODD  
WINDISCH, SPECIAL COUNSEL(S).  
7-9-14 [[438](#)]

ERIC FROMME/Atty. for dbt.

**This matter will be continued to August 28, 2014, at 9:00 a.m., for supplemental information regarding the services performed and the results obtained. The court will prepare a minute order. No appearance is necessary.**

On December 17, 2013, the court authorized the debtor to employ the applicant as special counsel to represent the debtor in various state court litigation involving alleged construction defects and to advise the debtor with regard to insurance coverage. The fee application does not describe the services that were rendered or the results achieved for the debtor. Since the time the applicant was employed the court has entered numerous relief from stay orders relating to the prosecution of state court litigation. The application does not discuss the status of the state court litigation and does not explain why this is a "final" application. The applicant's supplemental information shall be filed and served no later than August 21, 2014.

5. [13-16954](#)-B-11 MADERA ROOFING, INC.  
CRD-1

RESCHEDULED MOTION FOR  
COMPENSATION BY THE LAW OFFICE  
OF RUTAN AND TUCKER, LLP FOR  
CAROLINE R. DJANG, DEBTOR'S  
ATTORNEY(S)  
6-5-14 [[334](#)]

ERIC FROMME/Atty. for dbt.  
RESCHEDULING ORDER 7/8/14,  
RESPONSIVE PLEADING

6. [13-13388](#)-B-11 GEORGE/MARILYN LANTING  
LRP-6  
FARM CREDIT WEST, PCA/MV

CONTINUED MOTION TO APPROVE THE  
DISCLOSURE STATEMENT FILED BY  
CREDITORS FARM CREDIT WEST,  
FLCA, FARM CREDIT WEST, PCA  
AND/OR MOTION TO APPROVE FORM  
OF BALLOT , MOTION TO APPROVE  
BALLOT TABULATION PROCEDURES ,  
MOTION TO FIX RELATED DEADLINES  
AND PROCEDURES  
4-3-14 [[196](#)]

NANCY KLEPAC/Atty. for dbt.  
RENE LASTRETO/Atty. for mv.

10:30 A.M.

1. [12-15547](#)-B-7 DONNA DAVIS STATUS CONFERENCE RE: COMPLAINT  
[14-1057](#) 5-30-14 [[1](#)]  
SALVEN V. THE RONDAVIS  
IRREVOCABLE TRUST ET AL  
ROBERT HAWKINS/Atty. for pl.  
RESPONSIVE PLEADING

**Based on the plaintiff's status report, this matter will be rescheduled to September 10, 2014, at 10:00 a.m., to be called with the compromise motion. The court will prepare a minute order. No appearance is necessary.**

2. [12-15548](#)-B-7 EVERETT DAVIS STATUS CONFERENCE RE: COMPLAINT  
[14-1058](#) 5-30-14 [[1](#)]  
SALVEN V. THE RONDAVIS  
IRREVOCABLE TRUST ET AL  
ROBERT HAWKINS/Atty. for pl.  
RESPONSIVE PLEADING

**Based on the plaintiff's status report, this matter will be rescheduled to September 10, 2014, at 10:00 a.m., to be called with the compromise motion. The court will prepare a minute order. No appearance is necessary.**

3. [11-12668](#)-B-13 ALVINA FISCHER CONTINUED STATUS CONFERENCE RE:  
[13-1139](#) COMPLAINT  
FISCHER V. EVERBANK ET AL 12-31-13 [[1](#)]  
NANCY KLEPAC/Atty. for pl.  
RESPONSIVE PLEADING

**Based on the parties' joint status conference statement the status conference will be dropped from calendar while the parties continue to negotiate a settlement. The status conference in this adversary proceeding has already been continued at the parties' request five times. No further status conference is necessary unless the parties are actually willing to proceed to trial. If no settlement is reached, the status conference may be set back on calendar at the request of either party. At that hearing, the court will set dates for the completion of discovery and a final pretrial conference. The clerk of the court may close the adversary proceeding without notice in 90 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order. No appearance is necessary.**

1:30 P.M.

1. [14-13005](#)-B-13 NADEZHDA DUBINSKAYA ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
7-15-14 [[19](#)]
2. [14-11518](#)-B-13 ROBERTO ROBLES MOTION FOR RELIEF FROM  
JCW-1 AUTOMATIC STAY  
THE BANK OF NEW YORK MELLON/MV 6-27-14 [[49](#)]  
SUSAN HEMB/Atty. for dbt.  
JENNIFER WONG/Atty. for mv.

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.

The motion for §362(d)(4) relief will be granted as well. Based on the evidence presented, the court finds that the transfer of an interest in this property to the debtor without the creditor's consent was part of a scheme to hinder and delay the creditor. The moving party shall submit a proposed order that complies with §362(d)(4)(B).

3. [12-16620](#)-B-13 DARLENE SCOTTI MOTION TO MODIFY PLAN  
TCS-3 6-26-14 [[58](#)]  
DARLENE SCOTTI/MV  
TIMOTHY SPRINGER/Atty. for dbt.

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.

4. [10-61039](#)-B-13 SAN JUANA VASQUEZ  
MHM-1  
MICHAEL MEYER/MV

OBJECTION TO NOTICE OF INTENT  
TO ENTER DISCHARGE BY MICHAEL  
H. MEYER  
6-26-14 [[42](#)]

PETER BUNTING/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 trustee's objection will be sustained without oral argument for cause shown.**

**Based on the court's review of the objection, the debtor's 11 USC §1328 certificate, and the record in the debtor's prior chapter 7 case, the court finds that the debtor is not eligible for a chapter 13 discharge. Accordingly, the case manager may close this case without entering the debtor's discharge. The court will enter a civil minute order. No appearance is necessary.**

5. [12-17145](#)-B-13 DAVID/LISA PINA  
TCS-3  
DAVID PINA/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO MODIFY PLAN  
6-30-14 [[40](#)]

**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.**

6. [13-16846](#)-B-13 THOMAS/LISA CAMDEN  
PLF-1  
THOMAS CAMDEN/MV  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN  
6-19-14 [[25](#)]

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee's opposition has been withdrawn. 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. [14-11361](#)-B-13 DAVID/GLORIA RIVERA  
PLF-1  
DAVID RIVERA/MV  
  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO VALUE  
COLLATERAL OF PREMIER VALLEY  
BANK  
6-3-14 [[32](#)]

**This matter has been resolved by stipulation of the parties and order dated August 5, 2014. No appearance is necessary.**

8. [14-11361](#)-B-13 DAVID/GLORIA RIVERA  
PLF-2  
DAVID RIVERA/MV  
  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO VALUE  
COLLATERAL OF PREMIER VALLEY  
BANK  
6-5-14 [[37](#)]

**This matter has been resolved by stipulation of the parties and order dated August 5, 2014. No appearance is necessary.**

9. [11-10171](#)-B-13 DWAYNE/RENEE KENNEDY  
PLF-2  
DWAYNE KENNEDY/MV  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN  
6-26-14 [[58](#)]

10. [13-13271](#)-B-13 RONALD/ORALIA FLORES  
PBB-1  
RONALD FLORES/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO REFINANCE  
7-16-14 [[39](#)]

11. [13-18074](#)-B-13 PATRICIA SANDOVAL  
RJR-2  
PATRICIA SANDOVAL/MV  
RANDY RISNER/Atty. for dbt.

MOTION TO CONFIRM PLAN  
6-25-14 [[55](#)]

**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.**

12. [13-17279](#)-B-13 RANDY/ROWENA PETERS  
GH-1  
RANDY PETERS/MV  
GARY HUSS/Atty. for dbt.

MOTION TO CONFIRM PLAN  
5-27-14 [[89](#)]

**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.**

13. [13-17279](#)-B-13 RANDY/ROWENA PETERS  
GH-2  
RANDY PETERS/MV  
  
GARY HUSS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
AMERICREDIT FINANCIAL SERVICES,  
INC.  
5-27-14 [[96](#)]

**This motion to value respondent's collateral 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 presented, the respondent's secured claim will be fixed at \$7,764. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.**

14. [11-17380](#)-B-13 ROBERT/DANA ALLEN  
JDR-1  
ROBERT ALLEN/MV  
JEFFREY ROWE/Atty. for dbt.

MOTION TO AVOID LIEN OF WELLS  
FARGO BANK N.A.  
7-10-14 [[33](#)]

**The motion will be continued to August 28, 2014, at 1:30 p.m., for filing of an amended proof of service. The form of the proof of service does not comply with LBR 9014-1(d)(1) and needs to be amended (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)). The court will prepare a minute order. No appearance is necessary.**

15. [13-16981](#)-B-13 SILVIA PADILLA  
MHM-1  
MICHAEL MEYER/MV  
GEORGE LOGAN/Atty. for dbt.  
MICHAEL MEYER/Atty. for mv.  
RESPONSIVE PLEADING

MOTION TO RECONVERT CASE FROM  
CHAPTER 13 TO CHAPTER 7  
7-10-14 [[71](#)]



16. [11-12390](#)-B-13 LINDA FAGUNDES  
SL-3  
LINDA FAGUNDES/MV  
SCOTT LYONS/Atty. for dbt.

MOTION FOR ENTRY OF DISCHARGE  
7-11-14 [[65](#)]

**This motion will be denied without prejudice. The motion does not show cause why the case cannot be administered pursuant to the procedure for closing a chapter 13 case and entry of the discharge as set forth in LBR 5009-1. No appearance is necessary.**

17. [10-19193](#)-B-13 ENRIQUE/SUSANA MEDINA

ORDER TO SHOW CAUSE WHY THOMAS  
O. GILLIS, ESQ. SHOULD NOT BE  
SANCTIONED  
7-11-14 [[55](#)]

THOMAS GILLIS/Atty. for dbt.

18. [13-13398](#)-B-13 LORENZO/CRISPINA GIRON  
BER-1  
BANK OF STOCKTON/MV  
PETER FEAR/Atty. for dbt.  
BRUCE RAMSEY/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
7-3-14 [[63](#)]

**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 debtors' 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.**

19. [14-13573](#)-B-13 GREGORY/HEATHER VITUCCI  
HDN-1  
GREGORY VITUCCI/MV  
HENRY NUNEZ/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY  
7-30-14 [[8](#)]

20. [14-13622](#)-B-13 LORENZO TOVAR  
HDN-1  
LORENZO TOVAR/MV  
HENRY NUNEZ/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY  
7-31-14 [[10](#)]

2:00 P.M.

1. [14-12713](#)-B-13 SUZANNE KAID  
MHM-1  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS  
7-11-14 [[25](#)]

GLEN GATES/Atty. for dbt.

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on September 11, 2014, at 1:30 p.m. No appearance is necessary.

Unless the chapter 13 trustee files a notice of withdrawal of this motion, the debtor(s) responsive pleading, with admissible supporting evidence, shall be filed and served not later than August 28, 2014. At the final hearing, the court will make a ruling based on the evidence presented and, if relevant, judicial notice of the record. If timely opposition is not filed, the matter will be adjudicated by predisposition without oral argument.

2. [14-10684](#)-B-13 NADER SHOKRY  
MHM-2  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
7-16-14 [[62](#)]

RABIN POURNAZARIAN/Atty. for dbt.

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on September 11, 2014, at 1:30 p.m. No appearance is necessary.

Unless the chapter 13 trustee files a notice of withdrawal of this motion, the debtor(s) responsive pleading, with admissible supporting evidence, shall be filed and served not later than August 28, 2014. At the final hearing, the court will make a ruling based on the evidence presented and, if relevant, judicial notice of the record. If timely opposition is not filed, the matter will be adjudicated by predisposition without oral argument.

3. [14-12884](#)-B-13 FREDDIE/CONNIE ARTIAGA  
MHM-1

OBJECTION TO CONFIRMATION OF  
PLAN BY TRUSTEE MICHAEL H.  
MEYER  
7-15-14 [[15](#)]

STEPHEN LABIAK/Atty. for dbt.

This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtors' have filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.