

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Wednesday, August 13, 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.

**Wednesday, August 13, 2014**

- |    |  |  |
|----|--|--|
| 1. | <a href="#"><u>12-17458</u></a> -B-11 SOUTH LAKES DAIRY FARM,<br>KDG-32 A CALIFORNIA GENERAL<br>SOUTH LAKES DAIRY FARM, A<br>CALIFORNIA GENERAL<br>JACOB EATON/Atty. for dbt.                  | MOTION FOR FINAL DECREE AND<br>ORDER CLOSING CASE<br>7-30-14 [ <a href="#"><u>523</u></a> ]  |
| 2. | <a href="#"><u>14-10588</u></a> -B-11 J & D WILSON AND SONS<br>KDG-18 DAIRY<br>J & D WILSON AND SONS DAIRY/MV<br>JACOB EATON/Atty. for dbt.  | MOTION TO ASSUME LEASE OR<br>EXECUTORY CONTRACT<br>7-30-14 [ <a href="#"><u>258</u></a> ]  |
| 3. | <a href="#"><u>13-10302</u></a> -B-11 GMC DAIRY FARMS LP<br>LRP-6<br>FARM CREDIT WEST, FLCA/MV<br><br>CHRISTIAN JINKERSON/Atty. for dbt.<br>RENE LASTRETO/Atty. for mv.<br>RESPONSIVE PLEADING | CONTINUED MOTION TO APPROVE<br>DISCLOSURE STATEMENT FILED BY<br>CREDITORS FARM CREDIT WEST,<br>FLCA, FARM CREDIT WEST, PCA<br>AND/OR MOTION TO APPROVE FORM<br>OF BALLOT , MOTION TO APPROVE<br>BALLOT TABULATION PROCEDURES ,<br>MOTION TO FIX RELATED DEADLINES<br>AND PROCEDURES<br>4-3-14 [ <a href="#"><u>494</u></a> ] |

This matter will be dropped from calendar. The order approving the disclosure statement has been signed and entered. No appearance is necessary.

4. [13-13388](#)-B-11 GEORGE/MARILYN LANTING  
LRP-6  
FARM CREDIT WEST, PCA/MV  
  
NANCY KLEPAC/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 FIXING RELATED  
DEADLINES AND PROCEDURES  
4-3-14 [[196](#)]

This matter will be dropped from calendar. The order approving the disclosure statement has been signed and entered. No appearance is necessary.

**10:00 A.M.**

1. [12-18909](#)-B-7 HARJINDER/JASVIR GILL MOTION TO COMPROMISE  
KDG-11 CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH JUAM MORENO  
7-23-14 [[442](#)]

THOMAS GILLIS/Atty. for dbt.  
LISA HOLDER/Atty. for mv.

2. [14-13227](#)-B-7 DIANA MARTINEZ MOTION FOR DENIAL OF DISCHARGE  
UST-1 OF DEBTOR UNDER 11 U.S.C.  
TRACY DAVIS/MV SECTION 727(A)  
7-14-14 [[14](#)]

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 debtor's discharge will be denied. The U.S. Trustee shall submit a proposed order. No appearance is necessary.**

3. [13-17341](#)-B-7 HOWARD SAGASER MOTION TO EXTEND DEADLINE TO  
LRP-2 FILE A COMPLAINT OBJECTING TO  
PETER CASTLEMAN/MV DISCHARGE OF THE DEBTOR AND/OR  
MOTION TO EXTEND DEADLINE TO  
FILE A COMPLAINT OBJECTING TO  
DISCHARGEABILITY OF A DEBT  
7-30-14 [[433](#)]

HAGOP BEDOYAN/Atty. for dbt.  
CARL GRUMER/Atty. for mv.

4. [13-17341](#)-B-7 HOWARD SAGASER MOTION FOR APPROVAL OF  
WFH-12 STIPULATION  
SHERYL STRAIN/MV 7-29-14 [[428](#)]

HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.

5. [14-12562](#)-B-7 FELIX/ANGELINA GONZALEZ MOTION TO EMPLOY GOULD AUCTION  
TMT-1 & APPRAISAL COMPANY AS  
TRUDI MANFREDO/MV AUCTIONEER, AUTHORIZING SALE OF  
PROPERTY AT PUBLIC AUCTION AND  
AUTHORIZING PAYMENT OF  
AUCTIONEER FEES AND EXPENSES  
7-16-14 [[31](#)]

GARY HUSS/Atty. for dbt.  
TRUDI MANFREDO/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.**

6. [14-12786](#)-B-7 ANTHONY/LORI WILLIAMS  
PBB-1  
ANTHONY WILLIAMS/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT  
7-10-14 [[13](#)]

**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 property listed in the moving papers will be abandoned pursuant to 11 USC § 554(b). Once the abandonment becomes effective, the debtors may not amend their exemptions to apply to other assets. The moving party shall submit a proposed order. No appearance is necessary.**

1. [13-17331](#)-B-7 MICHAEL/SHANNON HADDEN  
JCW-1  
CITIMORTGAGE, INC./MV  
RANDY RISNER/Atty. for dbt.  
JENNIFER WONG/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
7-16-14 [[21](#)]

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 debtors because their discharge has been entered. In addition, the debtors were not served at the address listed for them in the court's docket summary. 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. [14-13274](#)-B-7 PATRICK CRUZAN  
SW-1  
WELLS FARGO BANK N.A./MV  
BENJAMIN SHEIN/Atty. for dbt.  
TORIANA HOLMES/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
7-29-14 [[9](#)]

11:00 A.M.

- |    |                               |                  |  |
|----|-------------------------------|------------------|--|
| 1. | <a href="#">14-12756</a> -B-7 | YVONNE RODRIGUEZ | PRO SE REAFFIRMATION AGREEMENT<br>WITH BMW BANK OF NORTH AMERICA<br>7-24-14 [ <a href="#">19</a> ]                       |
| 2. | <a href="#">14-12968</a> -B-7 | SUSAN HUTCHINS   | PRO SE REAFFIRMATION AGREEMENT<br>WITH FARMERS INSURANCE GROUP<br>FEDERAL CREDIT UNION<br>7-28-14 [ <a href="#">19</a> ] |
| 3. | <a href="#">14-11694</a> -B-7 | DUSTIN OLTESVIG  | REAFFIRMATION AGREEMENT WITH<br>SANTANDER CONSUMER USA INC.<br>7-10-14 [ <a href="#">21</a> ]                            |

ERIC ESCAMILLA/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. 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. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

1:30 P.M.

1. [14-10005](#)-B-13 STEVEN/KATHERINE JANTZ      MOTION TO CONFIRM PLAN  
WJC-8      6-21-14 [[85](#)]  
STEVEN JANTZ/MV  
WILLIAM COLLIER/Atty. for dbt.  
RESPONSIVE PLEADING
2. [14-11321](#)-B-13 RONALD/LEANNA BUYS      OBJECTION TO CLAIM OF INTERNAL  
PBB-3      REVENUE SERVICE, CLAIM NUMBER 4  
RONALD BUYS/MV      6-19-14 [[33](#)]  
PETER BUNTING/Atty. for dbt.  
WITHDRAWN

**The objection has been withdrawn. No appearance is necessary.**

3. [10-16740](#)-B-13 ANTHONY/MARGARET KETNER      MOTION FOR ENTRY OF DISCHARGE  
PBB-2      7-30-14 [[59](#)]  
ANTHONY KETNER/MV  
PETER BUNTING/Atty. for dbt.

**The motion will be denied. The debtors request an order expediting the entry of their discharge but they make no showing why the case cannot be closed and the discharge entered pursuant to Local Rule 5009-1. The debtors did not file their Financial Management Course certificate and weren't even eligible for a discharge until July 28, 2014, just two days before they filed this motion. No appearance is necessary.**

4. [14-12646](#)-B-13 MARIA AZEVEDO      MOTION TO VALUE COLLATERAL OF  
PLG-1      JPMORGAN CHASE BANK, N.A.  
MARIA AZEVEDO/MV      7-11-14 [[15](#)]  
FRANK RUGGIER/Atty. for dbt.

**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.***

5. [13-12058](#)-B-13 KEITH/RUSPONIZA DAVIS MOTION TO MODIFY PLAN  
BCS-2 7-4-14 [[32](#)]  
KEITH DAVIS/MV  
BENJAMIN SHEIN/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.**

6. [13-10770](#)-B-13 ERIC/VERNA KAAI MOTION TO MODIFY PLAN  
EK-6 6-23-14 [[104](#)]  
ERIC KAAI/MV  
ERIC KAAI/Atty. for mv.  
RESPONSIVE PLEADING

7. [13-13271](#)-B-13 RONALD/ORALIA FLORES MOTION TO MODIFY PLAN  
PBB-2 7-3-14 [[32](#)]  
RONALD FLORES/MV  
PETER BUNTING/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.**

8. [14-11975](#)-B-13 MICHAEL TAYLOR OBJECTION TO CLAIM OF CHRISTINE  
GH-1 TAYLOR, CLAIM NUMBER 3  
MICHAEL TAYLOR/MV 6-18-14 [[22](#)]  
GARY HUSS/Atty. for dbt.  
WITHDRAWN

**The objection has been withdrawn. No appearance is necessary.**

9. [14-13575](#)-B-13 ROBERT ZOELLNER MOTION TO EXTEND AUTOMATIC STAY  
EJS-1 7-28-14 [[9](#)]  
ROBERT ZOELLNER/MV  
ERIC SCHWAB/Atty. for dbt.



10. [14-12179](#)-B-13 MYRNA HERNANDEZ  
RR-1  
MYRNA HERNANDEZ/MV  
RANDY RISNER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO HOME MORTGAGE  
7-7-14 [[25](#)]

**The motion will be denied without prejudice. The motion was not served on the respondent in compliance with the request for special notice filed on May 28, 2014. No appearance is necessary.**

2:00 P.M.

1. [14-12702](#)-B-13 GABRIEL/SANDRA AYALA  
MHM-1  
MICHAEL MEYER/MV  
PETER BUNTING/Atty. for dbt.  
WITHDRAWAL
- MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
7-30-14 [[21](#)]

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

2. [14-13005](#)-B-13 NADEZHDA DUBINSKAYA  
MHM-1  
MICHAEL MEYER/MV
- MOTION TO DISMISS CASE  
7-25-14 [[24](#)]

**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. The court will enter a civil minute order.

3. [14-12713](#)-B-13 SUZANNE KAID  
MHM-2  
MICHAEL MEYER/MV  
GLEN GATES/Atty. for dbt.  
WITHDRAWN
- MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
7-30-14 [[43](#)]

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

4. [11-13924](#)-B-13 JOSE AYALA MARTINEZ AND  
MHM-1 MARIA MARTINEZ DE AYALA  
MICHAEL MEYER/MV
- MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
7-15-14 [[83](#)]
- NICHOLAS ANIOTZBEHERE/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter will be continued to August 28, 2014, at 1:30 p.m., to be heard with the debtors' claim objection. The court will prepare a minute order. No appearance is necessary.**

5. [14-12636](#)-B-13 JACQUELYN FARGANO  
MHM-1  
MICHAEL MEYER/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
7-30-14 [[25](#)]

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. The court will enter a civil minute order.

6. [14-12647](#)-B-13 ADAM RAMIREZ AND  
MHM-1 CHRISTINA MENDOZA  
MICHAEL MEYER/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
7-30-14 [[19](#)]

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. The court will enter a civil minute order.

7. [14-12848](#)-B-13 KARNAIL SINGH AND JASMAIL  
MHM-1 KAUR  
MICHAEL MEYER/MV  
ADRIAN WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
7-30-14 [[40](#)]

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. The court will enter a civil minute order.

8. [14-12356](#)-B-13 WAYNE HEAD  
MHM-1  
MICHAEL MEYER/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
7-30-14 [[28](#)]

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. The court will enter a civil minute order.

9. [14-11671](#)-B-13 GLENN BAILES  
MHM-2  
MICHAEL MEYER/MV  
F. GIST/Atty. for dbt.

MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
7-30-14 [[42](#)]

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. The court will enter a civil minute order.

10. [13-17279](#)-B-13 RANDY/ROWENA PETERS  
MHM-1  
MICHAEL MEYER/MV  
GARY HUSS/Atty. for dbt.  
MICHAEL MEYER/Atty. for mv.

MOTION TO DISMISS CASE  
7-30-14 [[100](#)]

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. The court will enter a civil minute order.