

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, August 22, 2013
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 Marlene Medina, 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.

9:00 A.M.

1. [12-17011](#)-B-11 LAWRENCE/CYNTHIA CONTINUED MOTION TO CLOSE
 WW-28 HILARIDES CHAPTER 11 CASE
 LAWRENCE HILARIDES/MV 6-28-13 [[519](#)]
 RILEY WALTER/Atty. for dbt.

Based on the debtors' status report, this matter will be continued to September 12, 2013, at 9:00 a.m. The court will prepare a minute order. No appearance is necessary.

2. [13-12342](#)-B-11 MEHRDAD FAY CONTINUED CHAPTER 11 STATUS
 CONFERENCE
 4-9-13 [[11](#)]

 HAGOP BEDOYAN/Atty. for dbt.

Based on a review of the docket, it does not appear that a status conference is necessary at this time. Accordingly, this matter will be continued to September 26, 2013, at 9:00 a.m., to be called with the disclosure statement hearing. The debtor's monthly operating reports shall be current prior to the continued status conference. The court will prepare a minute order. No appearance is necessary.

3. [13-12342](#)-B-11 MEHRDAD FAY CONTINUED MOTION TO USE CASH
 KDG-4 COLLATERAL AND/OR MOTION FOR
 MEHRDAD FAY/MV ADEQUATE PROTECTION
 7-19-13 [[81](#)]

 HAGOP BEDOYAN/Atty. for dbt.

4. [13-12343](#)-B-11 JIROUDI FAY, LLC CONTINUED CHAPTER 11 STATUS
 CONFERENCE
 4-9-13 [[10](#)]

 PETER FEAR/Atty. for dbt.

Based on a review of the docket, it does not appear that a status conference is necessary at this time. Accordingly, this matter will be continued to September 26, 2013, at 9:00 a.m., to be called with the disclosure statement hearing. The debtor's monthly operating reports shall be current prior to the continued status conference. The court will prepare a minute order. No appearance is necessary.

5. [13-12343](#)-B-11 JIROUDI FAY, LLC MOTION TO USE CASH COLLATERAL
 PLF-3 8-8-13 [[83](#)]
 JIROUDI FAY, LLC/MV
 PETER FEAR/Atty. for dbt.

6. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
RAC-3 A CALIFORNIA GENERAL
RONALD CLIFFORD/MV
MOTION FOR COMPENSATION BY THE
LAW OFFICE OF BLAKELEY AND
BLAKELEY LLP FOR RONALD A.
CLIFFORD, CREDITOR COMM.
ATTY(S),
7-23-13 [[404](#)]

JACOB EATON/Atty. for dbt.

This matter will be continued to September 12, 2013, at 9:00 a.m., to be considered with confirmation of the debtor's chapter 11 plan. The court will prepare a minute order. No appearance is necessary.

7. [12-17370](#)-B-11 JOHN/ELVIRA LOPES
DS-3
RILEY WALTER/MV
MOTION FOR COMPENSATION FOR
SOUSA AND COMPANY,
ACCOUNTANT(S),
8-1-13 [[480](#)]
RILEY WALTER/Atty. for dbt.
8. [12-17370](#)-B-11 JOHN/ELVIRA LOPES
WW-26
RILEY WALTER/MV
MOTION FOR COMPENSATION BY THE
LAW OFFICE OF WALTER AND
WILHELM LAW GROUP FOR RILEY C.
WALTER, DEBTOR'S ATTORNEY(S),
8-1-13 [[486](#)]
RILEY WALTER/Atty. for dbt.
9. [12-17370](#)-B-11 JOHN/ELVIRA LOPES
WW-27
JOHN LOPES/MV
RILEY WALTER/Atty. for dbt.
MOTION FOR FINAL DECREE AND
ORDER CLOSING CASE
8-1-13 [[475](#)]
10. [12-19873](#)-B-11 ROSENDO JAIME AND MARIA
DE JAIME
THOMAS GILLIS/Atty. for dbt.
CONTINUED CHAPTER 11 STATUS
CONFERENCE
12-5-12 [[8](#)]
11. [12-19873](#)-B-11 ROSENDO JAIME AND MARIA
TOG-8 DE JAIME
ROSENDO JAIME/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING
CONTINUED MOTION FOR APPROVAL
OF DISCLOSURE STATEMENT FILED
BY JOINT DEBTOR MARIA LUCINA
MARTINEZ DE JAIME, DEBTOR
ROSENDO JAIME
6-11-13 [[147](#)]

10:30 A.M.

1. [13-12201](#)-B-13 DIANE WILLIAMS
[13-1039](#)
WILLIAMS V. FTL FINANCE
PETER BUNTING/Atty. for pl.
RESPONSIVE PLEADING
- CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
6-20-13 [[17](#)]

Based on the joint status report, it appears this adversary proceeding has been settled. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court will close the adversary proceeding without notice in 60 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.

2. [09-19728](#)-B-9 SIERRA KINGS HEALTH CARE
[13-1069](#) DISTRICT
SIERRA KINGS HEALTH CARE
DISTRICT V. DRISCOLL
RILEY WALTER/Atty. for pl.
ADV. DISMISSED, ADV. CLOSED
7/19/13
- STATUS CONFERENCE RE: COMPLAINT
6-17-13 [[1](#)]

This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed and closed. No appearance is necessary.

3. [12-18845](#)-B-7 TIMOTHY ATMAJIAN
[12-1187](#)
ASHFORD ET AL V. ATMAJIAN,
M.D.
THORNTON DAVIDSON/Atty. for pl.
STATUS CONFERENCE
RESCHEDULED TO 9/26/13 AT
10:30 A.M.
- CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
2-27-13 [[19](#)]

By separate order, this status conference has been rescheduled to September 26, 2013, to allow for service of, and a response to the amended complaint. No appearance is necessary.

4. [11-61965](#)-B-7 G.R. ELLIOTT
[13-1027](#) CONSTRUCTION, INC.
HAWKINS V. JETT ET AL
GABRIEL WADDELL/Atty. for pl.
RESPONSIVE PLEADING
- CONTINUED STATUS CONFERENCE RE:
COMPLAINT
3-21-13 [[1](#)]

5. [13-10281](#)-B-7 JONAH/CASSANDRA ALL
[13-1048](#)
FORD MOTOR CREDIT COMPANY V.
ALL ET AL
AUSTIN NAGEL/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
4-26-13 [[1](#)]

Based on the plaintiff's status report, it appears this adversary proceeding has been settled. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court will close the adversary proceeding without notice in 60 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.

6. [13-10787](#)-B-7 RICHARD CORTEZ
[13-1055](#)
STATE OF CALIFORNIA DEPARTMENT
OF HEALTH CARE SERV V. CORTEZ
JILL BOWERS/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: COMPLAINT
5-17-13 [[1](#)]

1:30 P.M.

1. [13-12300](#)-B-13 PATRICIA TINGLEY
WT-3
PATRICIA TINGLEY/MV
WILLIAM COLLIER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CITIMORTGAGE/CITIBANK
7-6-13 [[42](#)]

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.

2. [13-15300](#)-B-13 VICENTE BORREGO
DRJ-2
VICENTE BORREGO/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
8-2-13 [[8](#)]

3. [10-10810](#)-B-13 DAVID/REBA AHART
TCS-2
DAVID AHART/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO SELL
8-7-13 [[38](#)]

4. [13-13222](#)-B-13 SOCORRO/YOLANDA LEDESMA
KK-1
HSBC MORTGAGE SERVICES,
INC./MV
BENNY BARCO/Atty. for dbt.
KIANA KHAJEH/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR HSBC MORTGAGE
SERVICES, INC.
7-30-13 [[28](#)]

5. [11-63226](#)-B-13 EDWARD SANCHEZ AND EMILIA MOTION TO VALUE COLLATERAL OF
RR-3 MENDONCA WELLS FARGO BANK NV NA
EDWARD SANCHEZ/MV 7-18-13 [[53](#)]
RANDY RISNER/Atty. for dbt.

The motion will be denied without prejudice. No appearance is necessary. The named respondent in the motion is Wells Fargo Bank NV NA. Based on the proof of claim, the holder of this mortgage lien appears to be Wells Fargo Bank NA.

In addition, the motion was filed without admissible supporting evidence as required by Local Rule 9014-1(d) (6) .

6. [13-12533](#)-B-13 SERGIO ALVAREZ CONTINUED OBJECTION TO
PD-1 CONFIRMATION OF PLAN BY
U.S. BANK NATIONAL CREDITOR U.S. BANK NATIONAL
ASSOCIATION/MV ASSOCIATION
6-4-13 [[20](#)]
THOMAS GILLIS/Atty. for dbt.
ROBERT ZAHRADKA/Atty. for mv.

7. [12-11734](#)-B-13 ALBERT HUGHES MOTION TO MODIFY PLAN
PLF-4 7-3-13 [[48](#)]
ALBERT HUGHES/MV
PETER FEAR/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. [13-13634](#)-B-13 RICHARD/TERESA AVINA OBJECTION TO CONFIRMATION OF
MBB-1 PLAN BY FIRST TENNESSEE BANK
FIRST TENNESSEE BANK NATIONAL NATIONAL ASSOCIATION
ASSOCIATION/MV 7-16-13 [[23](#)]
HENRY NUNEZ/Atty. for dbt.
VY PHAM/Atty. for mv.
CASE DISMISSED

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

9. [11-10241](#)-B-13 DAVID/LISA WATSON
NLG-1
FEDERAL NATIONAL MORTGAGE
ASSOCIATION/MV
DAVID JENKINS/Atty. for dbt.
NICHOLE GLOWIN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-16-13 [[105](#)]

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 3 of the debtors' confirmed modified chapter 13 plan. The stay terminated upon confirmation of the modified chapter 13 plan for this claim to permit enforcement of the creditor's remedies with regard to the collateral so long as this case remains in chapter 13. No attorney's fees will be awarded in relation to this motion. No appearance is necessary.

10. [09-14645](#)-B-13 ELAINE DAKESSIAN
GMA-3
ELAINE DAKESSIAN/MV
DAVID ADALIAN/Atty. for dbt.
MOTION WITHDRAWN

MOTION FOR ENTRY OF DISCHARGE
7-11-13 [[102](#)]

The motion has been withdrawn. No appearance is necessary.

11. [13-13245](#)-B-13 IKWINDER KAUR
MHM-2
MICHAEL MEYER/MV
EDDIE RUIZ/Atty. for dbt.
CASE DISMISSED

MOTION TO DISMISS CASE
7-18-13 [[24](#)]

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

12. [13-14053](#)-B-13 ROBERT/GLENDA GREENE
SL-4
ROBERT GREENE/MV
STEPHEN LABIAK/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BENEFICIAL FINANCIAL I INC.
7-18-13 [[33](#)]

The motion will be denied without prejudice. No appearance is necessary. The named respondent in the motion is Beneficial Financial I, Inc. Based on the proof of claim, the holder of this mortgage lien appears to be HSBC Mortgage Services, Inc.

13. [10-19059](#)-B-13 JACOB MARTINEZ
PBB-6
JACOB MARTINEZ/MV
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN
7-18-13 [[75](#)]

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.

14. [10-19359](#)-B-13 PAUL BENSCHINE
PLF-5
PAUL BENSCHINE/MV
PETER FEAR/Atty. for dbt.

MOTION TO MODIFY PLAN
7-8-13 [[83](#)]

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.

15. [09-16262](#)-B-13 MARK/SHELLY SIERDSMA
GMA-4
MARK SIERDSMA/MV
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO MODIFY PLAN
7-12-13 [[92](#)]

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.

16. [13-13963](#)-B-13 SAMUEL HERNANDEZ
JCW-1
DEUTSCHE BANK NATIONAL TRUST
COMPANY/MV
JENNIFER WONG/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
7-29-13 [[28](#)]

17. [13-13963](#)-B-13 SAMUEL HERNANDEZ
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE FOR
FAILURE TO PROVIDE TAX
DOCUMENTS
7-29-13 [[23](#)]

18. [13-13567](#)-B-13 ANA SANTOS
MRG-1
DEUTSCHE BANK NATIONAL TRUST
COMPANY/MV
MICHAEL GONZALES/Atty. for mv.
CASE DISMISSED

OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
6-19-13 [[20](#)]

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

19. [10-13269](#)-B-13 RAUL/VELMA HERRERA
MNE-2
RAUL HERRERA/MV
M. ENMARK/Atty. for dbt.

MOTION TO MODIFY PLAN
7-8-13 [[41](#)]

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.

20. [13-10770](#)-B-13 ERIC/VERNA KAAI
EK-5
ERIC KAAI/MV
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
7-1-13 [[84](#)]

21. [13-13581](#)-B-13 SOCORRO MARTINEZ
PBB-2
SOCORRO MARTINEZ/MV
PETER BUNTING/Atty. for dbt.

MOTION TO AVOID LIEN OF DENNIS
M. WRIGHT
7-19-13 [[22](#)]

This matter 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 moving party shall submit a proposed order. No appearance is necessary.

22. [09-14583](#)-B-13 JOSE/CRYSTAL TREVINO MOTION TO MODIFY PLAN
TCS-2 7-18-13 [[64](#)]
JOSE TREVINO/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.

23. [13-13183](#)-B-13 FRANK/BETTY JOHNSON MOTION TO CONFIRM PLAN
JDW-1 7-12-13 [[18](#)]
FRANK JOHNSON/MV
JOEL WINTER/Atty. for dbt.
CASE DISMISSED

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

24. [13-12986](#)-B-13 GERARDO AGUIRRE CONTINUED OBJECTION TO
RCO-1 TALAMANTES CONFIRMATION OF PLAN BY BANK OF
BANK OF AMERICA, N.A./MV AMERICA, N.A.
6-3-13 [[28](#)]
SCOTT LYONS/Atty. for dbt.
ERICA LOFTIS/Atty. for mv.

25. [13-11089](#)-B-13 EUGENIA HERNANDEZ MOTION TO DISMISS CASE FOR
MHM-1 UNREASONABLE DELAY THAT IS
MICHAEL MEYER/MV PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
7-16-13 [[18](#)]
TIMOTHY SPRINGER/Atty. for dbt.

26. [13-11089](#)-B-13 EUGENIA HERNANDEZ
TCS-1
EUGENIA HERNANDEZ/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CITIFINANCIAL SERVICES, INC.
7-24-13 [[26](#)]

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.

27. [11-16997](#)-B-13 HEATH/MICHELLE NEWTON
DRJ-5
HEATH NEWTON/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO MODIFY PLAN
6-29-13 [[71](#)]

This matter will be continued to September 5, 2013, at 1:30 p.m., for submission of supplemental evidence to show that the requirements of 11 U.S.C. §1325(a) have been satisfied. The court will prepare a minute order. No appearance is necessary.

28. [13-13398](#)-B-13 LORENZO/CRISPINA GIRON
MHM-1
MICHAEL MEYER/MV

PETER FEAR/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
8-6-13 [[21](#)]

29. [13-13398](#)-B-13 LORENZO/CRISPINA GIRON
MHM-2
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.

COUNTER MOTION TO DISMISS
CASE/PROCEEDING
8-6-13 [[21](#)]