

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, October 9, 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 | CONFIRMATION OF PLAN
8-7-14 [596] |
| | CHRISTIAN JINKERSON/Atty. for dbt.
RESPONSIVE PLEADING | | |
| 2. | 13-10302 -B-11 | GMC DAIRY FARMS LP
DS-3
SOUSA AND COMPANY/MV | CONTINUED MOTION FOR
COMPENSATION FOR SOUSA AND
COMPANY, ACCOUNTANT(S).
8-14-14 [605] |
| | CHRISTIAN JINKERSON/Atty. for dbt. | | |
| 3. | 13-10302 -B-11 | GMC DAIRY FARMS LP
RAC-6 | CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF BLAKELEY AND BLAKELEY LLP
FOR RONALD A. CLIFFORD,
CREDITOR COMM. ATY(S).
8-14-14 [610] |
| | CHRISTIAN JINKERSON/Atty. for dbt.
RESPONSIVE PLEADING | | |
| 4. | 13-10302 -B-11 | GMC DAIRY FARMS LP
TCL-4 | CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF TUCKER, CHIU, HEBESHA & WARD
PC FOR CHRISTIAN JINKERSON,
DEBTOR'S ATTORNEY(S).
8-27-14 [615] |
| | CHRISTIAN JINKERSON/Atty. for dbt.
RESPONSIVE PLEADING | | |

5. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA
WW-13
ANTONIO PARREIRA/MV
RILEY WALTER/Atty. for dbt.
RESPONSIVE PLEADING
- OBJECTION TO CLAIM OF A.L.
GILBERT COMPANY, CLAIM NUMBER 1
7-23-14 [[240](#)]

This matter will be continued to October 23, 2014, at 10:30 a.m. This matter is deemed to be a contested matter and will be consolidated for all purposes, including discovery and trial, with adversary proceeding no. 14-1073. Prior to the continued hearing, the parties shall meet and confer, exchange documents, and prepare a joint statement that sets forth with particularity all disputed and undisputed factual and legal issues. Based on the joint statement of issues, the court intends to fix a date for the completion of discovery and issue a trial setting order at the next hearing. The parties may request additional time by stipulation. The court will prepare a minute order. No appearance is necessary.

6. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA
WW-15
GOMEZ BOOKKEEPING AND INCOME
TAX/MV
RILEY WALTER/Atty. for dbt.
- MOTION FOR COMPENSATION FOR
GOMEZ BOOKKEEPING AND INCOME
TAX, ACCOUNTANT(S).
9-11-14 [[286](#)]

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.

7. [13-16954](#)-B-11 MADERA ROOFING, INC.

ERIC FROMME/Atty. for dbt.
- CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
10-25-13 [[1](#)]

Based on the status reports filed in preparation for this case management conference, and the court's review of the docket, it does not appear that case management conferences are serving a useful function at this time. Accordingly, the case management conference will be dropped from calendar and may be reset in the future if necessary. No appearance is necessary.

8. [13-16954](#)-B-11 MADERA ROOFING, INC.
GC-3
GABRIELSON & COMPANY/MV

ERIC FROMME/Atty. for dbt.
- MOTION FOR COMPENSATION FOR
GABRIELSON AND COMPANY,
ACCOUNTANT(S).
9-11-14 [[578](#)]

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. [13-16954](#)-B-11 MADERA ROOFING, INC.
WW-18

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF WALTER AND
WILHELM LAW GROUP FOR RILEY C.
WALTER, TRUSTEE'S ATTORNEY(S).
9-11-14 [[565](#)]

ERIC FROMME/Atty. for dbt.

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.

10. [13-16954](#)-B-11 MADERA ROOFING, INC.
WW-19
JAMES LOWE/MV

MOTION FOR COMPENSATION FOR
JAMES S. LOWE, CHAPTER 11
TRUSTEE(S).
9-11-14 [[572](#)]

ERIC FROMME/Atty. for dbt.
RILEY WALTER/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.

11. [13-13388](#)-B-11 GEORGE/MARILYN LANTING
LRP-7
NANCY KLEPAC/Atty. for dbt.

CONFIRMATION OF PLAN
8-7-14 [[301](#)]

10:30 A.M.

1. [14-13559](#)-B-7 EDWIN RUIZ STATUS CONFERENCE RE: COMPLAINT
[14-1084](#) 8-13-14 [[1](#)]
RUIZ V. KEYBANK NATIONAL
ASSOCIATION
JANINE ESQUIVEL/Atty. for pl.
RESPONSIVE PLEADING

11:00 A.M.

1.	<u>13-14026</u> -B-7	R & S DENTAL STUDIO,	FINAL PRE-TRIAL HEARING RE:
	<u>14-1040</u>	INC.	AMENDED COMPLAINT
		PARKER V. JACKSON, D.D.S	6-19-14 [<u>7</u>]
		TRUDI MANFREDO/Atty. for pl.	
		RESPONSIVE PLEADING	

This matter will be dropped from calendar. The parties have entered into a stipulated judgment and there is nothing left to adjudicate. No appearance is necessary.

1:30 P.M.

1. [11-10116](#)-B-13 GERARDO HERNANDEZ
HDN-6
GERARDO HERNANDEZ/MV
HENRY NUNEZ/Atty. for dbt. CONTINUED OBJECTION TO NOTICE
OF MORTGAGE PAYMENT CHANGE
7-11-14 [[88](#)]
2. [11-10116](#)-B-13 GERARDO HERNANDEZ
HDN-7
GERARDO HERNANDEZ/MV
HENRY NUNEZ/Atty. for dbt. CONTINUED HEARING RE: MOTION TO
MODIFY PLAN
7-11-14 [[92](#)]
RESPONSIVE PLEADING
3. [09-62220](#)-B-13 EDWIN/MARIZEN PROTACIO
MNE-1
EDWIN PROTACIO/MV
M. ENMARK/Atty. for dbt. MOTION TO MODIFY PLAN
J. JARRETT/Atty. for mv. 8-28-14 [[97](#)]
RESPONSIVE PLEADING
4. [13-14721](#)-B-13 MICHAEL/ASHLEY RUIZ
PBB-1
MICHAEL RUIZ/MV
PETER BUNTING/Atty. for dbt. MOTION TO MODIFY PLAN
9-3-14 [[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(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.

5. [14-14123](#)-B-13 PETER OCHOA AND BEATRICE
OLIVARES
RANDY RISNER/Atty. for dbt. ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-22-14 [[18](#)]

6. [14-11928](#)-B-13 RICHARD KELLY
MHM-1

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
9-9-14 [[57](#)]

MARK ZIMMERMAN/Atty. for dbt.

This objection to confirmation was noticed as a preliminary hearing. The objection will be continued and set for a final hearing on November 13, 2014, at 1:30 p.m. Unless this case is voluntarily converted to chapter 7 or dismissed or the objection has been withdrawn, the debtor shall file and serve a written response not later than October 30, 2012. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than November 6, 2014. If the debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated and confirmation will be denied without a further hearing. The court will prepare a civil minute order.

7. [14-14230](#)-B-13 LARRY/MARIE BARTON
HTP-1
UNITED SECURITY BANK/MV
PETER BUNTING/Atty. for dbt.
HANNO POWELL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-23-14 [[16](#)]

8. [10-63931](#)-B-13 HECTOR/MARIA MEDRANO
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
9-5-14 [[40](#)]

THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

Based on the debtors' response and a review of the record, the motion will be denied without prejudice. If the debtors' modified plan is not confirmed to cure the default, the trustee may renew the motion or exercise his remedies under LBR 3015-1(g). No appearance is necessary.

9. [14-12634](#)-B-13 ALVARO PACHECO
TOG-1
ALVARO PACHECO/MV
THOMAS GILLIS/Atty. for dbt.
WITHDRAWN

CONTINUED MOTION TO VALUE
COLLATERAL OF UNION BANK, N.A.
7-28-14 [[21](#)]

The motion has been withdrawn. No appearance is necessary.

10. [14-13039](#)-B-13 JENNIFER HATFIELD
MAZ-1
JENNIFER HATFIELD/MV
MARK ZIMMERMAN/Atty. for dbt.

CONTINUED MOTION TO VALUE
COLLATERAL OF BEST BUY
8-5-14 [[20](#)]

The motion will be denied without prejudice. Based on the supplemental response it appears that the holder of this secured claim is Best Buy Credit Services. Best Buy Credit Services was not named as a respondent on the motion. In addition, the record does not establish that the motion was served on Best Buy Credit Services in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idas/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

11. [14-13346](#)-B-13 RICARDO GUTIERREZ
EPE-1 CONTRERAS AND ROSA
RICARDO GUTIERREZ CONTRERAS/MV
ERIC ESCAMILLA/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BANK OF AMERICA, N.A.
8-28-14 [[20](#)]

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.*

12. [14-13346](#)-B-13 RICARDO GUTIERREZ
EPE-2 CONTRERAS AND ROSA

MOTION FOR COMPENSATION FOR
ERIC P. ESCAMILLA, DEBTOR'S
ATTORNEY(S).
9-4-14 [[25](#)]

ERIC ESCAMILLA/Atty. for dbt.

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 applicant's fee will be approved as a no-look fee pursuant to Local Rule 2016-1(e). The moving party shall submit a proposed order. No appearance is necessary.

13. [14-13448](#)-B-13 THEODORE/SHARRON
APN-1 SCHILDKNECHT
WELLS FARGO BANK, N.A./MV
MARK ZIMMERMAN/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv. OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK, N.A.
9-9-14 [[29](#)]

This matter will be continued to November 13, 2014, at 1:30 p.m. This objection will be deemed to apply to the 1st modified chapter 13 plan set for confirmation at that time. The debtors' response shall be filed and served not later than October 30, 2014. The court will prepare a minute order. No appearance is necessary

14. [14-14155](#)-B-13 LILIANA MENDEZ ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-23-14 [[15](#)]

15. [14-13660](#)-B-13 SIMON/NAREE THONG
MHM-1

PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
9-9-14 [[29](#)]

The trustee's objection has been withdrawn. No appearance is necessary.

16. [14-13660](#)-B-13 SIMON/NAREE THONG
MHM-2
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
9-9-14 [[32](#)]

The trustee's objection has been withdrawn. No appearance is necessary.

17. [14-13660](#)-B-13 SIMON/NAREE THONG
PBB-2
SIMON THONG/MV

PETER BUNTING/Atty. for dbt. MOTION TO VALUE COLLATERAL OF
WELLS FARGO FINANCIAL NATIONAL
BANK
8-29-14 [[23](#)]

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 \$ 750. 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.

18. [13-14061](#)-B-13 JUSTIN/TEDRA DENNIS
TCS-2
JUSTIN DENNIS/MV
TIMOTHY SPRINGER/Atty. for dbt. MOTION TO INCUR DEBT
9-23-14 [[30](#)]
19. [13-10770](#)-B-13 ERIC/VERNA KAAI
EK-7
ERIC KAAI/MV
ERIC KAAI/Atty. for mv.
RESPONSIVE PLEADING MOTION TO MODIFY PLAN
8-15-14 [[112](#)]
20. [14-12872](#)-B-13 JOE MOYA
[14-1083](#)
MOYA V. MOYA, SR.
HAGOP BEDOYAN/Atty. for pl.
RESPONSIVE PLEADING STATUS CONFERENCE RE: COMPLAINT
8-11-14 [[1](#)]

This matter has been rescheduled by stipulation and order to November 6, 2014, at 10:30 a.m. No appearance is necessary.

21. [14-12872](#)-B-13 JOE MOYA
JRL-1
JOE MOYA/MV
JERRY LOWE/Atty. for dbt.
WITHDRAWN MOTION TO CONFIRM PLAN
8-27-14 [[33](#)]

The motion has been withdrawn. No appearance is necessary.

22. [14-13573](#)-B-13 GREGORY/HEATHER VITUCCI
SALADINO'S, INC./MV
HENRY NUNEZ/Atty. for dbt.
MICHAEL WILHELM/Atty. for mv. OBJECTION TO CONFIRMATION OF
PLAN BY SALADINO'S, INC.
9-9-14 [[33](#)]

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.

23. [09-17876](#)-B-13 LAWRENCE/WINIFRED ROLDAN
PLG-2
LAWRENCE ROLDAN/MV

MOTION FOR ENTRY OF DISCHARGE
AND/OR MOTION FOR WAIVER OF
JOINT DEBTOR'S REQUIREMENT TO
COMPLETE DEBTOR'S 1328
CERTIFICATE AND CERTIFICATE OF
CHAPTER 13 DEBTOR REGARDING 522
EXEMPTIONS
9-10-14 [[51](#)]

STEVEN ALPERT/Atty. for dbt.
RESPONSIVE PLEADING

The debtor's motion for entry of discharge and for waiver of the §1328 certificate for the deceased co-debtor was fully noticed in compliance with the Local Rules. Based on a review of the motion and the debtor's reply to the trustee's opposition, the debtor's motion will be granted in part and denied in part. With regard to the request to waive the co-debtor's requirement to file EDC 3-190 and EDC 3-191, the motion will be granted without oral argument for cause shown. The motion for early entry of discharge will be denied. The moving party shall submit a proposed order. No appearance is necessary.

24. [14-12179](#)-B-13 MYRNA HERNANDEZ

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-5-14 [[31](#)]

RANDY RISNER/Atty. for dbt.

This matter will be dropped from calendar. The OSC will be dismissed. The court finds the \$1 payment default to be *de minimis* and it will be waived. No appearance is necessary.

25. [14-13286](#)-B-13 OSCAR GARCIA
MHM-1

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
9-9-14 [[25](#)]

THOMAS GILLIS/Atty. for dbt.

This objection to confirmation was noticed as a preliminary hearing. The objection will be continued and set for a final hearing on November 13, 2014, at 1:30 p.m. Unless this case is voluntarily converted to chapter 7 or dismissed or the objection has been withdrawn, the debtor shall file and serve a written response not later than October 30, 2012. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than November 6, 2014. If the debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated and confirmation will be denied without a further hearing. The court will prepare a civil minute order.

26. [14-13987](#)-B-13 PHILLIP MORELAND
PBB-1
PHILLIP MORELAND/MV
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
USAA FEDERAL SAVINGS BANK
8-29-14 [[18](#)]

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 \$5,900. 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.

27. [11-18795](#)-B-13 ISABEL DIAZ
MB-2
ISABEL DIAZ/MV
MICHAEL BENAVIDES/Atty. for dbt.
RESPONSIVE PLEADING

MOTION FOR ENTRY OF DISCHARGE
9-9-14 [[40](#)]

This motion will be denied without prejudice. The trustee has filed his final report. The motion does not show cause for immediate entry of the discharge. The case will be closed and the discharge will be entered pursuant to Local Rule 5009-1. No appearance is necessary.

28. [11-18796](#)-B-13 JOEL LOPEZ AND MARIA DIAZ
MB-2
JOEL LOPEZ/MV
MICHAEL BENAVIDES/Atty. for dbt.
RESPONSIVE PLEADING

MOTION FOR ENTRY OF DISCHARGE
9-9-14 [[31](#)]

This motion will be denied without prejudice. The trustee has filed his notice of completed plan payments, but has not yet filed his final report. The motion does not show cause for immediate entry of the discharge. The case will be closed and the discharge will be entered pursuant to Local Rule 5009-1. No appearance is necessary.

29. [14-14593](#)-B-13 WAYNE HEAD
DRJ-2
WAYNE HEAD/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
9-29-14 [[10](#)]

30. [14-14537](#)-A-13 DENNIS/LASHANE WILLIAMS
RSW-1
DENNIS WILLIAMS/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
10-1-14 [[10](#)]