

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Wednesday, October 16, 2019  
Place: Department B – Courtroom #13  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

**THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS 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.**

**9:30 AM**

1. [19-13425](#)-B-7     **IN RE: JESSE CANALES**  
[GK-2](#)

MOTION TO DISMISS CASE  
9-17-2019    [\[35\]](#)

38SDJV HOLDINGS, LLC/MV  
JOSEPH WEST  
MILES GRANT/ATTY. FOR MV.

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to October 22, 2019 at 9:30 a.m.

ORDER:                The court will issue an order.

This matter is continued to October 22, 2019 at 9:30 a.m. to be heard in conjunction with the continued motion for relief from stay. GK-4, see doc. #60.

2. [18-10133](#)-B-7     **IN RE: JESSE/SHERRI SHIELDS**  
[JES-3](#)

MOTION FOR COMPENSATION FOR JAMES E. SALVEN, ACCOUNTANT(S)  
9-17-2019    [\[89\]](#)

JAMES SALVEN/MV  
SCOTT LYONS

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Granted.

ORDER:                The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not

materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED. Trustee's accountant, James E. Salven, requests fees of \$1,175.00 and costs of \$313.25 for a total of \$1,428.25 for services rendered from August 29, 2019 through September 17, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Inputting data in to system, (2) Processing and reviewing returns, (3) Processing tax clearance letters, and (4) Preparing and filing the fee application. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$1,175.00 in fees and \$313.25 in costs.

3. [17-13947](#)-B-7     **IN RE: EDWIN CATUIRA**  
[FW-3](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT  
WITH DEBTOR EDWIN CATUIRA  
9-25-2019    [\[40\]](#)

JAMES SALVEN/MV  
LAYNE HAYDEN  
PETER FEAR/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                 Granted.

ORDER:                         The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. It appears from the moving papers that the chapter 7 trustee ("Trustee") has considered the standards of In re Woodson, 839 F.2d 610, 620 (9th Cir. 1987) and In re A & C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986):

- a. the probability of success in the litigation;
- b. the difficulties, if any, to be encountered in the matter of collection;
- c. the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; and
- d. the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

Accordingly, it appears that the compromise pursuant to Federal Rule of Bankruptcy Procedure 9019 is a reasonable exercise of the Trustee's business judgment. The order should be limited to the claims compromised as described in the motion.

Trustee requests approval of a settlement agreement between the estate and debtor with regards to a California Superior Court case ("Lawsuit") debtor initiated against Kaiser Foundation Hospitals based on pre-petition events. Doc. #40.

Under the terms of the compromise, Trustee will abandon any interest of the estate in the Lawsuit and will file a motion seeking approval of such abandonment, and will withdraw the objection to the claimed exemptions; debtor will continue to prosecute the lawsuit, and; any proceeds from the lawsuit will be divided in the following manner: from the gross recovery, lawsuit expenses will be deducted first, but shall not exceed 35% of the gross recovery, and after deducting expenses, the net amount on the first \$300,000.00 of the gross recovery will be split 65% to the debtor and 35% to the trustee, and in the event the gross recovery exceeds \$300,000.00, the net amount on that portion of the gross recovery in excess of \$300,000.00 will be split equally between the debtor and Trustee. There are other terms as well: Trustee withdraws the exemption objection and debtor is to periodically report the lawsuit's progress to trustee, and remedies if the agreement is breached.

On a motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Fed. R. Bankr. P. 9019. Approval of a compromise must be based upon considerations of fairness and equity. In re A & C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986). The court must consider and balance four factors: 1) the probability of success in the litigation; 2) the difficulties, if any, to be encountered in the matter of collection; 3) the complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and 4) the paramount interest of the creditors with a proper deference to their reasonable views. In re Woodson, 839 F.2d 610, 620 (9th Cir. 1988).

The court concludes that the Woodson factors balance in favor of approving the compromise. That is: the probability of success is never assured, but Trustee was confident that he would have succeeded in challenging the claimed exemptions; Trustee did not believe that collection would be an issue, but the settlement here

removes the risk of losing the lawsuit and increasing administrative expenses; the litigation seemed complex and moving forward would decrease the net to the estate due to the legal fees; and the creditors will greatly benefit from the net to the estate, that would otherwise not exist; the settlement is equitable and fair.

Therefore, the court concludes the compromise to be in the best interests of the creditors and the estate. The court may give weight to the opinions of the trustee, the parties, and their attorneys. In re Blair, 538 F.2d 849, 851 (9th Cir. 1976). Furthermore, the law favors compromise and not litigation for its own sake. Id. Accordingly, the motion will be granted.

This ruling is not authorizing the payment of any fees or costs associated with the litigation.

4. [19-12754](#)-B-7      **IN RE: SUPER TRUCK LINES INC.**  
[MAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
9-19-2019    [\[180\]](#)

DE LAGE LANDEN FINANCIAL SERVICES, INC./MV  
THOMAS HOGAN  
MARK SERLIN/ATTY. FOR MV.

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Denied without prejudice.

ORDER:              The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

The notice did not contain the language required under LBR 9014-1(d)(3)(B)(iii). LBR 9014-1(d)(3)(B), which is about noticing requirements, requires movants to notify respondents that they can determine whether the matter has been resolved without oral argument or if the court has issued a tentative ruling by checking the Court's website at [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov) after 4:00 p.m. the day before the hearing.

5. [18-14955](#)-B-7     **IN RE: ROBERT/LINDA BRENNER**  
[JES-2](#)

MOTION FOR COMPENSATION FOR JAMES E. SALVEN, ACCOUNTANT(S)  
9-17-2019    [\[52\]](#)

JAMES SALVEN/MV  
SCOTT LYONS

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in  
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED. Trustee's accountant, James E. Salven, requests fees of \$1,525.00 and costs of \$476.23 for a total of \$2,001.23 for services rendered from July 30, 2019 through September 17, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Inputting data in to system for both debtors, (2) Processing and reviewing returns, (3) Processing tax clearance letters, and (4) Preparing and filing the fee application. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$1,525.00 in fees and \$476.23 in costs.

6. [19-13687](#)-B-7      **IN RE: ANGELICA GOMEZ**  
[EAT-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
9-27-2019    [\[25\]](#)

WELLS FARGO BANK, NATIONAL ASSOCIATION/MV  
EDWARD TREDER/ATTY. FOR MV.  
DISMISSED 09/16/2019

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted.

ORDER:                        The minutes of the hearing will be the court's  
findings and conclusions. The Moving Party  
will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

The movant, Wells Fargo Bank, National Association, as trustee for securitized asset backed receivables LLC trust 2006-OP1, Mortgage Pass-through certificates, series 2006-OP1 ("Movant"), seeks retroactive relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to real property commonly known as 731 N Bonnie Peach Pl, 1 & 2 in Los Angeles, CA 90063 ("Property"). Doc. #25.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

The Ninth Circuit Court of Appeals has warned that retroactive relief should only be "applied in extreme circumstances." In re Aheong, 276 B.R. 233, 250 (B.A.P. 9th Cir. 2002) (citations omitted). In In re Fjeldsted, 293 B.R. 12, 24-25 (B.A.P. 9th Cir. 2003), the court outlined factors for a court to consider when deciding a motion to annul the automatic stay: the number of bankruptcy filings by the debtor; whether, in a repeat filing case, the circumstances indicate an intent to delay and hinder creditors; the extent of any prejudice, including to a bona fide purchaser; the debtor's overall good faith; the debtor's compliance with the Code; the relative ease of restoring the parties to the *status quo ante*; how quickly the creditor moved for annulment; and how quickly the debtor moved to set aside the sale; whether creditors proceeded to take steps in continued violation of the stay, or whether they moved expeditiously to gain relief; whether annulment of the stay will cause irreparable injury to the debtor; and whether stay relief will

promote judicial economy or other efficiencies. One factor alone may be dispositive. Id. at 25.

In June 2005, the original borrowers Jose Quezada and Daisy Quezada ("Borrowers") executed a promissory note in the original sum of \$300,000.00 in favor of Option One Mortgage Corporation. Doc. #29. The promissory note is secured by a mortgage or deed of trust on the Property. Id. The deed of trust has been assigned to Movant. Id. Borrowers eventually defaulted under the promissory note and nonjudicial foreclosure proceedings commenced. After several notices of trustee's sales were recorded, postponed, and canceled, a trustee sale was completed on August 30, 2019. Id. This bankruptcy case was filed on August 28, 2019. Doc. #1. Debtor purportedly gained an interest in the Property by way of grant deed executed by Borrowers on August 26, 2019. Doc. #29. Movant did not receive notice until the day of the sale and did not review the notice until after the sale ended at approximately 11:24 a.m. Id.

After review of the included evidence, the court finds that "cause" exists to lift the stay because debtor has failed to make at least seven post-petition payments. The movant has produced evidence that debtor is delinquent at least \$10,192.70. Doc. #67, 68.

The court finds that the *Fjeldsted* factors weigh in favor of the creditor. This is the second bankruptcy case affecting this property, and both cases have been dismissed shortly after filing. There would be prejudice to a bona fide purchaser because the creditor actually sold the Property. Doc. #38. It would not be easy to restore the parties to the *status quo ante* because creditor has already sold the property to a third party. *Id.* Movant did not take further steps to violate the stay, annulment will not cause irreparable injury to the debtor, and stay relief will promote judicial economy.

Therefore, the court finds that "cause" exists to retroactively annul the automatic stay under 11 U.S.C. § 362(d)(1). This motion is GRANTED.

The order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5.



7. [19-12292](#)-B-7      **IN RE: PATRICIA GUZMAN**  
[DRJ-1](#)

MOTION TO AVOID LIEN OF CITIBANK, NA  
9-13-2019    [\[17\]](#)

PATRICIA GUZMAN/MV  
DAVID JENKINS

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Granted.

ORDER:              The Moving Party shall submit a proposed order in  
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. In order to avoid a lien under 11 U.S.C. § 522(f)(1) the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (9th Cir. BAP 2003), quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), aff'd 24 F.3d 247 (9th Cir. 1994).

A judgment was entered against the debtor in favor of Citibank, N.A. in the sum of \$8,183.09 on September 28, 2018. Doc. #20. The abstract of judgment was recorded with Fresno County on November 29, 2018. Id. That lien attached to the debtor's interest in a residential real property in Fresno, CA. The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of \$116,175.00 as of the petition date. Doc. #1. The unavoidable liens totaled \$49,521.00 on that same date, consisting of a first deed of trust in favor of Wells Fargo

Home Mortgage. Id. The debtor claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730(a)(2) in the amount of \$100,000.00. Id.

Movant has established the four elements necessary to avoid a lien under § 522(f)(1). After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

8. [19-12997](#)-B-7      **IN RE: VIRGINIA REYES**  
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
9-12-2019    [\[22\]](#)

JPMORGAN CHASE BANK, N.A./MV  
JANINE ESQUIVEL OJI  
WENDY LOCKE/ATTY. FOR MV.

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Denied as moot.

ORDER:              The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion relates to an executory contract or lease of personal property. The case was filed on July 15, 2019 and the lease was not assumed by the chapter 7 trustee within the time prescribed in 11 U.S.C. § 365(d)(1). Pursuant to § 365 (p)(1), the leased property is no longer property of the estate and the automatic stay under § 362(a) 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 other relief is granted.

11:00 AM

1. [19-13127](#)-B-7     **IN RE: JUSTIN WRIGHT**

REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT CORPORATION  
9-17-2019    [[17](#)]

MARK ZIMMERMAN

FINAL RULING:                    There will be no hearing on this matter.

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the reaffirmation agreement.  
Doc. #20.

2. [19-13632](#)-B-7     **IN RE: GARY/RAMONA SIMONIAN**

REAFFIRMATION AGREEMENT WITH FORD MOTOR CREDIT COMPANY  
9-19-2019    [[13](#)]

PETER FEAR

FINAL RULING:                    There will be no hearing on this matter.

DISPOSITION:                    Denied.

ORDER:                            The court will issue an order.

Debtors' counsel will inform debtors that no appearance is  
necessary.

Both the reaffirmation agreement and the bankruptcy schedules show  
that reaffirmation of this debt creates a presumption of undue  
hardship which has not been rebutted in the reaffirmation agreement.  
Although the debtors' attorney executed the agreement, the attorney  
could not affirm that, (a) the agreement was not a hardship and, (b)  
the debtor would be able to make the payments.

3. [19-13044](#)-B-7     **IN RE: SANDRA PAREDES**

PRO SE REAFFIRMATION AGREEMENT WITH ALLY BANK  
9-26-2019    [[16](#)]

NO RULING.

4. [19-12556](#)-B-7      **IN RE: KATHERINE REDDICK**

REAFFIRMATION AGREEMENT WITH USAA FEDERAL SAVINGS BANK  
9-11-2019    [\[17\]](#)

GEORGE ALONSO

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Denied.

ORDER:              The court will issue an order.

Debtor's counsel will inform debtor that no appearance is necessary.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Debtor has listed a decrease in monthly expenses without giving the court any evidence of how those expenses have been lowered. Although the debtor's attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtor would be able to make the payments.

1:30 PM

1. [19-12934](#)-B-13     **IN RE: SYLVIA NICOLE**  
[19-1096](#)

STATUS CONFERENCE RE: COMPLAINT  
8-16-2019    [\[1\]](#)

NICOLE V. WRIGHT FINLAY AND ZAK, LLP ET AL  
SYLVIA NICOLE/ATTY. FOR PL.

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Dropped from calendar.

ORDER:                The court will issue the order.

The main case was dismissed on September 30, 2019. The adversary proceeding has not been served, according to the docket. Also, the complaint alleges claims arising from foreclosure of property plaintiff purportedly owns in Las Vegas, Nevada. The court discerns no basis to continue to assert jurisdiction over this adversary proceeding under 28 U.S.C. § 1334. So, this adversary proceeding is dismissed without prejudice under Federal Rule of Civil Procedure 41(b) (made applicable in bankruptcy adversary proceedings by Federal Rule of Bankruptcy 7041).

2. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1007](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT  
1-7-2019    [\[1\]](#)

SUGARMAN V. BOARDMAN TREE FARM, LLC ET AL  
JOHN MACCONAGHY/ATTY. FOR PL.  
RESPONSIVE PLEADING

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to February 12, 2020 at 11:00 a.m.

ORDER:                The court will issue an order.

After receiving the status conference statement (doc. #99), the court will continue the status conference to February 12, 2020 at 11:00 a.m. The parties shall file joint or unilateral status reports not later than February 5, 2020.

3. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1033](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT  
3-8-2019    [[1](#)]

SUGARMAN V. IRZ CONSULTING, LLC  
JOHN MACCONAGHY/ATTY. FOR PL.  
RESPONSIVE PLEADING

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to February 12, 2020 at 11:00 a.m.

ORDER:                The court will issue an order.

The District Court having ruled on IRZ's motion for withdrawal of the reference on August 19, 2019, this court's order staying this adversary proceeding on June 3, 2019 (doc. #80) is now vacated and the stay is dissolved.

4. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1033](#)

RESCHEDULED HEARING RE: MOTION TO DISMISS ADVERSARY  
PROCEEDING/NOTICE OF REMOVAL AND/OR JURY DEMAND RE: COMPLAINT  
4-26-2019    [[21](#)]

SUGARMAN V. IRZ CONSULTING, LLC  
SANFORD LANDRESS/ATTY. FOR MV.

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to November 13, 2019 at 1:30 p.m.

ORDER:                The court will issue an order.

Pleadings on this motion are now closed.

5. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1037](#)

RESCHEDULED STATUS CONFERENCE RE: NOTICE OF REMOVAL  
7-23-2018    [[1](#)]

IRZ CONSULTING LLC V. TEVELDE ET AL  
SANFORD LANDRESS/ATTY. FOR PL.  
RESPONSIVE PLEADING

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to November 13, 2019 at 1:30 p.m.

ORDER:                The court will issue an order.

6. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1091](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT  
7-28-2019    [[1](#)]

SUGARMAN V. MARTIN LEASING RESOURCE, LLC ET AL  
JOHN MACCONAGHY/ATTY. FOR PL.

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to November 13, 2019 at 1:30 p.m.

ORDER:                The court will issue an order.

7. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1091](#)     [MCG-1](#)

RESCHEDULED HEARING RE: MOTION TO DISMISS ADVERSARY  
PROCEEDING/NOTICE OF REMOVAL  
9-4-2019    [[13](#)]

SUGARMAN V. MARTIN LEASING RESOURCE, LLC ET AL  
JEFFREY FLASHMAN/ATTY. FOR MV.  
RESPONSIVE PLEADING

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to November 13, 2019 at 1:30 p.m.

ORDER:                The court will issue an order.

8. [18-11357](#)-B-13     **IN RE: ENRIQUE/GUADALUPE REYES**  
[19-1039](#)     [DRJ-4](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL  
9-17-2019    [[103](#)]

REYES ET AL V. KUTNERIAN  
ENTERPRISES ET AL  
DAVID JENKINS/ATTY. FOR MV.

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to November 8, 2019 at 10:30 a.m.

ORDER:                The court will issue an order.

9. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1091](#)     [MCG-1](#)

COUNTER MOTION FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY  
JUDGMENT AGAINST DEFENDANT MARTIN LEASING RESOURCES, LLC  
10-2-2019     [\[34\]](#)

SUGARMAN V. MARTIN LEASING  
RESOURCE, LLC ET AL

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Continued to November 13, 2019 at 1:30 p.m. Reply in  
support of the counter motion for summary judgment  
shall be filed not later than October 30, 2019.

ORDER:     No appearance is necessary. The court will issue the  
order.

LBR 9014-1(f)(2)(A) states "[t]his alternative procedure (less than  
28 day notice on certain motions) shall not be used for a motion  
filed in connection with an adversary proceeding."

LBR 7056-1 sets forth time deadlines for filing and serving a motion  
for summary judgment and the opposition thereto. Though here, the  
motion ("Counter-motion") was not served with enough notice, Martin  
Leasing filed opposition to the motion. Any reply shall be filed by  
the plaintiff not later than October 30, 2019.