

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: WEDNESDAY
DATE: OCTOBER 21, 2015
CALENDAR: 10:00 A.M. CHAPTER 7 ADVERSARY PROCEEDINGS

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [14-12200](#)-A-7 ALVIN SOUZA, JR. AND CONTINUED PRETRIAL CONFERENCE
[14-1150](#) ROBYN SOUZA RE: COMPLAINT
SALVEN V. 4 K DAIRY FAMILY 12-9-14 [[1](#)]
PARTNERSHIP ET AL
TRUDI MANFREDO/Atty. for pl.
DISMISSED, CLOSED

Final Ruling

The adversary proceeding dismissed, the status conference is concluded.

2. [11-62509](#)-A-7 SHAVER LAKEWOODS MOTION TO TAX COSTS AND FOR
[14-1005](#) DEVELOPMENT INC. KDG-6 AWARD OF ATTORNEY'S FEES
PARKER V. NUNEZ 9-10-15 [[198](#)]
LISA HOLDER/Atty. for mv.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Motion to Tax Costs and for Award of Attorneys' Fees

Disposition: Pursuant to stipulation, granted in part as to costs, dismissed as to attorney's fees

Order: Civil minute order

The parties have filed a stipulation at docket no. 218. The stipulation fully resolves this matter. The court approves the stipulation. The motion will be granted in part to award the trustee his costs of litigation in the amount of \$523.40. Except for the request for costs, the motion has been withdrawn by the trustee. Therefore, all other requests for relief will be voluntarily dismissed.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee Randell Parker's motion to tax costs and for an award of attorneys' fees has been presented to the court. A stipulation has been filed fully resolving the matter. Having considered the motion and stipulation,

IT IS ORDERED that the stipulation is approved, and the motion is granted in part, the motion is dismissed in part with prejudice. The trustee shall recover his costs of \$523.40 from attorney Henry Nunez. No other costs or attorneys' fees are awarded. All other requests for relief in the trustee's motion are voluntarily dismissed with prejudice from this action.

3. [15-13133](#)-A-7 JOSE CERVANTES STATUS CONFERENCE RE: COMPLAINT
[15-1105](#) 8-21-15 [[1](#)]
U.S. TRUSTEE V. CERVANTES
ROBIN TUBESING/Atty. for pl.

Final Ruling

The status conference is continued to October 27, 2015, at 10:00 a.m.

4. [15-10635](#)-A-7 JOHN JANDA CONTINUED STATUS CONFERENCE RE:
[15-1084](#) AMENDED COMPLAINT
PICART ET AL V. JANDA ET AL 7-20-15 [[7](#)]
HECTOR PICART/Atty. for pl.
RESPONSIVE PLEADING

No tentative ruling.

5. [15-11535](#)-A-7 JOHN HALOPOFF CONTINUED STATUS CONFERENCE RE:
[15-1098](#) COMPLAINT
WESTERN SURETY COMPANY V. 7-27-15 [[1](#)]
HALOPOFF
RAY GARWACKI/Atty. for pl.

Final Ruling

The court has entered an order approving a stipulation that dismisses the Plaintiff's complaint with prejudice. The status conference is concluded.

6. [15-11535](#)-A-7 JOHN HALOPOFF MOTION TO DISMISS ADVERSARY
[15-1098](#) HLF-2 PROCEEDING/NOTICE OF REMOVAL
WESTERN SURETY COMPANY V. 9-15-15 [[8](#)]
HALOPOFF
JUSTIN HARRIS/Atty. for mv.

Final Ruling

The court has entered an order approving a stipulation that dismisses the Plaintiff's complaint with prejudice. The motion to dismiss is denied as moot.

7. [13-17444](#)-A-7 A & A TRANSPORT, CO., CONTINUED STATUS CONFERENCE RE:
[15-1072](#) INC. COMPLAINT
MANFREDO V. ADAMS 6-2-15 [[1](#)]
DAVID JENKINS/Atty. for pl.
RESPONSIVE PLEADING

No tentative ruling.

8. [14-15952](#)-A-7 AUSTREBERTO MAGANA CONTINUED STATUS CONFERENCE RE:
[15-1059](#) COMPLAINT
HAWKINS V. MAGANA 5-12-15 [[1](#)]
ROBERT HAWKINS/Atty. for pl.

Tentative Ruling

The adversary proceeding dismissed, the status conference is concluded.

9. [14-15952](#)-A-7 AUSTREBERTO MAGANA MOTION TO DISMISS CASE
[15-1059](#) RHT-2 10-2-15 [[30](#)]
HAWKINS V. MAGANA
ROBERT HAWKINS/Atty. for mv.

Tentative Ruling

Motion: Dismiss Adversary Proceeding

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted

Order: Civil minute order

The trustee filed this complaint to revoke the debtor's discharge in the underlying bankruptcy case. The trustee had made written demands on the debtor for turnover of copies of his 2014 Federal and State tax returns.

RULE 7041 DISMISSAL

The trustee now asserts that the debtor has surrendered copies of his tax returns, though he has not surrendered copies of his refunds.

The court will enter an order dismissing this adversary proceeding. Pursuant to Rule 7041 and Civil Rule 41(a)(1), the court dismisses this action without prejudice given that notice has been sent to the court's matrix of this motion.

CIVIL MINUTE ORDER

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee Robert Hawkins's motion to dismiss this adversary proceeding has been presented to the court. Notice of the hearing was transmitted to all creditors and parties in interest. Pursuant to Rule 7041 and Civil Rule 41(a),

IT IS ORDERED THAT the motion is granted. This action to revoke the debtor's discharge shall be dismissed without prejudice.

10. [15-12052](#)-A-7 HECTOR/MARY BERMUDEZ STATUS CONFERENCE RE: COMPLAINT
[15-1102](#) 8-17-15 [[1](#)]
FIRST NATIONAL BANK OF OMAHA
V. BERMUDEZ
DONALD DUNNING/Atty. for pl.

Final Ruling

The adversary proceeding dismissed, the status conference is concluded.

11. [11-17165](#)-A-7 OAKHURST LODGE, INC., A MOTION TO CONFIRM TERMINATION
[15-1017](#) CALIFORNIA CORPORATION DMS-3 OR ABSENCE OF STAY, TO REVOKE
OAKHURST LODGE, INC. V. ORDER OF CONVERSION, TO PERMIT
FIRST-CITIZENS BANK & TRUST DEBTOR TO AMEND THE PLAN,
AND/OR MOTION/APPLICATION TO
RESTORE POSSESSION OF THE LODGE
PROPERTY TO DEBTOR
9-23-15 [[66](#)]

DONNA STANDARD/Atty. for mv.
ORDER, ECF NO. 71

Final Ruling

The motion was denied by order, ECF #71.

12. [15-10768](#)-A-7 SHARANJIT KAUR CONTINUED STATUS CONFERENCE RE:
[15-1077](#) COMPLAINT
WELLS FARGO FINANCIAL NATIONAL 6-8-15 [[1](#)]
BANK V. KAUR
AUSTIN NAGEL/Atty. for pl.

Final Ruling

At the suggestion of the parties, the status conference is continued to November 10, 2015, at 10:00 a.m. In the event the adversary proceeding has not been dismissed and no judgment entered, not later than 14 days prior to the continued status conference, the parties shall file a status report.

13. [15-12482](#)-A-7 RAUL/ANGELA CORTEZ CONTINUED STATUS CONFERENCE RE:
[15-1090](#) COMPLAINT
CORTEZ V. DISCOVER BANK 7-12-15 [[1](#)]
TIMOTHY SPRINGER/Atty. for pl.
DISMISSED

Final Ruling

The adversary proceeding dismissed, the status conference is concluded.

14. [14-15699](#)-A-7 JASPAL/DALJEET DHESI CONTINUED STATUS CONFERENCE RE:
[15-1020](#) AMENDED COMPLAINT
JOSHI V. DHESI ET AL 5-18-15 [[21](#)]
TANVIR JOSHI/Atty. for pl.
RESPONSIVE PLEADING

No tentative ruling.

15. [14-15699](#)-A-7 JASPAL/DALJEET DHESI MOTION FOR RELIEF FROM FINAL
[15-1020](#) JRL-2 JUDGMENT
JOSHI V. DHESI ET AL 10-9-15 [[47](#)]
JERRY LOWE/Atty. for mv.
OST, ECF NO. 51

No tentative ruling.