

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, October 23, 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. [13-16954](#)-B-11 MADERA ROOFING, INC. MOTION TO APPROVE STIPULATION
WW-20 FOR RELIEF FROM THE AUTOMATIC
JAMES LOWE/MV STAY
9-22-14 [[587](#)]

ERIC FROMME/Atty. for dbt.
RILEY WALTER/Atty. for mv.
RESPONSIVE PLEADING

This matter will be trailed and called first on the 10:30 a.m. calnedar. No appearance is necessary at 9:00 a.m.

2. [13-16171](#)-B-7 FRANCES PASS CONTINUED STATUS CONFERENCE RE:
[14-1056](#) COMPLAINT
 SALVEN V. GALLI ET AL 5-28-14 [[1](#)]
 TRUDI MANFREDO/Atty. for pl.
 RESPONSIVE PLEADING

Based on the discussion with the parties on the record after the evidentiary hearing on October 17, 2014, this status conference will be continued to November 25, 2014, at 10:30 a.m. The court will prepare a minute order. No appearance is necessary.

10:30 A.M.

1. [12-17126](#)-B-7 VICENTE FLORES AND LUCIA STATUS CONFERENCE RE: COMPLAINT
[14-1085](#) ROJAS 8-15-14 [[1](#)]
FEAR V. ROJAS
THOMAS ARMSTRONG/Atty. for pl.

Pursuant to the 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 may close the adversary proceeding without notice in 90 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. [12-17126](#)-B-7 VICENTE FLORES AND LUCIA STATUS CONFERENCE RE: COMPLAINT
[14-1086](#) ROJAS 8-15-14 [[1](#)]
FEAR V. ROJAS
THOMAS ARMSTRONG/Atty. for pl.

Pursuant to the 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 may close the adversary proceeding without notice in 90 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.

3. [12-14426](#)-B-7 HEATHER OBERNOLTE STATUS CONFERENCE RE: COMPLAINT
[14-1107](#) MANFREDO V. WATERMAN 8-28-14 [[1](#)]
GABRIEL WADDELL/Atty. for pl.

4. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA STATUS CONFERENCE RE: AMENDED
[14-1073](#) PARREIRA ET AL V. A.L. GILBERT COMPLAINT
COMPANY 9-26-14 [[14](#)]
RILEY WALTER/Atty. for pl.
RESPONSIVE PLEADING

5. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA
WW-13
ANTONIO PARREIRA/MV

RILEY WALTER/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED OBJECTION TO CLAIM OF
A.L. GILBERT COMPANY, CLAIM
NUMBER 1
7-23-14 [[240](#)]
6. [13-16155](#)-B-7 MICHAEL WEILERT AND
[13-1134](#) GENEVIEVE DE MONTREMARE
BRIAN L. GWARTZ AND CHERYL A.
SKIGIN, CO-TRUSTEES V. WEILERT
CHERYL SKIGIN/Atty. for pl.
RESPONSIVE PLEADING

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
8-28-14 [[47](#)]

Based on the plaintiff's status report it does not appear that a status conference is necessary or would be productive at this time. This matter will be continued to January 29, 2015, at 10:30 a.m. The parties shall diligently, notice, propound, and pursue discovery. Prior to the continued status conference the parties shall file a comprehensive status report regarding the discovery and be prepared to discuss dates for the completion of discovery and a final pretrial conference. The court will prepare a minute order. No appearance is necessary.

7. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
[14-1090](#) A CALIFORNIA GENERAL
SOUTH LAKES DAIRY FARM V.
ATKINSON, ANDELSON, LOYA,
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: COMPLAINT
8-28-14 [[1](#)]

Pursuant to the status report it appears the 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 may close the adversary proceeding without notice in 90 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.

8. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
[14-1091](#) A CALIFORNIA GENERAL
SOUTH LAKES DAIRY FARM V.
BASIC INDUSTRIES
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: COMPLAINT
8-28-14 [[1](#)]

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

9. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1092](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V. C.P.
PHELPS, INC.
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING

10. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1093](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V. CAL
BY-PRODUCTS
MICHAEL WILHELM/Atty. for pl.
ORDER RESCHEDULING TO
11/6/14 AT 10:30 A.M.

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

11. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1094](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
CARTER PUMP AND MACHINE, INC.
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING

12. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1095](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
ELANCO ANIMAL HEALTH
MICHAEL WILHELM/Atty. for pl.

This matter has been rescheduled by stipulation and order to November 25, 2014, at 10:00 a.m. No appearance is necessary.

13. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1096](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V. GEA
WESTFALIA SURGE WEST
MICHAEL WILHELM/Atty. for pl.

Pursuant to the status report it appears the 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 may close the adversary proceeding without notice in 90 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.

14. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1097](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
GEORGE VERHOEVEN GRAIN, INC.
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING
15. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1098](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
GOLDEN STATE FEED AND GRAIN,
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING
16. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1099](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
HETTINGA TRANSPORTATION, INC.
MICHAEL WILHELM/Atty. for pl.

Pursuant to the status report it appears the 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 may close the adversary proceeding without notice in 90 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.

17. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1100](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V. J.D.
HEISKELL AND CO., INC.
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING
18. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1101](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
NUTRIUS, LLC
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING
19. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1102](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
PITIGLIANO FARMS
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING

20. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1103](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
QUALITY GRAIN CO., INC.
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING

21. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1104](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V. SAN
JOAQUIN VALLEY DAIRY EQUIPMENT
MICHAEL WILHELM/Atty. for pl.

Pursuant to the status report it appears the 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 may close the adversary proceeding without notice in 90 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.

22. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1105](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
SELEY AND CO.
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING

23. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, STATUS CONFERENCE RE: COMPLAINT
[14-1106](#) A CALIFORNIA GENERAL 8-28-14 [[1](#)]
SOUTH LAKES DAIRY FARM V.
WESTERN MILLING, LLC
MICHAEL WILHELM/Atty. for pl.
RESPONSIVE PLEADING

1:30 P.M.

1. [14-10005](#)-B-13 STEVEN/KATHERINE JANTZ MOTION TO CONFIRM PLAN
WJC-9 9-9-14 [[97](#)]
STEVEN JANTZ/MV
WILLIAM COLLIER/Atty. for dbt.

This motion will be denied without prejudice. The debtors seek to confirm a second modified chapter 13 plan. The debtors filed a second modified plan on June 21, 2014, however the court has already denied confirmation of the second modified plan at a hearing on August 13, 2014. Attached to this motion is another document which purports to be the second modified plan, but it is different than the second modified plan which the court denied. The plan attached to the motion is not properly filed in the docket and is not properly named. No appearance is necessary.

2. [14-13905](#)-B-13 ARMANDO CORTEZ MOTION TO DISMISS CASE
MHM-1 9-24-14 [[33](#)]
MICHAEL MEYER/MV
CASE DISMISSED

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

3. [14-13807](#)-B-13 GABRIEL/DEBRA BUENTELLO OBJECTION TO CONFIRMATION OF
MHM-1 PLAN BY TRUSTEE MICHAEL H.
MEYER
10-7-14 [[26](#)]
JEFF REICH/Atty. for dbt.

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.

4. [09-18509](#)-B-13 THOMAS/MARY RAY MOTION TO MODIFY PLAN
PLG-5 9-9-14 [[85](#)]
THOMAS RAY/MV
JUAN ACEVEDO/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.

5. [10-18610](#)-B-13 DOUGLAS ACHELPOHL
MHM-1
MICHAEL MEYER/MV
M. ENMARK/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
9-9-14 [[52](#)]

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

6. [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](#)]

7. [14-14016](#)-B-13 ISMAEL GONZALEZ
RWR-1
TULARE COUNTY TAX COLLECTOR/MV

VINCENT GORSKI/Atty. for dbt.
RUSSELL REYNOLDS/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY TULARE COUNTY TAX
COLLECTOR
9-23-14 [[21](#)]

This matter will be continued to November 25, 2014, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.

8. [14-13817](#)-B-13 DANIEL/CHERYL HARVAT
MJA-2
DANIEL HARVAT/MV
MICHAEL ARNOLD/Atty. for dbt.

MOTION TO CONFIRM PLAN
9-10-14 [[18](#)]

This motion to confirm a modified chapter 13 plan will be denied without prejudice. The record does not show that the debtors filed and served the proposed modified plan with the moving papers in compliance with Local Rule 3015-1(c) (3) & (d) (1). No appearance is necessary.

9. [14-13120](#)-B-13 IDA TISCARENO
MHM-1
MICHAEL MEYER/MV

NANCY KLEPAC/Atty. for dbt.
RESPONSIVE PLEADING
MOTION WITHDRAWN

CONTINUED MOTION TO DISMISS
CASE FOR FAILURE TO MAKE PLAN
PAYMENTS
8-28-14 [[23](#)]

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

10. [12-11021](#)-B-13 YVETTE TANGUMA
WAR-5
YVETTE TANGUMA/MV
WILLIAM ROMAINE/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
9-14-14 [[69](#)]

The motion will be denied without prejudice. The notice and motion were not properly signed in compliance with Local Rule 9004-1(c)(1).

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

Finally, nothing in the record shows that the motion was served on anyone. No appearance is necessary.

11. [10-17322](#)-B-13 DONALD/ZELLA LOVELADY
MHM-1
MICHAEL MEYER/MV
STEVEN ALPERT/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
9-9-14 [[55](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules. The evidence shows that the debtors are in material default of the plan. The debtors' response and the court's review of the record does not show that the default has been cured. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

12. [14-13622](#)-B-13 LORENZO TOVAR
HDN-2
LORENZO TOVAR/MV
HENRY NUNEZ/Atty. for dbt.
CASE DISMISSED

MOTION TO CONFIRM PLAN
8-29-14 [[44](#)]

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

13. [11-12124](#)-B-13 PHILLIP MASCORRO, JR. AND
MHM-1 GLORIA MASCORRO
MICHAEL MEYER/MV
STEPHEN LABIAK/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
9-9-14 [[70](#)]

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

14. [14-12924](#)-B-13 ADRIAN MUNOZ
GH-2
ADRIAN MUNOZ/MV
GARY HUSS/Atty. for dbt.

MOTION TO CONFIRM PLAN
9-11-14 [[39](#)]

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. [14-10129](#)-B-13 LESLIE WARDERS
MHM-1
MICHAEL MEYER/MV

GARY HUSS/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE FOR FAILURE TO MAKE PLAN
PAYMENTS
8-28-14 [[67](#)]

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

16. [12-19330](#)-B-13 MOISES/DEANNA HERNANDEZ
TCS-4
MOISES HERNANDEZ/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO MODIFY PLAN
9-17-14 [[68](#)]

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.

17. [14-14132](#)-B-13 FREDDY/ROSA JACQUEZ
MHM-1

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
10-7-14 [[19](#)]

MARK ZIMMERMAN/Atty. for dbt.

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.

18. [13-16634](#)-B-13 THOMAS/JO ANN DEKONING ORDER TO SHOW CAUSE WHY ORDER
CONFIRMING PLAN SHOULD NOT BE
VACATED AND CASE SHOULD NOT BE
DISMISSED
9-30-14 [[59](#)]

GARY HUSS/Atty. for dbt.

19. [11-17037](#)-B-13 JUDITH BADASCI MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 9-9-14 [[65](#)]
JOSEPH ARNOLD/Atty. for dbt.
WITHDRAWN

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

20. [13-17240](#)-B-13 LIBERTO/JENNIFER OBJECTION TO CLAIM OF LVNV
DRJ-10 SANTANTON FUNDING, LLC, CLAIM NUMBER 10
LIBERTO SANTANTON/MV 8-18-14 [[39](#)]
DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

21. [13-17240](#)-B-13 LIBERTO/JENNIFER OBJECTION TO CLAIM OF
DRJ-2 SANTANTON EDUCATIONAL EMPLOYEES CREDIT
LIBERTO SANTANTON/MV UNION, CLAIM NUMBER 2
8-18-14 [[18](#)]

DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

22. [13-17240](#)-B-13 LIBERTO/JENNIFER OBJECTION TO CLAIM OF
DRJ-3 SANTANTON EDUCATIONAL EMPLOYEES CREDIT
LIBERTO SANTANTON/MV UNION, CLAIM NUMBER 3
8-18-14 [[21](#)]

DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

23. [13-17240](#)-B-13 LIBERTO/JENNIFER
DRJ-4 SANTANTON
LIBERTO SANTANTON/MV

OBJECTION TO CLAIM OF
EDUCATIONAL EMPLOYEES CREDIT
UNION, CLAIM NUMBER 4
8-18-14 [[24](#)]

DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

24. [13-17240](#)-B-13 LIBERTO/JENNIFER
DRJ-5 SANTANTON
LIBERTO SANTANTON/MV

OBJECTION TO CLAIM OF
EDUCATIONAL EMPLOYEES CREDIT
UNION, CLAIM NUMBER 5
8-18-14 [[27](#)]

DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

25. [13-17240](#)-B-13 LIBERTO/JENNIFER
DRJ-6 SANTANTON
LIBERTO SANTANTON/MV

OBJECTION TO CLAIM OF FRESNO
COUNTY FEDERAL CREDIT UNION,
CLAIM NUMBER 6
8-18-14 [[30](#)]

DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

26. [13-17240](#)-B-13 LIBERTO/JENNIFER
DRJ-7 SANTANTON
LIBERTO SANTANTON/MV

OBJECTION TO CLAIM OF BANK OF
THE SIERRA, CLAIM NUMBER 7
8-18-14 [[32](#)]

DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

27. [13-17240](#)-B-13 LIBERTO/JENNIFER
DRJ-8 SANTANTON
LIBERTO SANTANTON/MV

OBJECTION TO CLAIM OF GREEN
TREE SERVICING, LLC, CLAIM
NUMBER 8
8-18-14 [[34](#)]

DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

28. [13-17240](#)-B-13 LIBERTO/JENNIFER
DRJ-9 SANTANTON
LIBERTO SANTANTON/MV

OBJECTION TO CLAIM OF AMERICAN
EXPRESS CENTURION BANK, CLAIM
NUMBER 9
8-18-14 [[37](#)]

DAVID JENKINS/Atty. for dbt.

The objection will be sustained without oral argument for cause shown. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.

29. [14-14343](#)-B-13 RICHARD KELLEY
PLF-1
RICHARD KELLEY/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF
PENSICO TRUST COMPANY
9-25-14 [[17](#)]

Based on the respondent's opposition, this matter will be continued to December 10, 2014, at 1:30. This matter is now deemed to be a contested matter. Pursuant to FRBP 9014(c), the federal rules of discovery apply to contested matters. The debtor(s) shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date. The court will prepare a civil minute order. No appearance is necessary.

30. [13-17946](#)-B-13 THOMAS/LISA PARKER
THA-2
THOMAS PARKER/MV

OBJECTION TO CLAIM OF
SPRINGLEAF FINANCIAL SERVICES,
INC., CLAIM NUMBER 9
9-9-14 [[37](#)]

THOMAS ARMSTRONG/Atty. for dbt.

The objection will be sustained. Claim #9 is deemed to be a timely filed non-priority general unsecured claim. The objecting party shall submit a proposed order consistent with this ruling. No appearance is necessary.

31. [10-19451](#)-B-13 LAWRENCE/LINDA MCCOLLUM
MNE-5
LAWRENCE MCCOLLUM/MV
M. ENMARK/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
9-9-14 [[105](#)]

The motion will be denied without prejudice. The debtors are proposing to modify a confirmed chapter 13 plan. The court must determine, *inter alia*, that the modified plan is proposed in good faith. However, the motion is devoid of any information or evidence that would inform the creditors and the court as to what specific term(s) is (are) being modified in the plan and why. The moving papers contain pages of boilerplate statements that appear to have little bearing on the matter before the court. The motion fails to give adequate notice of the relief being sought. No appearance is necessary.

32. [11-62253](#)-B-13 JONATHAN GEHRIS AND
RR-2 SUMMER GASTON-GEHRIS
JONATHAN GEHRIS/MV

CONTINUED MOTION TO VALUE
COLLATERAL OF CITIMORTGAGE,
INC.
7-28-14 [[60](#)]

RANDY RISNER/Atty. for dbt.
RESPONSIVE PLEADING

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules. The respondent's opposition has been withdrawn and 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.

33. [10-18555](#)-B-13 ALLEN/LAURITA GREGORY
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
AND/OR MOTION TO DISMISS CASE
9-9-14 [[31](#)]

THOMAS ARMSTRONG/Atty. for dbt.
WITHDRAWN

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

34. [10-19059](#)-B-13 JACOB MARTINEZ
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
9-9-14 [[88](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The evidence shows that the debtors are in material default of the plan. The court's review of the record does not show that the default has been cured. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

35. [14-13160](#)-B-13 BRADLEY JAURIQUE
MHM-1
MICHAEL MEYER/MV

TIMOTHY SPRINGER/Atty. for dbt.

CONTINUED MOTION TO DISMISS
CASE FOR FAILURE TO MAKE PLAN
PAYMENTS
8-28-14 [[20](#)]

This matter was set for a final hearing pursuant to this court's civil minute order dated September 11, 2014. The debtor has failed to file a response and it appears the debtor has not appeared for the meeting of creditors or made any post petition plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown, including unreasonable delay that is prejudicial to creditors. No appearance is necessary.

36. [14-13160](#)-B-13 BRADLEY JAURIQUE
MHM-2
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
9-24-14 [[30](#)]

This motion will be dropped from calendar. The court intends to dismiss this case on the trustee's unopposed motion above.

37. [14-11361](#)-B-13 DAVID/GLORIA RIVERA
PLF-3
DAVID RIVERA/MV
PETER FEAR/Atty. for dbt.

MOTION TO CONFIRM PLAN
9-5-14 [[70](#)]

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.

38. [14-13962](#)-B-13 JORGE GOMEZ AND MARIA MOTION TO VALUE COLLATERAL OF
BSH-1 TOVAR DE GOMEZ CHASE
JORGE GOMEZ/MV 10-9-14 [[28](#)]
BRIAN HADDIX/Atty. for dbt.

The motion will be denied without prejudice. The pleadings do not properly identify the intended respondent. The motion names the respondent in the second paragraph of the second page as "Chase." The notice names the respondent as "Chase Bank." Schedule D identifies the mortgage holder simply as "Chase." The proof of service lists two entities identified as Chase Bank and Chase Bank U.S.A., N.A. The court cannot grant relief and cannot even determine if the motion is properly served in compliance with FRBP 7004 if the holder of the mortgage claim and intended respondent is not properly and fully identified in the moving papers. No appearance is necessary.

39. [13-14564](#)-B-13 ROBERT YOUNG OBJECTION TO CLAIM OF ROBERT
MHM-1 HAWKINS, CLAIM NUMBER 1
MICHAEL MEYER/MV 9-9-14 [[53](#)]
STEPHEN LABIAK/Atty. for dbt.
WITHDRAWN

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

40. [13-14564](#)-B-13 ROBERT YOUNG MOTION FOR COMPENSATION FOR
RHT-1 ROBERT A. HAWKINS, FORMER
ROBERT HAWKINS/MV CHAPTER 7 TRUSTEE(S).
9-18-14 [[56](#)]
STEPHEN LABIAK/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.

41. [11-11665](#)-B-13 HERBERT/HELEN GAW MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 9-9-14 [[40](#)]
MARK ZIMMERMAN/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The evidence shows that the debtors are in material default of the plan. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

42. [14-13666](#)-B-13 JOE/ROWENA GARCIA
PLF-1
JOE GARCIA/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF
JPMORGAN CHASE BANK, N.A.
7-28-14 [[10](#)]

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.

43. [14-13666](#)-B-13 JOE/ROWENA GARCIA
PLF-2
JOE GARCIA/MV
PETER FEAR/Atty. for dbt.

MOTION TO CONFIRM PLAN
8-29-14 [[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.

44. [14-12967](#)-B-13 DAVID/SHEREE PIEPER
MHM-1
MICHAEL MEYER/MV

NANCY KLEPAC/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

CONTINUED MOTION TO DISMISS
CASE FOR FAILURE TO MAKE PLAN
PAYMENTS
8-28-14 [[31](#)]

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

45. [14-12872](#)-B-13 JOE MOYA
JRL-2
JOE MOYA/MV
JERRY LOWE/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
9-3-14 [[44](#)]

46. [14-13773](#)-B-13 JUAN/ENEIDA FLORES
TOG-1
JUAN FLORES/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BANK OF AMERICA, N.A.
8-29-14 [[16](#)]

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.

47. [14-13575](#)-B-13 ROBERT ZOELLNER

GEORGEANNE MARSHALL/MV
ERIC SCHWAB/Atty. for dbt.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-15-14 [[33](#)]

48. [14-10684](#)-B-13 NADER SHOKRY
PLG-3
NADER SHOKRY/MV
RABIN POURNAZARIAN/Atty. for dbt.
CASE DISMISSED

MOTION TO CONFIRM PLAN
9-5-14 [[75](#)]

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

49. [11-17390](#)-B-13 MARICELA MENDOZA
MHM-1
MICHAEL MEYER/MV
STEPHEN LABIAK/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
9-8-14 [[57](#)]

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

50. [14-13391](#)-B-13 VERNON/SYLVIA MILLER

MARK ZIMMERMAN/Atty. for dbt.
PAID FEE ON 10/6/14

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-6-14 [[30](#)]

51. [14-13391](#)-B-13 VERNON/SYLVIA MILLER MOTION TO CONFIRM PLAN
MAZ-1 9-2-14 [[24](#)]
VERNON MILLER/MV
MARK ZIMMERMAN/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.

52. [14-14298](#)-B-13 BRADLEY/JENNIFER DANIEL MOTION TO TURN OVER PROPERTY BY
JDR-1 A CUSTODIAN
BRADLEY DANIEL/MV 9-15-14 [[12](#)]
JEFFREY ROWE/Atty. for dbt.

The motion will be denied without prejudice. The motion does not identify and was not served on the judgment creditor for which the wages were garnished and which claims an interest in the garnishment.

An order to compel the turnover of property by a custodian requires the commencement of an adversary proceeding (FRBP 7001(1)).

53. [14-14729](#)-B-13 JANET ALCANTRA-BLAJOS MOTION TO EXTEND AUTOMATIC STAY
PBB-1 10-16-14 [[14](#)]
JANET ALCANTRA-BLAJOS/MV
PETER BUNTING/Atty. for dbt.

2:00 P.M.

1. [12-15547](#)-B-7 DONNA DAVIS
RH-5
JAMES SALVEN/MV

GARY HUSS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

CONTINUED MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH DONNA MARIE
DAVIS
8-1-14 [[125](#)]
2. [12-15547](#)-B-7 DONNA DAVIS
RH-6
JAMES SALVEN/MV
GARY HUSS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
CONDITIONAL NON-OPPOSITION

MOTION TO CONSOLIDATE LEAD CASE
12-15547 WITH 12-15548
10-8-14 [[136](#)]
3. [12-15548](#)-B-7 EVERETT DAVIS
RH-5
JAMES SALVEN/MV

GARY HUSS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

CONTINUED MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH THE RONDAVIS
IRREVOCABLE TRUST, THE JAM
IRREVOCABLE TRUST, THE
FROSTYWHITE IRREVOCABLE TRUST,
EVERETT LEROY DAVIS, DONNA
MARIE DAVIS, AND ANDREA JEAN
GONZALES
8-1-14 [[117](#)]
4. [12-15548](#)-B-7 EVERETT DAVIS
RH-6
JAMES SALVEN/MV
GARY HUSS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
CONDITIONAL NON-OPPOSITION

MOTION TO CONSOLIDATE LEAD CASE
14-15547 WITH 14-15548
10-8-14 [[128](#)]