

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Wednesday, November 5, 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. | <a href="#"><u>13-17341</u></a> -B-7      HOWARD SAGASER<br>WFH-11<br>SHERYL STRAIN/MV<br>HAGOP BEDOYAN/Atty. for dbt.<br>DANIEL EGAN/Atty. for mv.<br>RESPONSIVE PLEADING     | CONTINUED MOTION TO APPROVE<br>AGREEMENT FOR RELIEF FROM STAY<br>10-1-14 [ <a href="#"><u>468</u></a> ]   |
| 2. | <a href="#"><u>13-17341</u></a> -B-7      HOWARD SAGASER<br>WFH-13<br>SHERYL STRAIN/MV<br><br>HAGOP BEDOYAN/Atty. for dbt.<br>DANIEL EGAN/Atty. for mv.                        | CONTINUED MOTION TO COMPROMISE<br>CONTROVERSY/APPROVE SETTLEMENT<br>AGREEMENT WITH PHILLIP<br>BOGHOSIAN AND/OR MOTION FOR<br>APPROVAL OF PAYMENT OF SECURED<br>CLAIM<br>10-1-14 [ <a href="#"><u>473</u></a> ]  |
| 3. | <a href="#"><u>13-17341</u></a> -B-7      HOWARD SAGASER<br>WFH-14<br>SHERYL STRAIN/MV<br><br>HAGOP BEDOYAN/Atty. for dbt.<br>DANIEL EGAN/Atty. for mv.                        | CONTINUED MOTION FOR AUTHORITY<br>TO MAKE INTERIM DISTRIBUTION ON<br>PRIORITY CLAIM<br>10-1-14 [ <a href="#"><u>478</u></a> ]   |
| 4. | <a href="#"><u>13-17341</u></a> -B-7      HOWARD SAGASER<br>WFH-15<br>SHERYL STRAIN/MV<br><br>HAGOP BEDOYAN/Atty. for dbt.<br>DANIEL EGAN/Atty. for mv.<br>RESPONSIVE PLEADING | CONTINUED MOTION TO EXTEND<br>DEADLINE TO FILE A COMPLAINT<br>OBJECTING TO DISCHARGE OF THE<br>DEBTOR AND/OR MOTION TO EXTEND<br>DEADLINE TO FILE A COMPLAINT<br>OBJECTING TO DISCHARGEABILITY<br>OF A DEBT<br>10-1-14 [ <a href="#"><u>482</u></a> ] |
| 5. | <a href="#"><u>13-17341</u></a> -B-7      HOWARD SAGASER<br>WFH-8<br>SHERYL STRAIN/MV<br><br>HAGOP BEDOYAN/Atty. for dbt.<br>DANIEL EGAN/Atty. for mv.<br>RESPONSIVE PLEADING  | CONTINUED MOTION TO COMPROMISE<br>CONTROVERSY/APPROVE SETTLEMENT<br>AGREEMENT WITH DEBTOR, HEIDI<br>SAGASER, THE CASTLEMAN<br>CREDITORS AND JONES CREDITORS<br>10-1-14 [ <a href="#"><u>457</u></a> ]   |

6. [13-17341](#)-B-7     HOWARD SAGASER  
WFH-9  
SHERYL STRAIN/MV  
HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.  
RESPONSIVE PLEADING

CONTINUED MOTION TO ABANDON  
10-1-14 [[463](#)]

10:00 A.M.

1. [14-13101](#)-B-7 VONNETTE WRIGHT MOTION TO CONVERT CASE FROM  
SL-1 CHAPTER 7 TO CHAPTER 13  
VONNETTE WRIGHT/MV 10-6-14 [[37](#)]  
SCOTT LYONS/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The case will be converted to chapter 13. The court will enter a civil minute order. No appearance is necessary.**

2. [14-14107](#)-B-7 KATHLEEN BAALINDT CONTINUED MOTION TO AVOID LIEN  
GH-1 OF STATE FARM MUTUAL AUTOMOBILE  
KATHLEEN BAALINDT/MV INS. CO.  
8-21-14 [[9](#)]  
GARY HUSS/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

3. [14-12523](#)-B-7 JOHN/MELODY OVERHOLSER CONTINUED MOTION TO AVOID LIEN  
PSJ-1 OF OCE NORTH AMERICA, INC.  
JOHN OVERHOLSER/MV 8-12-14 [[24](#)]  
PAUL JAMES/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

4. [13-12331](#)-B-7 LILIA GARCIA MOTION TO SELL  
RH-2 10-14-14 [[147](#)]  
JAMES SALVEN/MV  
THOMAS GILLIS/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

5. [14-12341](#)-B-7 SALVADOR VALDEZ GOMEZ MOTION TO SELL  
JES-3 10-8-14 [[31](#)]  
JAMES SALVEN/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.**

6. [14-14250](#)-B-7 VANESSA MERANCIO AND JOSE REYNOSO  
RHT-1  
OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT SEC. 341 (A) MEETING OF CREDITORS  
10-2-14 [[14](#)]
7. [14-13055](#)-B-7 MARC/CHRISTINA GARNER  
JES-1  
JAMES SALVEN/MV  
RICK BANKS/Atty. for dbt.  
MOTION TO SELL  
10-4-14 [[17](#)]
- 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.**
8. [14-13685](#)-B-7 DAVID ESGUERRA AND MARIA HUIZAR-ESGUERRA  
JES-1  
JAMES SALVEN/MV  
NICHOLAS ANIOTZBEHERE/Atty. for dbt.  
MOTION TO EMPLOY CENTURY 21/C. WATSON AS BROKER(S)  
10-8-14 [[16](#)]
9. [14-14286](#)-B-7 SHAWN/PATRICIA PRAYTOR  
NEA-1  
SHAWN PRAYTOR/MV  
NICHOLAS ANIOTZBEHERE/Atty. for dbt.  
MOTION TO COMPEL ABANDONMENT  
10-17-14 [[16](#)]
10. [14-10398](#)-B-7 LAURA GEIGER  
PLF-1  
LAURA GEIGER/MV  
PETER FEAR/Atty. for dbt.  
KARNEY MEKHITARIAN/Atty. for mv.  
RESPONSIVE PLEADING  
MOTION TO CONVERT CASE FROM CHAPTER 7 TO CHAPTER 13  
10-2-14 [[32](#)]

10:30 A.M.

1. [14-11114](#)-B-7 CHRISTOPHER WEINERT  
PPR-1  
NATIONSTAR MORTGAGE LLC/MV  
BONNI MANTOVANI/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-1-14 [[19](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

2. [14-12536](#)-B-7 THOMAS CUTLER  
RCO-1  
QUICKEN LOANS INC./MV  
PETER FEAR/Atty. for dbt.  
KRISTI WELLS/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-26-14 [[39](#)]

**This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.**

3. [14-13437](#)-B-7 VICTOR ALVAREZ  
EAT-1  
WELLS FARGO BANK, N.A./MV  
STEVEN ALPERT/Atty. for dbt.  
MARISOL NAGATA/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-26-14 [[13](#)]

**This motion will be denied as to the chapter 7 trustee and the bankruptcy estate because the moving papers were not served on the trustee. The motion will be denied as moot as to the debtor because his discharge has been entered. No appearance is necessary.**

4. [14-13739](#)-B-7 STEPHEN SCOTT  
CJO-1  
GREEN TREE SERVICING LLC/MV  
ALBERT GARCIA/Atty. for dbt.  
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-20-14 [[18](#)]

5.     [14-13567](#)-B-7     RAYMOND/NORMA RODRIGUEZ     MOTION FOR RELIEF FROM  
          JHW-1   AUTOMATIC STAY  
          TD AUTO FINANCE LLC/MV                             10-3-14 [[15](#)]  
          JENNIFER WANG/Atty. for mv.

This motion for relief from the automatic stay will be denied as moot. The debtors are individuals. The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay 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 attorney fees will be awarded in relation to this motion. No appearance is necessary.

6.     [14-14276](#)-B-7     DAVID/TARA BEALL                     MOTION FOR RELIEF FROM  
          VVF-1   AUTOMATIC STAY  
          HONDA LEASE TRUST/MV                             10-9-14 [[19](#)]  
          VINCENT FROUNJIAN/Atty. for mv.

7.     [14-13284](#)-B-7     NIKOLAUS KIOUS                     MOTION FOR RELIEF FROM  
          EAT-1   AUTOMATIC STAY  
          WELLS FARGO BANK, N.A./MV                     10-2-14 [[28](#)]  
          DAVID JENKINS/Atty. for dbt.  
          MARISOL NAGATA/Atty. for mv.  
          DISCHARGED

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.



8. [14-13687](#)-B-7     PARAMJEET SINGH  
GCL-1  
SEACOAST COMMERCE BANK/MV  
LAYNE HAYDEN/Atty. for dbt.  
GEORGE LAZAR/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-22-14 [[15](#)]

**11:00 A.M.**

1.    [14-14404](#)-B-7    GIA CUCCIA    PRO SE REAFFIRMATION AGREEMENT  
WITH FRESNO COUNTY FEDERAL  
CREDIT UNION  
10-8-14 [[18](#)]
  
2.    [14-13542](#)-B-7    JAMIE ESCOBAR    PRO SE REAFFIRMATION AGREEMENT  
WITH ALLY FINANCIAL  
10-7-14 [[15](#)]
  
3.    [14-14058](#)-B-7    BENJAMIN/GENEVIEVE MEDINA    PRO SE REAFFIRMATION AGREEMENT  
WITH SPRINGLEAF FINANCIAL  
SERVICES, INC.  
10-16-14 [[23](#)]