

**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: TUESDAY
DATE: NOVEMBER 10, 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. [15-13133](#)-A-7 JOSE CERVANTES CONTINUED STATUS CONFERENCE RE:
[15-1105](#) COMPLAINT
U.S. TRUSTEE V. CERVANTES 8-21-15 [[1](#)]
ROBIN TUBESING/Atty. for pl.

Final Ruling

Judgment entered, the status conference is concluded.

2. [15-10734](#)-A-7 DANIEL GARCIA MOTION TO DISMISS ADVERSARY
[15-1067](#) RHT-2 PROCEEDING/NOTICE OF REMOVAL
HAWKINS V. GARCIA 10-7-15 [[21](#)]
ROBERT HAWKINS/Atty. for mv.

Tentative Ruling

Motion: Dismiss Adversary Proceeding [Rule 7041]

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

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

RULE 7041 DISMISSAL

For the reasons stated in the motion, the court will dismiss this adversary proceeding, unless another party in interest desires to pursue the action further. The action will be dismissed with prejudice.

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.

The chapter 7 trustee's motion has been presented to the court. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted. This adversary proceeding is hereby dismissed with prejudice pursuant to Federal Rule of Bankruptcy Procedure 7041.

3. [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

Judgment entered, the status conference is concluded.

4. [15-11593](#)-A-7 BRIAN LUONG CONTINUED STATUS CONFERENCE RE:
[15-1095](#) COMPLAINT
AMERICAN EXPRESS BANK, FSB V. 7-23-15 [[1](#)]
LUONG
KEN WHITTALL-SCHERFEE/Atty. for pl.

No tentative ruling.

5. [14-12200](#)-A-7 ALVIN SOUZA, JR. AND FINDINGS OF FACT AND
[14-1082](#) ROBYN SOUZA CONCLUSIONS OF LAW RE: AMENDED
MILLER HAY AND TRUCKING, INC. COMPLAINT
V. SOUZA, JR. ET AL 10-5-14 [[26](#)]
KEVIN LITTLE/Atty. for pl.

No tentative ruling.