

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto  
Hearing Date: Tuesday, November 10, 2015  
Place: Department B – Courtroom #13  
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. [15-11311](#)-B-7 CHRISTOPHER/KERRI TYSON STATUS CONFERENCE RE: AMENDED  
[15-1082](#) COMPLAINT  
SMITH V. TYSON 10-14-15 [[30](#)]  
MELISSA SMITH/Atty. for pl.
2. [15-10257](#)-B-7 JUAN CALVILLO CONTINUED STATUS CONFERENCE RE:  
[15-1088](#) COMPLAINT  
U.S. TRUSTEE V. CALVILLO 7-10-15 [[1](#)]  
TERRI DIDION/Atty. for pl.

This matter will be denied as moot. The court intends to grant the motion below to compromise the controversy to which this adversary proceeding relates. No appearance is necessary.

3. [15-10257](#)-B-7 JUAN CALVILLO MOTION TO COMPROMISE  
[15-1088](#) UST-1 CONTROVERSY/APPROVE SETTLEMENT  
 U.S. TRUSTEE V. CALVILLO AGREEMENT WITH JUAN ANTONIO  
 CALVILLO  
 10-7-15 [[12](#)]  
 TERRI DIDION/Atty. for mv.

This motion to compromise a controversy was fully noticed in compliance with the Local Rules and there is no opposition. The respondents' default will be entered and the motion will be granted without oral argument for cause shown. This adversary proceeding will be closed, however the court will retain jurisdiction to enter a judgment denying discharge in the converted chapter 13 case upon the U.S. Trustee's declaration proving the debtor's noncompliance with the stipulation (Doc. #14). No appearance is necessary. The U.S. Trustee shall submit an appropriate order in conformity with this ruling and that satisfies the good faith requirement for a conversion to chapter 13. No appearance is necessary.

**10:00 A.M.**

1.    [09-13200](#)-B-7     WADE/GAIL HANSON                   MOTION TO SELL  
          RH-7   10-8-15 [[72](#)]  
          JAMES SALVEN/MV  
          JUSTIN HARRIS/Atty. for dbt.  
          ROBERT HAWKINS/Atty. for mv.

**The motion will be continued to December 2, 2015, at 10:00 a.m., for the submission of additional information and evidence that shall include: (1) the amount to be deducted on account of property tax payments; (2) an explanation of tax consequences, if any, of the sale; (3) a copy of the fully executed agreement referenced by the motion. The court will enter a civil minute order. No appearance is necessary.**

2.    [15-11203](#)-B-7     TIMOTHY/KRISTI BURKHART               MOTION TO SELL  
          JES-1   10-7-15 [[22](#)]  
          JAMES SALVEN/MV  
          PETER FEAR/Atty. for dbt.
  
3.    [13-16109](#)-B-7     ARMANDO/MAYDA LUTAP                   CONTINUED MOTION TO COMPROMISE  
          JES-4   CONTROVERSY/APPROVE SETTLEMENT  
          JAMES SALVEN/MV   AGREEMENT WITH ARMANDO LUTAP  
   AND MAYDA G. LUTAP  
   9-25-15 [[41](#)]  
  
          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 moving party shall submit a proposed order. No appearance is necessary.**

4. [15-13609](#)-B-7 FELICIA ROMERO  
JCW-1  
U.S. BANK TRUST, N.A./MV  
MARK ZIMMERMAN/Atty. for dbt.  
JENNIFER WONG/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-9-15 [[15](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor's default will be entered and the motion will be granted without oral argument for cause shown. 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 California Civil Code 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rules of Bankruptcy Procedure 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.

The motion for relief under 11 U.S.C. §362(d)(4) is also granted. It appears from the evidence submitted and from the record that the debtor's bankruptcy case was used as part of a scheme to delay, hinder, or defraud creditors that involved transfer of an interest in the subject real property; involved multiple bankruptcy filings affecting such real property and involved a transfer of an interest in property without consent of the secured creditor. The proposed order must comply with 362(d)(4). No appearance is necessary.

5. [15-12632](#)-B-7 LLOYD EDWARDS  
EAT-1  
U.S. BANK NATIONAL  
ASSOCIATION/MV  
STEVEN ALPERT/Atty. for dbt.  
DARLENE VIGIL/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-8-15 [[30](#)]

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 California Civil Code 2923.5. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 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.

6. [15-12632](#)-B-7 LLOYD EDWARDS  
PLG-2  
LLOYD EDWARDS/MV  
  
STEVEN ALPERT/Atty. for dbt.

MOTION TO AVOID LIEN OF MIDLAND  
FUNDING LLC AND/OR MOTION TO  
AVOID LIEN OF CACH, LLC  
10-8-15 [[25](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' defaults 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.

7. [14-12536](#)-B-7 THOMAS CUTLER  
RHT-7  
ROBERT HAWKINS/MV  
  
PETER FEAR/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

MOTION FOR AUTHORIZATION TO  
SELL REAL PROPERTY AND PAY REAL  
ESTATE COMMISSIONS AND ORDINARY  
COSTS OF SALE  
10-15-15 [[88](#)]

8. [15-13344](#)-B-7 GLORIA AMAYA

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
10-2-15 [[15](#)]

Based on the debtor's opposition, this matter will be continued to November 25, 2015, at 10:00 a.m. If the debtor appears at the continued § 341 meeting, the trustee shall withdraw the motion. The court will prepare a minute order. No appearance is necessary.

9. [15-13252](#)-B-7 GRACIE MONTEJANO  
PFT-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
9-28-15 [[12](#)]

Based on the debtor's opposition, this matter will be continued to November 25, 2015, at 10:00 a.m. If the debtor appears at the continued § 341 meeting, the trustee shall withdraw the motion. The court will prepare a minute order. No appearance is necessary.

10. [15-12572](#)-B-7 PAUL HAND  
RCO-1  
WELLS FARGO BANK, NA/MV

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION  
FOR ADEQUATE PROTECTION  
10-5-15 [[18](#)]

STEPHEN LABIAK/Atty. for dbt.  
NANCY LEE/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 because his 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 California Civil Code 2923.5. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 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.

11. [15-13683](#)-B-7 ROSA LOPEZ  
ROSA LOPEZ/MV  
ROSA LOPEZ/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
FEE  
9-21-15 [[5](#)]

**The debtor's application to waive the chapter 7 filing fee will be deemed withdrawn. The trustee's objection will be overruled as moot. In response to the trustee's objection, the debtor has consented to pay the filing fee in installments. No appearance is necessary.**

12. [15-12993](#)-B-7 ROBERT/KARLA RODRIGUEZ  
GEG-1  
ROBERT RODRIGUEZ/MV  
GLEN GATES/Atty. for dbt.

MOTION TO CONVERT CASE FROM  
CHAPTER 7 TO CHAPTER 13  
10-8-15 [[18](#)]

**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.**

13. [15-12993](#)-B-7 ROBERT/KARLA RODRIGUEZ  
UST-1  
TRACY DAVIS/MV  
GLEN GATES/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv.

MOTION TO DISMISS CASE PURSUANT  
TO 11 U.S.C. SECTION 707(B)  
10-8-15 [[24](#)]

**This motion will be denied as moot. The court intends to grant the debtors' unopposed motion above to convert the case to chapter 13. No appearance is necessary.**

11:00 A.M.

1. [15-13108](#)-B-7 DANIEL GAUCIN

REAFFIRMATION AGREEMENT WITH  
WELLS FARGO BANK N.A.  
10-15-15 [[13](#)]

THOMAS GILLIS/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor's attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtor's, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. 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. No appearance is necessary.

2. [15-12922](#)-B-7 PEDRO/ANITA RODRIGUEZ

REAFFIRMATION AGREEMENT WITH  
NISSAN MOTOR ACCEPTANCE  
CORPORATION  
10-7-15 [[15](#)]

THOMAS GILLIS/Atty. for dbt.

The court intends to deny approval of the reaffirmation agreement and the hearing will be dropped from calendar. Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. §524(c)(3), if the debtor is represented by counsel, the agreement must be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect. *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtors' attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. §524(c) and is not enforceable. No appearance is necessary at this hearing.

3. [15-12623](#)-B-7 JIMMY/RITA JOHNSON

REAFFIRMATION AGREEMENT WITH  
FORD MOTOR CREDIT COMPANY  
9-30-15 [[18](#)]

ERIC ESCAMILLA/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. 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. In addition, the record shows that the debtor is a co-signer on this debt and is not the party making the payments on this loan. No appearance is necessary.



4. [15-12623](#)-B-7 JIMMY/RITA JOHNSON

REAFFIRMATION AGREEMENT WITH  
HTD LEASING LLC  
9-30-15 [[20](#)]

ERIC ESCAMILLA/Atty. for dbt.

This reaffirmation agreement will be dropped from calendar without a disposition. The agreement relates to a lease of personal property. The parties are directed to the provisions of 11 U.S.C. § 365(p)(2). This case was filed June 30, 2015, 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. No appearance is necessary.

5. [15-13246](#)-B-7 RONALD/MARY GONZALES

PRO SE REAFFIRMATION AGREEMENT  
WITH BANK OF THE WEST  
10-21-15 [[13](#)]

TIMOTHY SPRINGER/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. §524(c)(3), if the debtor is represented by counsel, the agreement must be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect. *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. §524(c) and is not enforceable. In addition, 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. No appearance is necessary.

1:30 P.M.

1. [15-13706](#)-B-13 JOSE PINA  
MBB-1  
CASHCALL, INC./MV  
THOMAS GILLIS/Atty. for dbt.  
TINA PIVONKA/Atty. for mv.

MOTION FOR RELIEF FROM  
CO-DEBTOR STAY  
10-12-15 [[8](#)]

**This motion will be denied as moot. The motion seeks relief from the automatic co-debtor stay in order to pursue collection of a deficiency judgment in connection with the repossession of an automobile purchased jointly by the debtor and his non-filing spouse for personal household use. By law a creditor is stayed by the automatic co-debtor stay until "the case is closed, dismissed, or converted to a case under Chapter 7 or 11" of the Bankruptcy Code. (11 U.S.C.A. § 1301(a)(2).)**

However, pursuant to 11 U.S.C.A. § 1301(d), the co-debtor stay will expire automatically 20 days after the filing of a request for relief from that stay alleging that the Chapter 13 plan does not purport to pay the creditor's claim, unless the debtor (or another party liable on such debt) registers a written objection. This motion was filed October 12, 2015 and alleges that the debtor's plan does not purport to pay this claim in that it provides only 8.1% to general unsecured creditors. The motion was fully noticed and there was no response. Therefore, the automatic co-debtor stay expired on November 2, 2015, by operation of law.

The automatic stay as to actions against the debtor or against property of the estate is not affected. The court will prepare and enter a civil minute order. No appearance is necessary.

2. [15-11610](#)-B-13 JORGE CANO AND LORENA  
MHM-1 CHAVEZ  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.  
MICHAEL MEYER/Atty. for mv.  
WITHDRAWN

MOTION TO DISMISS CASE  
10-7-15 [[49](#)]

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

3. [11-18914](#)-B-13 FREDERICK/SHELLEY  
JHW-1 MCINTOSH  
PORTFOLIO RECOVERY ASSOCIATES,  
LLC/MV  
JERRY LOWE/Atty. for dbt.  
JENNIFER WANG/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-1-15 [[94](#)]

4. [11-16631](#)-B-13 TONY/ELISA CARLOS  
MHM-5  
MICHAEL MEYER/MV  
PETER FEAR/Atty. for dbt.  
WITHDRAWN

MOTION TO DISMISS CASE  
9-21-15 [[96](#)]

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

5. [15-12831](#)-B-13 GARY/JANET BOTHUN  
MHM-1  
MICHAEL MEYER/MV  
DAVID JENKINS/Atty. for dbt.  
WITHDRAWN

MOTION TO DISMISS CASE  
10-13-15 [[20](#)]

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

6. [15-11432](#)-B-13 CHRISTINA GARCIA  
MHM-1  
CHRISTINA GARCIA/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
WITHDRAWN

MOTION TO DISMISS CASE  
9-29-15 [[41](#)]

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

7. [15-13333](#)-B-13 SELINA BARNETT  
JHW-1  
MERCEDES-BENZ FINANCIAL  
SERVICES USA LLC/MV  
DAVID JENKINS/Atty. for dbt.  
JENNIFER WANG/Atty. for mv.  
RESPONSIVE PLEADING

OBJECTION TO CONFIRMATION OF  
PLAN BY MERCEDES-BENZ FINANCIAL  
SERVICES USA LLC  
10-1-15 [[15](#)]

**This objection to confirmation of a chapter 13 plan will be overruled without prejudice. The debtor has withdrawn the plan. Within 21 days, the debtor shall file and serve a modified plan and set a confirmation hearing. The court will prepare and enter a civil minute order. No appearance is necessary.**

8. [10-11251](#)-B-13 BOBBIE FULLER  
[15-1109](#)  
FULLER V. BANK OF AMERICA,  
N.A.  
PETER BUNTING/Atty. for pl.  
RESPONSIVE PLEADING

STATUS CONFERENCE RE: COMPLAINT  
8-28-15 [[1](#)]

9. [10-61460](#)-B-13 MARY HICKS  
MHM-1  
MICHAEL MEYER/MV  
CHERYL JOLLEY-SMITH/Atty. for dbt.

MOTION TO DISMISS CASE  
9-18-15 [[76](#)]

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

10. [15-13464](#)-B-13 ELIZABETH HAGAN  
BF-5  
PHH MORTGAGE CORPORATION/MV  
  
BENNY BARCO/Atty. for dbt.  
BRANDYE FOREMAN/Atty. for mv.

OBJECTION TO CONFIRMATION OF  
PLAN BY PHH MORTGAGE  
CORPORATION  
10-16-15 [[21](#)]

This matter will be continued to December 22, 2015, at 1:30 p.m., to be heard with the trustee's motion to dismiss. The court will prepare a minute order. No appearance is necessary.

11. [13-17665](#)-B-13 MARGARITO/GUADALUPE  
MHM-3 VILLEGAS  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO DISMISS CASE  
9-18-15 [[58](#)]

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

12. [14-15065](#)-B-13 CHRISTOPHER/JEANETTE  
JHW-1 CAMPISE  
TD AUTO FINANCE LLC/MV  
PETER BUNTING/Atty. for dbt.  
JENNIFER WANG/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-1-15 [[27](#)]

The motion will be denied as moot. The court intends to grant the debtors' unopposed motion below to confirm a modified plan. The modified plan appears to resolve the grounds for the movant's motion for relief. The court will prepare and enter a civil minute order. No appearance is necessary.

13. [14-15065](#)-B-13 CHRISTOPHER/JEANETTE MOTION TO MODIFY PLAN  
PBB-1 CAMPISE 10-5-15 [[37](#)]  
CHRISTOPHER CAMPISE/MV  
PETER BUNTING/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 debtors 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.

14. [15-12868](#)-B-13 WHSYEENA FLOWERS-KIRKLAND MOTION TO CONFIRM PLAN  
10-10-15 [[37](#)]  
WSYEENA FLOWERS-KIRKLAND/MV  
KYLE HACKETT/Atty. for dbt.  
RESPONSIVE PLEADING

The motion will be denied without prejudice. The objection to confirmation filed by the chapter 13 trustee details the deficiencies of this motion. They include the fact that the moving papers do not include an appropriate docket control number as required by Local Bankruptcy Rule 9014-1(c). In addition, the moving papers were not filed in compliance with Local Bankruptcy Rule 9014-1(d)(3). Also, among its other deficiencies, the notice fails to advise potential respondents whether and when written opposition must be filed. No appearance is necessary. The court will prepare and enter a civil minute order.

15. [11-10171](#)-B-13 DWAYNE/RENEE KENNEDY MOTION FOR COMPENSATION BY THE  
PLF-3 LAW OFFICE OF FEAR LAW GROUP,  
P.C. FOR PETER L. FEAR, DEBTORS  
ATTORNEY(S)  
10-13-15 [[71](#)]  
PETER FEAR/Atty. for dbt.

The motion will be denied without prejudice. The motion was filed without evidence of why or how the preparation of a modified plan was unanticipated, when the first plan was confirmed, under LBR 2016-1(c). The court will prepare and enter a civil minute order. No appearance is necessary.

16. [13-15371](#)-B-13 CHRISTANIA HAUGHTON  
MHM-3  
MICHAEL MEYER/MV  
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO DISMISS CASE  
9-18-15 [[41](#)]

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

17. [15-12683](#)-B-13 LUCIANO/MANDY GALVEZ  
TCS-1  
LUCIANO GALVEZ/MV  
  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
AMERICREDIT FINANCIAL SERVICES,  
INC.  
10-10-15 [[40](#)]

This motion to value respondent's collateral 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 presented, the respondent's secured claim will be fixed at \$7,850. The moving party shall submit a proposed order consistent with this ruling. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

18. [15-12085](#)-B-13 STACEY CALK  
MHM-2  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

CONTINUED MOTION TO DISMISS  
CASE  
9-16-15 [[38](#)]

19. [10-60687](#)-B-13 ETHAN/CYNTHIA BARE  
MHM-3  
MICHAEL MEYER/MV  
JAMES MILLER/Atty. for dbt.  
WITHDRAWN

MOTION TO DISMISS CASE  
9-18-15 [[66](#)]

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

20. [11-19190](#)-B-13 RANDALL WURTS AND MOTION FOR COMPENSATION BY THE  
PLF-3 PATRICIA BROWN-WURTS LAW OFFICE OF FEAR LAW GROUP,  
P.C. FOR PETER L. FEAR, DEBTORS  
ATTORNEY(S)  
10-13-15 [[55](#)]

GABRIEL WADDELL/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.**

21. [15-12591](#)-B-13 CHRISTOPHER NIEBLAS MOTION TO CONFIRM PLAN  
FJA-3 9-23-15 [[78](#)]  
CHRISTOPHER NIEBLAS/MV  
FRANCISCO ALDANA/Atty. for dbt.  
CASE DISMISSED

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

22. [14-13896](#)-B-13 JOHN/MARY TRUJILLO MOTION TO AVOID LIEN OF UNIFUND  
MSN-1 CCR PARTNERS  
JOHN TRUJILLO/MV 9-21-15 [[27](#)]  
MARSHALL MOUSHIGIAN/Atty. for dbt.

**The court having recused itself, this motion will be rescheduled to November 12, 2015, at 9:00 a.m., in Department A before Judge Clement. No appearance is necessary November 10, 2015.**

23. [15-14151](#)-B-13 MATHEW ALFORD MOTION TO EXTEND AUTOMATIC STAY  
SL-1 11-3-15 [[13](#)]  
MATHEW ALFORD/MV  
SCOTT LYONS/Atty. for dbt.

**2:30 P.M.**

1. [15-14017](#)-B-11 CLUB ONE CASINO, INC.  
KDG-1  
CLUB ONE CASINO, INC./MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
  
CONTINUED MOTION TO USE CASH  
COLLATERAL AND/OR MOTION FOR  
ADEQUATE PROTECTION  
10-15-15 [[7](#)]
2. [15-14017](#)-B-11 CLUB ONE CASINO, INC.  
KDG-2  
CLUB ONE CASINO, INC./MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
  
CONTINUED MOTION FOR ORDER  
PROHIBITING UTILITIES FROM  
ALTERING, REFUSING, OR  
DISCONTINUING SERVICE AND/OR  
MOTION FOR ADEQUATE PROTECTION  
10-15-15 [[10](#)]
3. [15-14017](#)-B-11 CLUB ONE CASINO, INC.  
KDG-3  
CLUB ONE CASINO, INC./MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
  
CONTINUED MOTION FOR ORDER  
AUTHORIZING DEBTOR TO HONOR  
CASINO CHIPS AND OTHER GAMING  
LIABILITIES  
10-15-15 [[13](#)]
4. [15-14017](#)-B-11 CLUB ONE CASINO, INC.  
KDG-5  
CLUB ONE CASINO, INC./MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
  
MOTION TO EMPLOY BILL HUGHES AS  
CHEIF RESTRUCTURING OFFICER  
AND/OR MOTION TO EMPLOY  
GLASSRATNER ADVISORY & CAPITAL  
GROUP, LLC  
10-23-15 [[51](#)]



5. [15-13167](#)-B-12 DOUG KOPHAMER FARMS  
LKW-4  
DOUG KOPHAMER FARMS/MV  
LEONARD WELSH/Atty. for dbt.

MOTION TO ASSUME LEASE OR  
EXECUTORY CONTRACT  
9-25-15 [[50](#)]

**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.**

6. [15-13167](#)-B-12 DOUG KOPHAMER FARMS  
LKW-5  
DOUG KOPHAMER FARMS/MV  
LEONARD WELSH/Atty. for dbt.

MOTION TO ASSUME LEASE OR  
EXECUTORY CONTRACT  
9-25-15 [[56](#)]

**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.**

7. [15-13167](#)-B-12 DOUG KOPHAMER FARMS  
LKW-6  
DOUG KOPHAMER FARMS/MV  
LEONARD WELSH/Atty. for dbt.

MOTION TO ASSUME LEASE OR  
EXECUTORY CONTRACT  
9-25-15 [[62](#)]

**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.**De