

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, November 20, 2019
Place: Department B – Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS 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.

9:30 AM

1. [18-13218](#)-B-7 **IN RE: VAN LAI**
[RH-5](#)

MOTION FOR COMPENSATION FOR ROBERT A. HAWKINS, TRUSTEES ATTORNEY
10-17-2019 [\[242\]](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED. Trustee's counsel, Robert Hawkins, requests fees of \$19,280.00 and costs of \$216.45 for a total of \$19,496.45 for services rendered from January 28, 2019 through October 14, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Preparation of employment and fee applications, (2) Assisting the trustee in selling real property, and (3) Resolving title issues with the real property assets of the estate prior to sale. The court finds the services reasonable and necessary and the expenses requested actual and necessary. No opposition was filed.

Movant shall be awarded \$19,280.00 in fees and \$216.45 in costs.

2. [19-10828](#)-B-7 **IN RE: MICHAEL PETTY**
[SL-2](#)

MOTION TO AVOID LIEN OF CAPITAL ONE BANK (USA), N.A.
10-1-2019 [\[38\]](#)

MICHAEL PETTY/MV
SCOTT LYONS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. In order to avoid a lien under 11 U.S.C. § 522(f)(1) the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (9th Cir. BAP 2003), quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), aff'd 24 F.3d 247 (9th Cir. 1994).

A judgment was entered against the debtor in favor of Capital One Bank (USA), N.A. in the sum of \$15,646.03 on January 2, 2015. Doc. #42. The abstract of judgment was recorded with Tulare County on April 27, 2015. Id. That lien attached to the debtor's interest in a residential real property in Tulare, CA. The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had

an approximate value of \$209,006.00 as of the petition date. Doc. #14. The unavoidable liens totaled \$191,879.00 on that same date, consisting of a first deed of trust in favor of CENLAR. Doc. #1. The debtor claimed an exemption pursuant to Cal. Civ. Proc. Code § 703.140(b)(5) in the amount of \$19,825.00. Doc. #14.

Movant has established the four elements necessary to avoid a lien under § 522(f)(1). After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

3. [19-12754](#)-B-7 **IN RE: SUPER TRUCK LINES INC.**
[KAS-3](#)

MOTION TO EMPLOY GOULD AUCTION AND APPRAISAL COMPANY AS
AUCTIONEER, AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES
10-22-2019 [\[230\]](#)

JAMES SALVEN/MV
THOMAS HOGAN/ATTY. FOR DBT.
KELSEY SEIB/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. 11 U.S.C. § 328(a) permits employment of "professional persons" on "reasonable terms and conditions" including "contingent fee basis."

Trustee is authorized to employ Baird Auctions & Appraisals ("Auctioneer") as auctioneer to sell property of the estate consisting of a 2010 Utility Reefer Trailer, two 2015 Utility Reefer Trailers, and a 2015 Volvo VNL64T780 Tractor ("Assets") at a public auction, which is set for December 7, 2019 at 6200 Price Way in Bakersfield, CA. The combined balance on the three Assets with liens is approximately \$45,000.00. Doc. #233. The combined value of the Assets is approximately \$92,000.00, leaving almost \$47,000.00 for the estate before the cost of sale. Id.

The trustee proposes to compensate Auctioneer on a percentage collected basis. The percentage is 12.5% of the gross proceeds from the sale. Doc. #230. Trustee is also authorized to reimburse Auctioneer up to \$4,000.00 for expenses and a \$600.00 pick-up fee for any of the Asset that needs to be moved to the auction location.

The court finds the proposed arrangement reasonable in this instance. If the arrangement proves improvident, the court may allow different compensation under 11 U.S.C. § 328(a).

Trustee is authorized to employ and pay Auctioneer for his services as outlined above, and the proposed sale at auction of the Assets is approved.

4. [19-13258](#)-B-7 **IN RE: MAXIMILIANO BARRERA AND MARIA ANDRADE**
[AYN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
10-7-2019 [\[14\]](#)

JORGE CARDENAS/MV
D. GARDNER/ATTY. FOR DBT.
HESAMEDIN AYNECHI/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The motion will be DENIED WITHOUT PREJUDICE. The Motion and all supporting documents were not filed separately and do not comply with many of the Local Rules of Practice ("LBR").

First, the notice did not contain the language required under LBR 9014-1(d)(3)(B)(iii). LBR 9014-1(d)(3)(B), which is about noticing requirements, requires movants to notify respondents that they can determine whether the matter has been resolved without oral argument or if the court has issued a tentative ruling by checking the Court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing.

Second, the notice did not state whether written opposition was required and if so, when it should be filed and served, and the consequences of failing to do so. See LBR 9014-1(f).

Third, movant did not comply with LBR 4001-1(a)(3).

Additionally, there was no exhibit index for the exhibits, the notice, motion, declaration, exhibits, and certificate of service were filed together, not separately, as required by LBR 9004-2(c)(1).

5. [19-13060](#)-B-7 **IN RE: FILIBERTO VILLARREAL**
[JES-1](#)

MOTION TO SELL
10-17-2019 [\[17\]](#)

JAMES SALVEN/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed for higher and better bids only.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. 11 U.S.C. § 363(b)(1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

Proposed sales under 11 U.S.C. § 363(b) are reviewed to determine whether they are: (1) in the best interests of the estate resulting from a fair and reasonable price; (2) supported by a valid business judgment; and (3) proposed in good faith. In re Alaska Fishing Adventure, LLC, No. 16-00327-GS, 2018 WL 6584772, at *2 (Bankr. D. Alaska Dec. 11, 2018); citing 240 North Brand Partners, Ltd. v. Colony GFP Partners, LP (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (9th Cir. BAP 1996) citing In re Wilde Horse Enterprises, Inc., 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991). In the context of sales of estate property under § 363, a bankruptcy court "should determine only whether the trustee's judgment was reasonable and whether a sound business justification exists supporting the

sale and its terms." Alaska Fishing Adventure, LLC, 2018 WL 6584772, at *4, quoting 3 Collier on Bankruptcy ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.). "[T]he trustee's business judgment is to be given great judicial deference.'" Id., citing In re Psychometric Systems, Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007), citing In re Bakalis, 220 B.R. 525, 531-32 (Bankr. E.D.N.Y. 1998).

The chapter 7 trustee asks this court for authorization to sell the estate's interest in debtor's 2013 Fiat and 2012 Kia Optima ("Vehicles"). Doc. #17. Debtor will purchase the Fiat for \$2,133.00 (\$5,183.00 fair market value less debtor's \$3,050.00 exemption credit) and debtor's half interest in the Kia for \$3,371.00 (\$3,371.00 fair market value, no exemption credit) back to debtor, subject to higher and better bids at the hearing, for a total of \$5,504.00. Id. No party has filed opposition to this motion.

It appears that the sale of the Vehicles is in the best interests of the estate, for a fair and reasonable price, supported by a valid business judgment, and proposed in good faith.

6. [19-13764](#)-B-7 **IN RE: DAWN TURNER**
[DVW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-5-2019 [\[14\]](#)

21ST MORTGAGE CORPORATION/MV
JOEL WINTER/ATTY. FOR DBT.
DIANE WEIFENBACH/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted unless opposed at the hearing.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. Unless opposition is presented at the hearing, the court intends to enter the debtor's and the trustee's defaults and enter the following ruling granting the motion for relief from stay. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 1997 Champion

manufactured home located at 221 W. Herndon Ave., Space 43, Fresno, California. Doc. #18. The collateral has a value of \$85,000.00 and debtor owes \$76,664.57. *Id.*

A waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will not be granted. The movant has shown no exigency.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding, then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

The court notes that the movant failed to file a separate certificate of service on the amended notice of hearing filed and served on November 6, 2019 (Doc. #20) as required by LBR 9014-1(d)(4). All other pleadings filed by movant met the requirements, including the certificate of service filed and served on November 5, 2019 (Doc. #19).

7. [12-14369](#)-B-7 **IN RE: JEREMY/GABRIELLE CROISSET**
[PK-2](#)

MOTION TO AVOID LIEN OF AMERICAN EXPRESS BANK, FSB
10-22-2019 [\[24\]](#)

JEREMY CROISSET/MV
PATRICK KAVANAGH/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. In order to avoid a lien under 11 U.S.C. § 522(f)(1) the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (9th Cir. BAP 2003), quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), aff'd 24 F.3d 247 (9th Cir. 1994).

A judgment was entered against the debtor in favor of American Express Bank, FSB in the sum of \$37,143.83 on December 20, 2010. Doc. #29. The abstract of judgment was recorded with Kern County on June 13, 2011. Id. That lien attached to the debtor's interest in a residential real property in Tehachapi, CA. The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of \$77,500.00 as of the petition date. Doc. #1. The unavoidable lien totaled \$89,989.00 on that same date, consisting of a first deed of trust in favor of Wells Fargo Home Mortgage. Doc. #1, Schedule D. The debtor claimed an exemption pursuant to Cal. Civ. Proc. Code § 703.140(b)(5) in the amount of \$1,550.00. Doc. #22.

Movant has established the four elements necessary to avoid a lien under § 522(f)(1). After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

8. [19-14170](#)-B-7 **IN RE: JOHNNY GONZALES**
[PBB-2](#)

MOTION TO CONVERT CASE FROM CHAPTER 7 TO CHAPTER 13
11-6-2019 [\[22\]](#)

PETER BUNTING/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. 11 U.S.C. § 706(a) allows a debtor in chapter 7 to convert to chapter 13 "at any time," unless the case was previously converted to chapter 7 from another chapter."

However, the Supreme Court in Marrama v. Citizens Bank, 549 U.S. 365, 371-72 (2007), held that a debtor does not have an absolute right to convert to chapter 13 under § 706(a), but also must be eligible to a debtor under chapter 13. The Supreme Court held that "[i]n practical effect, a ruling that an individual's Chapter 13 case should be dismissed or converted to Chapter 7 because of prepetition bad-faith conduct, including fraudulent acts committed in an earlier Chapter 7 proceeding, is tantamount to a ruling that the individual does not qualify as a debtor under Chapter 13." Therefore, the court must find that the debtor is eligible to be a debtor under chapter 13 in conformance with 11 U.S.C. § 1307(c).

The court finds that this case has not been previously converted to chapter 7 from another chapter, and that the debtor is eligible to be a debtor under chapter 13 in conformance with 11 U.S.C. § 1307(c). Unless opposition is presented at the hearing, this case shall be converted to chapter 13.

9. [18-14473](#)-B-7 **IN RE: JOANNA PORTER JOHNSON**
[JBA-4](#)

MOTION FOR CONTEMPT AND/OR MOTION FOR SANCTIONS FOR VIOLATION OF
THE DISCHARGE INJUNCTION
10-11-2019 [62](#)

JOANNA PORTER JOHNSON/MV
JOSEPH ANGELO/ATTY. FOR DBT.
CONTINUED TO 1/28/20, ORDER #68

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 11, 2020 at 1:30 p.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #78.

10. [19-14480](#)-B-7 **IN RE: MICHELLE RAPADA**
[VVF-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-4-2019 [\[11\]](#)

MECHANICS BANK/MV
JERRY LOWE/ATTY. FOR DBT.
VINCENT FROUNJIAN/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted unless opposed at the hearing.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The Moving Party
shall submit a proposed order after hearing.

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. Unless opposition is presented at the hearing, the court intends to enter the debtor's and the trustee's defaults and enter the following ruling granting the motion for relief from stay. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2012 Chevrolet Malibu. Doc. #13. The collateral has a value in between \$4,825.00 and \$7,825.00. *Id.* The debtor owes \$9,065.84. *Id.*

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding, then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

11:00 AM

1. [19-14189](#)-B-7 **IN RE: DEBORAH DARLING**

PRO SE REAFFIRMATION AGREEMENT WITH NOBLE CREDIT UNION
11-1-2019 [[11](#)]

NO RULING.

1:30 PM

1. [11-63503](#)-B-7 **IN RE: FRANK/ALICIA ITALIANE**
[12-1053](#)
[HRR-4](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
10-18-2012 [\[21\]](#)

JEFFREY CATANZARITE FAMILY LIMITED PARTNERSHIP ET V. LANE
HAMID RAFATJOO/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to December 18, 2019 at 1:30 p.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #85.

Pursuant to the parties' joint status report, the status conference is continued to December 18, 2019 at 1:30 p.m. The parties shall file a joint status report not later than December 11, 2019.

2. [19-12236](#)-B-13 **IN RE: GABRIEL/SANDRA AYALA**
[19-1076](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-21-2019 [\[1\]](#)

AYALA, SR. ET AL V. 3RD GENERATION, INC.
PETER BUNTING/ATTY. FOR PL.
DISMISSED 11/5/19

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: An order dismissing the case has already been entered. Doc. #27.

3. [18-11357](#)-B-13 **IN RE: ENRIQUE/GUADALUPE REYES**
[19-1039](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
4-23-2019 [\[12\]](#)

REYES ET AL V. KUTNERIAN ENTERPRISES ET AL
JAMES MICHEL/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Plaintiff shall file a status report within 14
days of the Ninth Circuit Court of Appeals'
issuance of its ruling and set a hearing for
this matter.

ORDER: The court will issue the order.

Pursuant to the court's prior order (doc. #120) entered November 12,
2019, this adversary proceeding is stayed pending the Ninth Circuit
Court of Appeals' ruling.

4. [17-11570](#)-B-13 **IN RE: GREGGORY KIRKPATRICK**
[19-1100](#)

STATUS CONFERENCE RE: COMPLAINT
9-24-2019 [\[1\]](#)

KIRKPATRICK V. CALLISON ET AL
MARTIN GAMULIN/ATTY. FOR PL.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to December 11, 2019 at 1:30 p.m.

ORDER: The court will issue an order.

Defendants Christopher Scott Callison and Perla Ivette Perez have
filed a motion requesting abstention, set for hearing on December
11, 2019 at 1:30 p.m. Defendants have just answered the complaint.
Therefore this status conference is continued to be heard in
conjunction with the motion requesting abstention.

5. [18-13678](#)-B-7 **IN RE: VERSA MARKETING, INC.**
[19-1032](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
3-6-2019 [\[1\]](#)

VERSA MARKETING, INC. V. WEST LIBERTY FOODS, LLC
C. MEINE/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: An order to show cause why the case should not be
dismissed will be issued.

ORDER: The court will issue the order.

Pursuant to the court's previous order (doc. #46), "if there is no prosecution of this matter by the next hearing date . . ." then the court would issue an order to show cause why the case should not be dismissed. As of November 15, 2019, only defendant has filed a status report. The chapter 7 trustee has not filed anything in this matter since the case was converted to chapter 7. Therefore an order to show cause will be issued.

6. [11-10380](#)-B-13 **IN RE: RICHARD/JACKIE OROZCO**
[FW-3](#)

FURTHER STATUS CONFERENCE RE: MOTION FOR SANCTIONS FOR VIOLATION
OF THE DISCHARGE INJUNCTION
9-6-2018 [\[95\]](#)

RICHARD OROZCO/MV
PETER FEAR/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

7. [19-10297](#)-B-7 **IN RE: RICHARD/ANGELA MARINO**
[19-1054](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-3-2019 [\[1\]](#)

STRATEGIC FUNDING SOURCE, INC. V. MARINO
JARRETT OSBORNE-REVIS/ATTY. FOR PL.

NO RULING.