

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Tuesday, December 6, 2016
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.

9:30 A.M.

1. [16-10643](#)-B-12 MARK FORREST
LKW-7

LEONARD WELSH/Atty. for dbt.
- MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
11-11-16 [[110](#)]

This motion will be denied without prejudice. No appearance is necessary. The motion was not filed in compliance with LBR 9014-1(f) (1), which requires service on 28 days' notice. The language in the notice requires written response within 14 days of the hearing, therefore the motion was also not filed in compliance with LBR 9014-1(f) (2).

2. [15-13167](#)-B-12 DOUG KOPHAMER FARMS
MHM-1
MICHAEL MEYER/MV
LEONARD WELSH/Atty. for dbt.
RESPONSIVE PLEADING
- CONTINUED MOTION TO DISMISS
CASE
8-19-16 [[269](#)]

This matter will proceed as scheduled.

1:30 P.M.

1. [16-10706](#)-B-7 ARLEEN MAROZIK
[16-1093](#)
FEAR V. PASCUZZI, PASCUZZI &
STOKER
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: COMPLAINT
9-27-16 [[1](#)]

This matter will proceed as scheduled. It appears that there are threshold issues of both law and fact that may be bifurcated for trial and/or a motion for summary judgment if not resolved by stipulation.

First, the trustee contends that the defendant violated Cal. Rules of Prof. Conduct 3-300 in obtaining the real property lien at issue in this adversary proceeding. The defendant counters with an allegation that Rule 3-300 does not apply to family law attorney liens. The court will invite oral argument on the effect of Cal.Fam.Code § 2033(e) on this point.

The second threshold issue presents issues of both fact and law. The trustee also contends that the fee agreement was not signed by the defendants and therefore any fees must be based on *quantum meruit*. The defendant denies that the fee agreement was not signed by it and also argues that it is undisputed that the fee agreement was signed by the debtor, "the person to be charged," and is so enforceable. The court will invite oral argument on the effect of Cal.Bus. & Prof.Code § 6148(a) and (c) on this point.

2. [16-12310](#)-B-13 ROBIN RANK
[16-1092](#)
MCT GROUP, INC. V. RANK
ALAN WILLIAMS/Atty. for pl.
RESPONSIVE PLEADING

STATUS CONFERENCE RE: COMPLAINT
9-23-16 [[1](#)]

This status conference has been rescheduled to February 15, 2017, at 1:30 p.m., pursuant to stipulation of the parties and order of the court entered November 30, 2016.

3. [16-11855](#)-B-7 HARJOT SINGH AND INDERJIT STATUS CONFERENCE RE: COMPLAINT
[16-1096](#) SANDHU 9-29-16 [[1](#)]
RATTAN V. SINGH ET AL
EDWARD WRIGHT/Atty. for pl.
RESPONSIVE PLEADING,
REISSUED SUMMONS FOR
12/14/16

This status conference will be dropped from calendar. No appearance is necessary.

The summons has been reissued and a new status conference has been set in the reissued summons.

4. [16-13368](#)-B-7 REO SALDIVAR STATUS CONFERENCE RE: COMPLAINT
[16-1097](#) 9-30-16 [[1](#)]
SALDIVAR V. EDUCATIONAL CREDIT
MANAGEMENT CORPORATION
REO SALDIVAR/Atty. for pl.
RESPONSIVE PLEADING

This matter will proceed as scheduled.