

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Tuesday, December 9, 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. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, MOTION TO COMPROMISE
WW-1 A CALIFORNIA GENERAL CONTROVERSY/APPROVE SETTLEMENT
SOUTH LAKES DAIRY FARM, A AGREEMENT WITH GEA WESTFALIA
CALIFORNIA GENERAL SURGE WEST
11-10-14 [[566](#)]

JACOB EATON/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.

2. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, MOTION TO COMPROMISE
WW-2 A CALIFORNIA GENERAL CONTROVERSY/APPROVE SETTLEMENT
SOUTH LAKES DAIRY FARM, A AGREEMENT WITH HETTINGA
CALIFORNIA GENERAL TRANSPORTATION, INC.
11-10-14 [[572](#)]
JACOB EATON/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. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, MOTION TO COMPROMISE
WW-3 A CALIFORNIA GENERAL CONTROVERSY/APPROVE SETTLEMENT
SOUTH LAKES DAIRY FARM, A AGREEMENT WITH ATKINSON,
CALIFORNIA GENERAL ANDELSON, LOYA, RUUD, AND ROMO
11-10-14 [[577](#)]
JACOB EATON/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. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM, MOTION TO COMPROMISE
WW-4 A CALIFORNIA GENERAL CONTROVERSY/APPROVE SETTLEMENT
SOUTH LAKES DAIRY FARM, A AGREEMENT WITH SVT
CALIFORNIA GENERAL 11-10-14 [[582](#)]
JACOB EATON/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.

5. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
WW-5 A CALIFORNIA GENERAL
SOUTH LAKES DAIRY FARM, A
CALIFORNIA GENERAL
JACOB EATON/Atty. for dbt.
- MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH SAN JOAQUIN
VALLEY DAIRY EQUIPMENT
11-10-14 [[587](#)]

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. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
WW-6 A CALIFORNIA GENERAL
SOUTH LAKES DAIRY FARM, A
CALIFORNIA GENERAL
JACOB EATON/Atty. for dbt.
- MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH ELANCO ANIMAL
HEALTH
11-18-14 [[600](#)]

7. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
[14-1104](#) A CALIFORNIA GENERAL WW-1
SOUTH LAKES DAIRY FARM V. SAN
JOAQUIN VALLEY DAIRY EQUIPMENT
MICHAEL WILHELM/Atty. for mv.
- MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH SAN JOAQUIN
VALLEY DAIRY EQUIPMENT
11-10-14 [[13](#)]

This matter will be continued to December 23, 2014, at 9:00 a.m. The motion needs to be refiled in the main case and properly noticed to all creditors and parties in interest. The court will prepare a minute order. No appearance is necessary.

8. [08-13589](#)-B-7 SHAWN DEITZ
[08-1217](#)
FORD ET AL V. DEITZ
- APPLICATION AND ORDER TO APPEAR
FOR EXAMINATION
11-14-14 [[190](#)]

This matter will be dropped from calendar. No appearance is necessary. The record does not show that the order to appear has been timely and properly served on the judgment debtor.

10:00 A.M.

1. [14-13200](#)-B-7 WAYNE/KAREN MARTIN
PLF-2
JAMES SALVEN/MV
PETER BUNTING/Atty. for dbt.
PETER FEAR/Atty. for mv.
- MOTION TO SELL AND/OR MOTION
FOR COMPENSATION FOR NATIONAL
MOUNTAIN SOUND PROPERTIES,
BROKER(S).
11-18-14 [[25](#)]

2. [12-12017](#)-B-7 MICHAEL/JULIE WATSON MOTION TO EMPLOY DOUGLAS GRUBBS
 TMT-1 AS SPECIAL COUNSEL
 TRUDI MANFREDO/MV 11-5-14 [[26](#)]
 F. GIST/Atty. for dbt.
 TRUDI MANFREDO/Atty. for mv.

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. [13-17341](#)-B-7 HOWARD SAGASER MOTION TO EXTEND TIME TO OBJECT
 LRP-5 TO PROPERTY CLAIMED AS EXEMPT
 PETER CASTLEMAN/MV 11-20-14 [[541](#)]
 HAGOP BEDOYAN/Atty. for dbt.
 CARL GRUMER/Atty. for mv.

4. [14-13546](#)-B-7 MARICELA ZEPEDA MOTION TO COMPEL
 RHT-1 10-21-14 [[14](#)]
 ROBERT HAWKINS/MV
 THOMAS GILLIS/Atty. for dbt.
 ROBERT HAWKINS/Atty. for mv.

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 2005 Honda Civic shall be turned over to the Trustee in good condition within seven (7) days of entry and service of the court's order. The moving party shall submit a proposed order. No appearance is necessary.

5. [14-13548](#)-B-7 ALEJANDRO MARTINEZ AND MOTION TO SELL
 RHT-1 NICOMEDES MIRANDA 10-22-14 [[24](#)]
 ROBERT HAWKINS/MV
 THOMAS GILLIS/Atty. for dbt.
 ROBERT HAWKINS/Atty. for mv.

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. [13-15250](#)-B-7 DENNIS GAI AND EILEEN MOTION FOR COMPENSATION FOR
 JES-2 BLANCARTE-GAI JAMES E. SALVEN, ACCOUNTANT(S).
 JAMES SALVEN/MV 6-19-14 [[53](#)]
 MARIO LANGONE/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.

7. [14-14765](#)-B-7 ROBERT/SHARRYLE EURICH OBJECTION TO DEBTOR'S CLAIM OF
JES-1 EXEMPTIONS
JAMES SALVEN/MV 11-8-14 [[17](#)]

The trustee's objection was fully noticed in compliance with the Local Rules. The objection will be sustained without oral argument for cause shown. The Debtors' exemption Schedule C is incomplete. It does not state the applicable law under which the exemptions are claimed. The stated homestead exemption exceeds the amount of exemption available under any applicable state law. The Debtors shall have 21 days to file and serve on the Trustee a properly amended schedule of exemptions. The Trustee shall submit a proposed order. No appearance is necessary.

8. [14-12770](#)-B-7 STEVEN/BARBARA BUTLER MOTION TO AVOID LIEN OF TD BANK
JDR-7 USA, N.A.
STEVEN BUTLER/MV 11-3-14 [[71](#)]
JEFFREY ROWE/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.

9. [14-15174](#)-B-7 CHAN/JENNIFER PARK MOTION TO AVOID LIEN OF
GMA-1 JLPK-SEQUOIA L.P.
CHAN PARK/MV 11-5-14 [[12](#)]
GEOFFREY ADALIAN/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.

10. [14-13685](#)-B-7 DAVID ESGUERRA AND MARIA MOTION BY NICHOLAS E.
NEA-1 HUIZAR-ESGUERRA ANIOTZBEHERE TO WITHDRAW AS
ATTORNEY
NICHOLAS ANIOTZBEHERE/Atty. for dbt. 11-7-14 [[32](#)]

11. [14-13885](#)-B-7 TABITHA GRAVES OBJECTION TO DEBTOR'S CLAIM OF
TMT-1 EXEMPTIONS
TRUDI MANFREDO/MV 11-7-14 [[15](#)]
TRUDI MANFREDO/Atty. for mv.

The Debtor has amended her exemptions and the Trustee's objection has been withdrawn. No appearance is necessary.

12. [14-12988](#)-B-7 MARGARET CASTILLO
JES-2
JAMES SALVEN/MV
PETER BUNTING/Atty. for dbt.

MOTION TO EMPLOY CENTURY
21/C.WATSON AS BROKER(S)
11-13-14 [[74](#)]

13. [14-15589](#)-B-7 SIDNEY/JEANINE JACKSON
DRJ-1
SIDNEY JACKSON/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT
11-25-14 [[15](#)]

**This matter has been rescheduled by stipulation of the parties and order to
January 16, 2015, at 10:00 a.m. No appearance is necessary.**

14. [14-14195](#)-B-7 JASON WOODS
JES-1
JAMES SALVEN/MV
STUART PRICE/Atty. for dbt.

MOTION TO EMPLOY LONDON
PROPERTIES, LTD AS BROKER(S)
11-13-14 [[13](#)]

15. [14-14650](#)-B-7 MICHAEL/PAMELA HENDERSON
JDW-1
MICHAEL HENDERSON/MV
JOEL WINTER/Atty. for dbt.

MOTION TO RECONSIDER
11-30-14 [[27](#)]

10:30 A.M.

1. [14-14113](#)-B-7 PAUL/FRANCES HOWARD
JHW-1
TD AUTO FINANCE LLC/MV
SCOTT LYONS/Atty. for dbt.
JENNIFER WANG/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-6-14 [[28](#)]

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. [14-14033](#)-B-7 CHRISTINE PUENTES
JCW-1
BANK OF AMERICA, N.A./MV
GARY HUSS/Atty. for dbt.
JENNIFER WONG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-3-14 [[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 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 Cal. Civil Code § 2923.5 to the extent that it applies. 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. [13-17980](#)-B-7 CHARLES CHOLMAKJIAN
APN-2
FORD MOTOR CREDIT COMPANY/MV
JOEL FEINSTEIN/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

CONTINUED HEARING RE: MOTION
FOR RELIEF FROM AUTOMATIC STAY
10-20-14 [[53](#)]

This matter was renoticed by the moving party to December 18, 2014, at 10:30 a.m. No appearance is necessary on December 9.

11:00 A.M.

1. [14-14991](#)-B-7 KEVIN/DEBORAH KOKER

JEFFREY ROWE/Atty. for dbt.

REAFFIRMATION AGREEMENT WITH
SANTANDER CONSUMER USA INC.
11-14-14 [[12](#)]

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement, however, 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.