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Attorneys for Movants
CAL LeDUC; TORI ABBY; MILEY ABBY, a
Minor, by and through her Guardian ad Litem
TORI ABBY; MANDY JOBE; LUKUS LeDUC;
JAY LeDUC; and CAL LeDUC as successor
In interest to the estate of Marsha Kay LeDUC,

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

DANIEL M. CANCHOLA,

Debtor.

CASE NO. 17-11346

Chapter 7

DC NO. WW-1

CAL LeDUC; TORI ABBY; MILEY ABBY, a
Minor, by and through her Guardian ad
Litem TORI ABBY; MANDY JOBE; LUKUS
LeDUC; JAY LeDUC; and CAL LeDUC as
successor In interest to the estate of
Marsha Kay LeDUC,

Movants.

v.

DANIEL M. CANCHOLA, and JAMES E.
SALVEN, Chapter 7 Trustee,

Respondents.

**ORDER GRANTING RELIEF FROM
STAY TO PURSUE PENDING ACTION
IN NON-BANKRUPTCY FORUM
PURSUANT TO 11 U.S.C. 362(d)(1)**

Date: July 6, 2017

Time: 9:30 a.m.

Place: 2500 Tulare Street
Fresno, CA 93721

Courtroom 13

Judge: Honorable René Lastreto II

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RECEIVED

July 05, 2017

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0006081610

ORDER GRANTING RELIEF FROM STAY TO
PURSUE PENDING ACTION IN NON-BANKRUPTCY
FORUM PURSUANT TO 11 U.S.C. 362(d)(1)

-1-

00148180-MPB-07.05.2017

LP0000079

1 AT FRESNO, IN THE EASTERN DISTRICT OF CALIFORNIA.

2 The hearing on the Motion for Relief from Stay to Pursue Pending Action in Non-
3 Bankruptcy Forum Pursuant to 11 U.S.C. § 362(d)(1) ("Motion") filed by CAL LeDUC;
4 TORI ABBY; MILEY ABBY, a Minor, by and through her Guardian ad Litem TORI
5 ABBY; MANDY JOBE; LUKUS LeDUC; JAY LeDUC; and CAL LeDUC as successor In
6 interest to the estate of Marsha Kay LeDUC, ("Movants"), parties in interest in the
7 Chapter 7 bankruptcy proceeding of DANIEL M. CANCHOLA (the "Debtor"), came
8 before the Court for hearing at the above date and time in the above entitled courtroom.
9 The matter was resolved without oral argument.
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11 The Court considered the Motion, the Memorandum of Points and Authorities
12 and other papers submitted in support of the Motion including the Declaration of
13 Stephen Cornwell, the record in this case, and admissible evidence presented to the
14 Court on the Motion, and having received no objection to the Motion, hereby finds that:
15 (a) notice of the Motion and hearing thereon were adequate, proper, and in compliance
16 with B.R. 7004; (b) there is good cause to modify the automatic stay. Based on the
17 foregoing:
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19 IT IS HEREBY ORDERED that:
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- 21 1. The Motion is GRANTED.
- 22 2. The automatic stay under 11 U.S.C. §362 is modified to permit the action
23 styled as *Cal LeDuc et. al. v. General Motors Corporation et. al.* Case No.
24 13CECG03811, pending before the Superior Court of California for the County of
25 Fresno County (the "Car Crash Litigation"), to proceed to conclusion through and
26 including the entry of judgment, including any post-judgment motions, appeals or other
27 appellate review. Relief from the automatic stay is granted to permit enforcement of
28

1 judgment against any insurance proceeds resulting from the litigation. Relief from the
2 automatic stay is not granted to permit enforcement of any judgment against the Debtor.


3 3. The 14 day stay imposed by FRBP 4001(a)(3) is waived.
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10 Submitted by:
11 WALTER WILHELM LAW GROUP

12 
13 Michael L. Wilhelm, Attorneys for
14 Movants CAL LeDUC; TORI ABBY;
15 MILEY ABBY, a Minor, by and
16 through her Guardian ad Litem
17 TORI ABBY; MANDY JOBE;
18 LUKUS LeDUC; JAY LeDUC; and
19 CAL LeDUC as successor In interest
20 to the estate of Marsha Kay LeDUC
21
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23

24 Dated: Jul 07, 2017

By the Court

25 
26 René Lastreto II, Judge
27 United States Bankruptcy Court MT
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