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22 through her Guardian ad Litem TORI ABBY; MANDY JOBE; LUKUS LeDUC; and JAY
23 LeDUC

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18 CAL LeDUC; TORI ABBY; MILEY
19 ABBY, a minor, by and through her
20 Guardian ad Litem TORI ABBY;
21 MANDY JOBE; LUKUS LeDUC; and
22 JAY LeDUC

23 Plaintiffs,

24 v.

25 MARIO ALBERTO GUERRA; DANIEL
26 M. CANCHOLA; GUERRA PRODUCE;
27 and DOES 1 to 50, inclusive,

28 Defendants.

CASE NO.: 13 CE CG 03811 MWS

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

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Notice of Order Granting Relief From Stay to Pursue Pending Action
(Re USBC Case No. 17-11346)

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 7, 2017, the Honorable Rene' Lastreto, II,
3 signed the Order Granting Relief from Stay to Pursue Pending Action in Non-Bankruptcy
4 Forum Pursuant to 11 U.S.C. 362(d)(1) in the matter of Daniel M. Canchola, United States
5 Bankruptcy Court Case No. 17-11346.

6 A copy of said Order is attached hereto and served herewith as Exhibit A.

7
8 DATED: July 9, 2017.

CORNWELL & SAMPLE, LLP

9
10 By: 

Stephen R. Cornwell

René Turner Sample

Attorneys for Plaintiffs

11 CAL LeDUC; TORI ABBY; MILEY ABBY,
12 a minor, by and through her Guardian ad
13 Litem TORI ABBY; MANDY JOBE;
14 LUKUS LeDUC; and JAY LeDUC
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Notice of Order Granting Relief From Stay to Pursue Pending Action
(Re USBC Case No. 17-11346)

Exhibit A

(SPACE BELOW FOR FILING STAMP ONLY)

WALTER WILHELM LAW GROUP
a Professional Corporation
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Matthew P. Bunting #306034
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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

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

-1-

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LP0000088

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.
10

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:
18

19 IT IS HEREBY ORDERED that:
20


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
22
23

24 Dated: Jul 07, 2017

By the Court

25 
26 René Lastrero II, Judge
27 United States Bankruptcy Court MT
28

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years,
3 and not a party to the within action. My business address is 7045 N. Fruit Avenue,
4 Fresno, California. On July 10, 2017, I served the within documents:

5 ***NOTICE OF ORDER GRANTING RELIEF FROM STAY TO PRSUE PENDING ACTION IN NON-
6 BANKRUPTCY FORUM PURSUANT TO 11 U.S.C. 362(d)(1) (Daniel Canchola)***

7 ☐

BY FAX: by transmitting via facsimile the document(s) listed above to
the fax number(s) set forth below on this date before 5:00 p.m.

8 ☐

BY HAND: by personally delivering the document(s) listed above to the
person(s) at the address(es) set forth below.

9 ☒

10 **BY MAIL:** by placing the sealed envelope for collection and processing
11 for mailing, following this business's usual practices, with which I am
12 readily familiar. On the same day correspondence is placed for collection
and mailing, it is deposited in the ordinary course of business with the
United States Postal Service.

13 ☐

14 **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by
an overnight delivery service company for delivery to the addresse(s) on
the next business day.

15 ☐

16 **BY PERSONAL DELIVERY:** by causing personal delivery by
_____ of the document(s) listed above to the person(s) at the
address(es) set forth below.

17 ☐

BY ELECTRONIC MAIL: to the electronic mail address(es) below.

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26 ROBINSON SHAPIRO
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& NUMMI*

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TROSS, INC., et al.*

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*Co-Counsel for Defendants
TROSS, INC., et al.*

1 I am readily familiar with the firm's practice of collection and processing
2 correspondence for mailing. Under that practice it would be deposited with the U.S.
3 Postal Service on that same day with postage thereon fully prepaid in the ordinary course
4 of business. I am aware that on motion of the party served, service is presumed invalid if
postal cancellation date or postage meter date is more than one day after date of deposit
for mailing in affidavit.

5 I declare under penalty of perjury under the laws of the State of California
6 that the above is true and correct.

7 Executed on July 10, 2017, at Fresno, California.

8 
9 MARY MADEWELL
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