

(SPACE BELOW FOR FILING STAMP ONLY)

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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.

**NOTICE OF CAL LeDUC et. al's
MOTION FOR AN 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

PLEASE TAKE NOTICE that a hearing on CAL LeDUC; TORI ABBY; MILEY

ABBY, a Minor, by and through her Guardian ad Litem TORI ABBY; MANDY JOBE;

1 LUKUS LeDUC; JAY LeDUC; and CAL LeDUC as successor In interest to the estate of
2 Marsha Kay LeDUC's Motion for an Order Granting Relief from Stay to Pursue Pending
3 Action in Non-Bankruptcy Forum Pursuant to 11 U.S.C. 362(d)(1) will be held before
4 the above referenced United States Bankruptcy Judge at the above listed date, time,
5 and courtroom, at the United States Courthouse located at 2500 Tulare Street in
6 Fresno, California.
7

8 The Motion and supporting papers are being served on the interested parties. By
9 the Motion, Movants seek relief from stay to proceed with Case No. 13CECG03811
10 which is pending in the Superior Court in Fresno County. The Motion describes the
11 pending litigation.
12

13 Pursuant to Local Bankruptcy Rule 9014-1(f)(1):

14 Opposition, if any, to the granting of the motion shall be in writing and shall
15 be served and filed with the Court by the responding party at least
16 fourteen (14) calendar days preceding the date or continued date of the
17 hearing. Opposition, if any, shall be served on Walter Wilhelm Law
18 Group, 205 East River Park Circle, Suite 410, Fresno, CA 93720, James
19 E. Salven Chapter 7 Trustee, PO Box 25970, Fresno, CA 93729 and the
20 U.S. Trustee's Office, 2500 Tulare Street, Suite 1401, Fresno, CA 93721.
Opposition shall be accompanied by evidence establishing its factual
allegations. Without good cause, no party shall be heard in opposition to
the motion at oral argument if written opposition to the motion has not
been timely filed. Failure of the responding party to timely file written
opposition may be deemed a waiver of any opposition to the granting of
the motion or may result in the imposition of sanctions.

21 The opposition shall specify whether the responding party consents to the
22 Court's resolution of disputed material factual issues pursuant to FRCP
23 43(c) as made applicable by FRBP 9017. If the responding party does not
24 so consent, the opposition shall include a separate statement identifying
25 each disputed material factual issue. The separate statement shall
26 enumerate discretely each of the disputed material factual issues and cite
the particular portions of the record demonstrating that a factual issue is
both material and in dispute. Failure to file the separate statement shall
be construed as consent to resolution of the motion and all disputed
material factual issues pursuant to FRCP 43(c).

27 The Court permits telephonic appearances. In order to appear by telephone, you
28 must contact CourtCall at (866) 582-6878 at least 24 hours prior to the hearing. There
is a fee charged by CourtCall for telephonic appearances. Failure to be at the

1 telephone number provided at the time of the hearing will be treated as a failure to
2 appear.


3 The Court may decide the matter in advance of the hearing and remove the
4 matter from calendar. Parties can ascertain which matters are resolved without oral
5 argument and can view tentative rulings by checking the Court's internet site at
6 <http://www.caeb.uscourts.gov/> after 4:00 p.m. the day before the hearing. Parties
7 appearing telephonically shall view the tentative ruling prior to the hearing.

8 Pursuant to Local Bankruptcy Rule 9014-1(f)(1)(B), the failure to file timely
9 written opposition may result in the motion being resolved without oral argument and the
10 striking of untimely written opposition.

11
12 Dated: June 7, 2017

WALTER WILHELM LAW GROUP,
a Professional Corporation

13
14 By:


15 Michael L. Wilhelm, Attorneys for Movants
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