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Attorneys for James Edward Salven, Chapter 7 Trustee

and Peter L. Fear, Chapter 7 Successor Trustee

IN THE UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

In re:

DANIEL M. CANCHOLA,

Debtor.

**Case No. 17-11346-B-7**

Chapter 7

DC No.: RWR-2

Date: April 24, 2019

Time: 9:30 a.m.

Dept: B

Ctrm: 13, Fifth Floor

Location: 2500 Tulare Street

Fresno, CA

Judge: Honorable Rene Lastreto

In re:

MARIO ALBERTO GUERRA,

Debtor.

**Case No. 17-11365-B-7**

Chapter 7

DC No.: RWR-2

Date: April 24, 2019

Time: 9:30 a.m.

Dept: B

Ctrm: 13, Fifth Floor

Location: 2500 Tulare Street

Fresno, CA

Judge: Honorable Rene Lastreto

**NOTICE OF HEARING ON TRUSTEES' MOTION  
TO COMPROMISE A CONTROVERSY**

**TO: THE DEBTORS, DANIEL M. CANCHOLA AND MARIO ALBERTO  
GUERRA; THEIR ATTORNEY OF RECORD, JERRY LOWE; AND ALL  
INTERESTED PARTIES:**

1 PLEASE TAKE NOTICE that on April 24, 2019, at 9:30 a.m. in Department B,  
2 Courtroom 13 of the United States Bankruptcy Court located at 2500 Tulare Street, Fresno,  
3 California, the undersigned counsel for James Edward Salven, Chapter 7 Trustee and Peter L.  
4 Fear, Chapter 7 Successor Trustee, will seek an order from the court authorizing them to  
5 compromise a controversy pursuant to Federal Rule of Bankruptcy Procedure Rule 9019.

6 The Chapter 7 Trustees seek an order approving an agreement that allows the estates to  
7 hire one attorney to prosecute the bad faith and/or tortious injury action on behalf of both estates  
8 and share in any settlement pursuant to the terms set forth in the agreement. In the event that no  
9 settlement is reached and the action goes to trial then the estates agree that the verdict or decision  
10 shall dictate as to what monies shall go to which estate.

11 This motion is being filed pursuant to Local Rule 9014-1(f)(1). Opposition, if any, to the  
12 granting of the motion shall be in writing and shall be served and filed with the Clerk of the  
13 Court, on the undersigned, and the Chapter 7 Trustees and any other party requesting special  
14 notice by the responding party at least fourteen (14) calendar days preceding the date or  
15 continued date of the hearing. Opposition, if any, shall be served upon the following:

16 Russell W. Reynolds  
17 Attorneys for James E. Salven  
and Peter L. Fear  
499 W. Shaw Ave., Ste. 116  
18 Fresno, California 93704

James E. Salven  
Chapter 7 Trustee  
P.O. Box 25970  
Fresno, California 93729

Peter L. Fear  
Chapter 7 Trustee  
PO Box 28490  
Fresno, California 93729

19 Opposition shall be accompanied by evidence establishing its factual allegations. A  
20 responding party who has no opposition to the granting of the motion may serve and file a  
21 statement to that effect, specifically designating the motion in question. Without good cause, no  
22 party shall be heard in opposition to a motion at oral argument if written opposition to the motion  
23 has not been timely filed. Failure of the responding party to timely file written opposition may be  
24 deemed a waiver of any opposition to the granting of the motion or may result in the imposition  
25 of sanctions.

26 UNLESS WRITTEN OPPOSITION AND SUPPORTING EVIDENCE IS FILED WITH  
27 THE CLERK AND SERVED ON THE MOVING PARTY, THE COURT MAY RESOLVE  
28 THE MATTER WITHOUT ORAL ARGUMENT.

1 This motion will be based on this Notice of Motion, the Memorandum of Points and  
2 Authorities, Declaration of James E. Salven and Declaration of Peter L. Fear served and filed  
3 herewith, and on all of the records and documents filed in the above-entitled matter and on such  
4 oral and documentary evidence as may be presented at the hearing on the motion.

5 PLEASE TAKE NOTICE that you are able to review any tentative ruling or pre-hearing  
6 dispositions by checking the court's website at [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov) after 4:00 p.m. the day  
7 before the hearing. Parties appearing telephonically must view the pre-hearing dispositions prior  
8 to the hearing.

9 To appear at the hearing by telephone, contact Court Call Conference Service at (866)  
10 582-6878. *See also* CourtCall.com. The telephone appearance must be arranged twenty-four  
11 (24) hours in advance. A Court Call fee applies. Individuals using Court Call are cautioned they  
12 do so at their own risk. The hearing will not be rescheduled due to a missed connection.

13 Requests for further information or for copies of the motion and supporting papers should  
14 be directed to the undersigned.

15  
16 Respectfully submitted,

17 COLEMAN & HOROWITT, LLP  
18

19 Dated: March 28, 2019.

By: /s/ Russell W. Reynolds

RUSSELL W. REYNOLDS

Attorneys for James E. Salven, Chapter 7  
Trustee and for Peter L. Fear, Chapter 7  
Successor Trustee