

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Friday, January 10, 2020
Place: Department B - Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS 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.

9:30 AM

1. [19-14101](#)-B-13 **IN RE: WILLIAM/DORETTA COX**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-4-2019 [\[42\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.
FINAL INSTALLMENT PAID 12/20/19

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due were paid in full on December 20, 2019. Therefore, the OSC will be vacated.

2. [19-14101](#)-B-13 **IN RE: WILLIAM/DORETTA COX**
[MAZ-1](#)

MOTION TO CONFIRM PLAN
11-20-2019 [\[31\]](#)

WILLIAM COX/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d

592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

3. [18-14902](#)-B-13 **IN RE: FRANCISCO/MELISSA RAMIREZ**
[SAH-5](#)

MOTION TO MODIFY PLAN
12-3-2019 [\[80\]](#)

FRANCISCO RAMIREZ/MV
SUSAN HEMB/ATTY. FOR DBT.
CONTINUED TO 1/15/20 WITHOUT ORDER

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to January 15, 2020 at 9:30 a.m.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue the order.

This motion was originally scheduled for hearing on January 10, 2019 at 9:30 a.m. Doc. #81. The following day an amended notice of hearing was filed and served, setting the hearing for January 15, 2020 at 9:30 a.m. Doc. #85. Continuances without a court order are not permitted under the Local Rules of Practice ("LBR"). See LBR 9014-1(j).

However, LBR 9014-1(j) permits oral requests for continuances if made at the scheduled hearing, or in advance by written application.

If no written application for a continuance is received by the court before this hearing, and if debtor's counsel does not appear at the hearing to orally request a continuance, then the motion will be denied without prejudice for failure to comply with the Local Rules of Practice.

4. [19-13502](#)-B-13 **IN RE: KAREN KRBECHER**
[APN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR
RELIEF FROM CO-DEBTOR STAY
12-2-2019 [\[29\]](#)

FORD MOTOR CREDIT COMPANY/MV
GLEN GATES/ATTY. FOR DBT.
AUSTIN NAGEL/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING

5. [19-14304](#)-B-13 **IN RE: RAFAEL ESCAMILLA GARCIA AND ALMA**
ESCAMILLA
[SL-2](#)

MOTION TO CONFIRM PLAN
11-22-2019 [\[25\]](#)

RAFAEL ESCAMILLA GARCIA/MV
SCOTT LYONS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

6. [19-13907](#)-B-13 **IN RE: JAVIER JAIME AND LILIANA LUIS**
[MHM-1](#)

MOTION TO DISMISS CASE
12-4-2019 [\[22\]](#)

MICHAEL MEYER/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion. Doc. #39.

7. [17-11616](#)-B-13 **IN RE: SHIRLEY REESE**
[SAH-3](#)

MOTION FOR COMPENSATION FOR SUSAN A. HEMB, DEBTORS ATTORNEY(S)
11-25-2019 [\[50\]](#)

SUSAN HEMB/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. Movant is awarded \$2,500.00 in fees.

8. [19-13422](#)-B-13 **IN RE: LINNEY WADE**
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE
11-18-2019 [\[38\]](#)

MICHAEL MEYER/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion. Doc. #57.

9. [19-14425](#)-B-13 **IN RE: SILVIA JIMENEZ**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER
12-16-2019 [\[14\]](#)

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtor's plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than January 29, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2020.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

The court notes debtor's response. Doc. #29.

10. [19-14526](#)-B-13 **IN RE: YESENIA BAROCIO**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER
12-12-2019 [[37](#)]

PETER BUNTING/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

Debtor failed to appear at the original § 341 meeting. The continued § 341 meeting is scheduled for January 21, 2020. If debtor does not appear at the continued § 341 meeting, this objection will be sustained. If debtor does appear, this objection will be overruled as moot.

11. [19-10227](#)-B-13 **IN RE: MA GUADALUPE SERRANO**
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE
11-8-2019 [[89](#)]

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

This motion is continued to February 12, 2020 at 9:30 a.m. subject to further continuance if the debtor timely files and sets for hearing a modified Plan to be heard on or before the bar date set by the court in connection with the next motion (TOG-3). If no Plan is set for hearing, the case will be dismissed without further hearing.

12. [19-10227](#)-B-13 **IN RE: MA GUADALUPE SERRANO**
[TOG-3](#)

MOTION TO CONFIRM PLAN
11-19-2019 [[93](#)]

MA GUADALUPE SERRANO/MV
THOMAS GILLIS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied without prejudice. The court sets March 18, 2020 as a bar date by which a chapter 13 plan must be confirmed or the case will be dismissed.

ORDER: The court will issue an order.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest, except for the chapter 13 trustee, are entered. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here except as to the Trustee's objection.

This motion is DENIED WITHOUT PREJUDICE.

The chapter 13 trustee ("Trustee") opposes on the grounds that the plan has not been filed in good faith. Doc. #100. The opposition appears to be substantially identical to previous oppositions Trustee has been made.

The debtor responded, stating that an amended Schedule J shows that debtor passes the Means Test 122-C(2) and Trustee's opposition is now without merit. Doc. #112. The court notes that an amended Schedule J and 122C-1 form were filed on December 30, 2019. Doc. #110.

The debtor's problems here are two fold: First, the Trustee has not been provided all the pay stubs for the 6 month "look back" which is during the last half of 2018. The non-filing spouse's income is also an issue. Second, calculating the disposable income based on available information taking into account the "six month look back" supports, according to the Trustee, a higher Plan payment.

The debtor claims her income has been negatively affected by her recent employment change and that there are more dependents living

with the debtor and her spouse. Apparently, this fact was omitted from previous filings. The court finds this problematic since the number of dependents is a significant fact that seems unlikely to be omitted from initial filings. So, the debtor is in a "good faith dilemma:" either the debtor's good faith is questionable because of this large omission from initial filings, or the omission was truly inadvertent, and the debtor's complete income picture has not been presented to the Trustee.

This means the debtor has not met her burden under § 1325 and this Plan should not be confirmed. Pursuant to § 1324(b), the court will set March 18, 2020 as a bar date by which a chapter 13 plan must be confirmed or the case will be dismissed on Trustee's declaration if not dismissed earlier.

The motion is DENIED without prejudice to filing a modified Plan.

13. [19-14427](#)-B-13 **IN RE: ISIDRO AREVALO AND CARMEN GUZMAN**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER
12-16-2019 [\[17\]](#)

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' plan. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response not later than January 29, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by February 5, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

The court notes debtor's response. Doc. #22.

14. [19-13328](#)-B-13 **IN RE: LARRY/DOLORES SYRA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-5-2019 [[35](#)]

MARK ZIMMERMAN/ATTY. FOR DBT.
FINAL INSTALLMENT OF \$77.00 PAID 12/16/16

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due were paid in full on December 16, 2019. Therefore, the OSC will be vacated.

15. [19-14738](#)-B-13 **IN RE: LAUREN SO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-17-2019 [[39](#)]

NANCY KLEPAC/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the OSC.

If the installment fees due at the time of hearing are paid before the hearing, the order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

16. [19-14738](#)-B-13 **IN RE: LAUREN SO**
[TCS-2](#)

MOTION TO CONFIRM PLAN
11-20-2019 [[23](#)]

LAUREN SO/MV
NANCY KLEPAC/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") and creditor Mid Valley Services, Inc. ("Creditor") have filed objections to the debtor's fully noticed motion to confirm a chapter 13 plan. The defaults of all other non-responding parties shall be entered. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's or Creditor's oppositions are withdrawn, the debtor shall file and serve a written response not later than January 29, 2020. The response shall specifically address each issue raised in the oppositions, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall and Creditor shall file and serve a reply, if any, by February 5, 2020.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

17. [19-13342](#)-B-13 **IN RE: LINDA GLOSSOP**
[PBB-2](#)

MOTION TO CONFIRM PLAN
11-25-2019 [[52](#)]

LINDA GLOSSOP/MV
PETER BUNTING/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the

creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f) (1) (B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

18. [19-14351](#)-B-13 **IN RE: RUBY GARCIA**
[MHM-1](#)

MOTION TO DISMISS CASE
11-21-2019 [[26](#)]

MICHAEL MEYER/MV
DISMISSED 11/21/2019

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

The case was dismissed on November 21, 2019. Doc #24.

19. [19-13554](#)-B-13 **IN RE: GEORGE FONSECA**
[MHM-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
12-3-2019 [[30](#)]

MICHAEL MEYER/MV
THOMAS MOORE/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the objection. Doc. #41.

20. [19-14556](#)-B-13 **IN RE: NICOLAS/MARTHA NUNEZ**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER
12-16-2019 [[20](#)]

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response not later than January 29, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by February 5, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

The court notes debtor's response. Doc. #25.

21. [19-13859](#)-B-13 **IN RE: WILLIAM SEUELL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-13-2019 [[35](#)]

MARK ZIMMERMAN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due were paid in full on January 8, 2020. Therefore, the OSC will be vacated.

22. [17-12560](#)-B-13 **IN RE: CHARLES/DAWN ONTIVEROS**
[WLG-2](#)

MOTION TO MODIFY PLAN
12-4-2019 [[41](#)]

CHARLES ONTIVEROS/MV
NICHOLAS WAJDA/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

23. [19-13560](#)-B-13 **IN RE: ROBERT/HOLLY WOODS**
[MJA-1](#)

MOTION TO CONFIRM PLAN
11-4-2019 [[20](#)]

ROBERT WOODS/MV
MICHAEL ARNOLD/ATTY. FOR DBT.
WITHDRAWN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion. Doc. #36.

24. [19-13560](#)-B-13 **IN RE: ROBERT/HOLLY WOODS**
[MJA-2](#)

MOTION TO VALUE COLLATERAL OF HSBC BANK USA, N.A.
11-4-2019 [[27](#)]

ROBERT WOODS/MV
MICHAEL ARNOLD/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This objection was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor may proceed to obtain relief from this lien upon completion of the necessary requirements under applicable law. If the chapter 13 plan has not been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

25. [19-13560](#)-B-13 **IN RE: ROBERT/HOLLY WOODS**
[MJA-3](#)

MOTION TO CONFIRM PLAN
11-15-2019 [[38](#)]

ROBERT WOODS/MV
MICHAEL ARNOLD/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

26. [19-14263](#)-B-13 **IN RE: PLACIDO RODRIGUEZ HERNANDEZ**
[ALG-4](#)

MOTION TO CONFIRM PLAN
11-13-2019 [[63](#)]

PLACIDO RODRIGUEZ HERNANDEZ/MV
JANINE ESQUIVEL OJI/ATTY. FOR DBT.
JANINE ESQUIVEL/ATTY. FOR MV.
DISMISSED 12/5/19

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: An order dismissing the case has already been entered. Doc. #82.

27. [19-14165](#)-B-13 **IN RE: MATTHEW REECE**
[MHM-1](#)

MOTION TO DISMISS CASE
11-21-2019 [[28](#)]

MICHAEL MEYER/MV
DISMISSED 11/25/19

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

The case was dismissed on November 25, 2019. Doc. #34.

28. [19-14173](#)-B-13 **IN RE: GONZALO ADAME AND MARTHA RAMIREZ DE**
ADAME
[MHM-1](#)

MOTION TO DISMISS CASE
11-22-2019 [[33](#)]

MICHAEL MEYER/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion. Doc. #53.

29. [19-14574](#)-B-13 **IN RE: JOSE MORALES**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER
12-16-2019 [[23](#)]

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtor's plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than January 29, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2020.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

The court notes debtor's response. Doc. #28.

30. [19-14176](#)-B-13 **IN RE: STEVEN WILSON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-5-2019 [[28](#)]

ERIC ESCAMILLA/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the OSC.

If the installment fees due at the time of hearing are paid before the hearing, the order permitting the payment of filing fees in

installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

31. [19-14176](#)-B-13 **IN RE: STEVEN WILSON**
[MHM-1](#)

MOTION TO DISMISS CASE
11-22-2019 [[24](#)]

MICHAEL MEYER/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion. Doc. #45.

32. [19-14577](#)-B-13 **IN RE: CONNIE YRIGOLLEN**
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MIDFIRST BANK
12-17-2019 [[20](#)]

MIDFIRST BANK/MV
BENNY BARCO/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: The debtor voluntarily dismissed the case.
Doc. #31.

33. [18-11987](#)-B-13 **IN RE: HECTOR CHAVEZ**
[PK-3](#)

MOTION TO INCUR DEBT
12-20-2019 [[53](#)]

HECTOR CHAVEZ/MV
PATRICK KAVANAGH/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. Debtor seeks an order for authorization to purchase a vehicle. Debtor was in a car accident in November 2019. Debtor's collision insurance paid a total of \$10,415.99, and continues to hold a check for \$7,470.77. Doc. #53.

Unless opposition is presented at the hearing, debtor is authorized to borrow not more than \$15,000.00 to purchase a replacement vehicle. Debtor shall continue making plan payments until the plan is otherwise modified.

34. [19-13588](#)-B-13 **IN RE: KEVIN SISEMORE**
[DRJ-2](#)

MOTION TO CONFIRM PLAN
12-3-2019 [[22](#)]

KEVIN SISEMORE/MV
DAVID JENKINS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in

interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

35. [19-13791](#)-B-13 **IN RE: DANIEL FELIPE AND ELVIA BARRERA**
[TOG-2](#)

MOTION TO VALUE COLLATERAL OF WEST AMERICA BANK
12-13-2019 [[25](#)]

DANIEL FELIPE/MV
THOMAS GILLIS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion is GRANTED. 11 U.S.C. § 1325(a) (*) (the hanging paragraph) gives a debtor the ability to value a motor vehicle

acquired for the personal use of the debtor at its current amount, as opposed to the amount due on the loan, when the loan is secured by the vehicle and the debt was not incurred within the 910-day period preceding the date of the filing.

Debtors ask the court for an order valuing a 2017 Honda Accord ("Vehicle") at \$15,470.00. Doc. #25. Creditor West America Bank's ("Creditor") claim states the amount owed to be \$23,357.37. Claim #14. Debtor's declaration states that the replacement value (as defined in 11 U.S.C. § 506(a)(2)) is \$15,470.00. Doc. #20. Debtors incurred the debt on November 9, 2016, which is more than 910 days before they filed this case.

The debtors are competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtors' opinion of value may be conclusive. Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Creditor's secured claim will be fixed at \$15,470.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

36. [19-14592](#)-B-13 **IN RE: ARTURO LEON AND ANA MARTINEZ**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER
12-16-2019 [18]

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response not later than January 29, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by February 5, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

The court notes debtor's response. Doc. #23.

37. [19-14295](#)-B-13 **IN RE: RUBEN/MARIA QUINTANILLA**
[MHM-1](#)

MOTION TO DISMISS CASE
11-22-2019 [[40](#)]

MICHAEL MEYER/MV
SCOTT LYONS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The court will issue an order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir. 1987)). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The record shows that there has been unreasonable delay by the debtors that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)). The debtor failed to appear at the scheduled 341 meeting of creditors. Accordingly, the case will be dismissed.

11:00 AM

1. [19-11293](#)-B-7 **IN RE: JEFFREY/JAIME HULL**
[19-1094](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The Status Conference is continued to February 12,
2020 at 11:00 am.

ORDER: The court will issue the order.

The court is granting Defendant Department of Education's Motion to Dismiss the First Amended Complaint (#2 below). The status conference may be further continued if a second amended complaint is filed.

2. [19-11293](#)-B-7 **IN RE: JEFFREY/JAIME HULL**
[19-1094](#) USA-1

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
11-27-2019 [[18](#)]

HULL V. U.S. DEPARTMENT OF EDUCATION ET AL
JEFFREY LODGE/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted with leave to amend. Plaintiff to file and
serve an amended complaint within 14 calendar days
after entry of the order granting this motion.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987).

A motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12 (b) (6) (made applicable in bankruptcy adversary proceedings under Federal Rule of Bankruptcy Procedure 7012) tests the legal sufficiency of a complaint. Navarro v. Black, 250 F.3d 729, 732 (9th Cir. 2001). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim for relief that is plausible on its face.'" Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009). The motion may be based on either absence of a recognizable legal theory or the lack of sufficient facts "alleged under a cognizable legal theory." Johnson v. Riverside Healthcare Sys., 534 F. 3d 1116, 1121 (9th Cir. 2008) (citation omitted).

Plaintiff Jamie Hull ("Plaintiff") filed bankruptcy on March 30, 2019 and received a discharge on August 7, 2019. Plaintiff filed a first amended complaint to determine dischargeability of Plaintiff's student loans on November 5, 2019.

The Complaint alleges that she has \$103,000 in student loans. Doc. #13, ¶ 10. She names Great Lakes as a defendant but fails to state why. Id. ¶ 4; see also Doc. 14, Decl. ¶ 26. She has household income of \$58,000 per year but does not state her expenses. Doc. 13 at ¶ 33. She states that she has an Income Contingent repayment plan ("ICR") but does not state her current monthly payment (it is zero). Id. at ¶¶ 23(i). She claims the student loans will haunt her for the "remainder of her days" and she will never "make a dent" in the loan balance (Id. at ¶ 12; Doc. 14, Decl, at ¶ 17), but under ICR her student loans would be discharged after 25 years regardless of the balance. See <https://studentaid.ed.gov/sa/repayloans/understand/plans/income-driven>; 34 C.F.R. § 685.209(b) (3). She has a BA and an MA degree in business and in the past had "a great job with great income." Doc. #14, Decl. ¶¶ 7-11. She alleges that she is currently not employed but does not say why. Id. at ¶ 21. She graduated in 2014 (id. at ¶ 18), which shows that her student loans have only been in repayment for five years. She does not state her age. Id.

11 U.S.C. § 523(a) (8) states that student loans may only be discharged if repayment "will impose an undue hardship on the debtor and the debtor's dependents." The Ninth Circuit utilizes the *Brunner* test, which requires the debtor to prove

- (1) that the debtor cannot maintain, based on current income and expenses, a "minimal" standard of living for herself and her dependents if forced to repay the loans;
- (2) that additional circumstances exist indicating that this state of affairs is likely to persist for a significant portion of the repayment period of the student loans; and
- (3) that the debtor has made good faith efforts to repay the loans.

Brunner v. N.Y. State Higher Educ. Servs. Corp., 831 F.2d 395, 396 (2d Cir. 1987).

The movant argues, and Plaintiff has not opposed, that the complaint on its face cannot satisfy the *Brunner* test. As to the first prong,

Plaintiff states her income, but not her expenses, nor does she state her student loan payment (which is currently \$0.00), showing "nothing more than tight finances." Doc. #18.

As to the second prong, Plaintiff states that she is currently not working and has stress but does not state that she cannot work and stress alone does not suggest a complete inability to work. There is a rebuttable presumption that a debtor's financial condition will improve (see Educ. Credit Mgmt. Corp. v. Nys (In re Nys), 446 F.3d 938, 946 (9th Cir. 2006)), and the complaint contains no allegations that, if proven, would rebut the presumption.

As to the third prong, Plaintiff's current monthly payment is \$0.00, she has been in repayment for five years, and she is currently enrolled in an Income Driven Repayment Plan. Plaintiff has not alleged enough facts to show good faith efforts to repay the student loans.

Plaintiff has not opposed this motion, and the court finds that Plaintiff has not stated a claim upon which relief can be granted. The motion is GRANTED with leave to amend. Plaintiff to file and serve a second amended complaint within 14 days of entry of the order granting this motion. Defendant to file a responsive pleading within 14 calendar days of service of the second amended complaint.

3. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1105](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
10-4-2019 [7]

TULARE LOCAL HEALTHCARE DISTRICT V. PEREZ
MICHAEL WILHELM/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

4. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1108](#)

STATUS CONFERENCE RE: COMPLAINT
10-7-2019 [1]

TULARE LOCAL HEALTHCARE DISTRICT V. MARTINEZ, MD
MICHAEL WILHELM/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The entry of default of the defendant was entered on December 30, 2019. Doc. #12. A motion for entry of default judgment is set for

hearing on February 12, 2020 at 11:00 a.m. Therefore this status conference is continued to that date and time.

5. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1110](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-7-2019 [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. AIRGAS USA, LLC
MICHAEL WILHELM/ATTY. FOR PL.
DISMISSED 12/18/19

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: An order dismissing the case has already been entered. Doc. #15.

6. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1111](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-14-2019 [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. AYA HEALTHCARE,
MICHAEL WILHELM/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING

7. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1112](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-14-2019 [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. SOHRABI, MD
MICHAEL WILHELM/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 15, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The entry of default of the defendant was entered on December 5, 2019. Doc. #10. A motion for entry of default judgment is set for hearing on January 15, 2020 at 11:00 a.m. Therefore this status conference is continued to that date and time.

8. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1113](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-14-2019 [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. KOLLEN, MD
MICHAEL WILHELM/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 15, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The entry of default of the defendant was entered on December 5, 2019. Doc. #10. A motion for entry of default judgment is set for hearing on January 15, 2020 at 11:00 a.m. Therefore this status conference is continued to that date and time.

9. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1114](#)

STATUS CONFERENCE RE: COMPLAINT
10-14-2019 [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. OSTROM, DO
MICHAEL WILHELM/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to February 12, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The entry of default of the defendant was entered on December 30, 2019. Doc. #13. A motion for entry of default judgment is set for hearing on February 12, 2020 at 11:00 a.m. Therefore this status conference is continued to that date and time.

10. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1115](#)

STATUS CONFERENCE RE: COMPLAINT
10-14-2019 [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. SMITH, MD
MICHAEL WILHELM/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING

11. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1121](#)

STATUS CONFERENCE RE: COMPLAINT
10-30-2019 [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. SMITH, MD
MICHAEL WILHELM/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 23, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The entry of default of the defendant was entered on December 17, 2019. Doc. #8. A motion for entry of default judgment is set for hearing on January 23, 2020 at 11:00 a.m. Therefore this status conference is continued to that date and time.

12. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1122](#)

STATUS CONFERENCE RE: COMPLAINT
10-31-2019 [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. INCARE MD, INC.
MICHAEL WILHELM/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 23, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The entry of default of the defendant was entered on December 17, 2019. Doc. #8. A motion for entry of default judgment is set for hearing on January 23, 2020 at 11:00 a.m. Therefore this status conference is continued to that date and time.

13. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1123](#)

STATUS CONFERENCE RE: AMENDED COMPLAINT
12-19-2019 [[11](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. MEDLINE
MICHAEL WILHELM/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to March 11, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The parties have stipulated to allow defendant to respond to the amended complaint by February 1, 2020. Doc. #15. Joint or unilateral status reports shall be served and filed not later than March 4, 2020.