

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: THURSDAY
DATE: JANUARY 28, 2016
CALENDAR: 9:00 A.M. CHAPTERS 13 AND 12 CASES

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

ORAL ARGUMENT

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [10-63300](#)-A-13 CARLOS/BIBIANA RUIZ DE MOTION TO DISMISS CASE
MHM-3 CASTILLA 12-10-15 [[84](#)]
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

2. [15-13701](#)-A-13 KEVIN GERHARDT MOTION TO DISMISS CASE
MHM-1 12-21-15 [[76](#)]
MICHAEL MEYER/MV
GABRIEL WADDELL/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

3. [15-13604](#)-A-13 MARIO/DIANA PEREZ MOTION TO CONFIRM PLAN
PBB-4 12-9-15 [[134](#)]
MARIO PEREZ/MV
PETER BUNTING/Atty. for dbt.

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d) (1), 9014-1(f) (1); written opposition required

Disposition: Granted

Order: Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d) (1), 9014-1(f) (1) (B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

4. [13-17007](#)-A-13 DANNY/LORI CARRELL
MHM-4
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO DISMISS CASE
12-10-15 [[102](#)]

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f) (1); written opposition filed

Disposition: Continued to February 11, 2016, at 9:00 a.m.

Order: Civil minute order

CASE DISMISSAL

The chapter 13 trustee moves to dismiss this case, asserting that cause exists under § 1307(c) (1) and (6) as the debtors have failed to make all payments due under the plan. The trustee contends that the debtor is delinquent in the amount of \$4576.11. In addition, the trustee requests dismissal if the December 25, 2015, and January 25, 2016 plan payments, in the amount of \$1737.11 for each month, are not timely made.

The debtors' opposition admits the existence of a delinquency in the amount of \$4576.11. But it indicates that \$4600 was paid by cashier's check and posted to the trustee's system. Further, on January 21, 2016, the debtors sent \$3472 via TFS payment. These payments total \$8072, which is more than the \$8050.33 (the \$4576.11 delinquency and the two monthly plan payments) that was required to be paid while the motion was pending.

The court will continue the hearing to February 11, 2016, at 9:00 a.m. If all amounts for which the motion to dismiss was brought have not been paid as of February 4, 2016, the court will dismiss this case. If the motion has not been withdrawn, the parties shall file a joint status report on February 4, 2016, indicating what amounts have been paid and what amounts have not been paid, and if there is a dispute as to any amounts asserted by the debtor to have been paid.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the chapter 13 trustee's motion to dismiss is continued to February 11, 2016, at 9:00 a.m. If all amounts for which the motion to dismiss was brought ($\$4576.11 + \$1737.11 + 1737.11 = \$8050.33$) have not been paid as of February 4, 2016, the court will dismiss this case. If the motion has not yet been withdrawn, then the parties shall file a joint status report no later than February 4, 2016, indicating what amounts have been paid and what amounts remain unpaid, and indicating whether there is a dispute as to any amounts asserted by the debtor to have been paid.

5. [15-14410](#)-A-13 JESSE LOPEZ MOTION TO DISMISS CASE
MHM-1 12-21-15 [[20](#)]
MICHAEL MEYER/MV
JOEL WINTER/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

6. [15-14112](#)-A-13 BRIAN HAINES MOTION TO CONFIRM PLAN
MJA-1 12-8-15 [[26](#)]
BRIAN HAINES/MV
MICHAEL ARNOLD/Atty. for dbt.

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d) (1), 9014-1(f) (1); written opposition required

Disposition: Granted

Order: Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d) (1), 9014-1(f) (1) (B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

7. [15-13717](#)-A-13 BOBBY BLAIR MOTION TO DISMISS CASE
MHM-1 12-22-15 [[25](#)]
MICHAEL MEYER/MV
RICHARD STURDEVANT/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

8. [15-14122](#)-A-13 BRIAN ALMANZA MOTION TO DISMISS CASE
MHM-2 12-28-15 [[26](#)]
MICHAEL MEYER/MV

Final Ruling

The case dismissed, the motion is denied as moot.

9. [10-60429](#)-A-13 RAMIRO/TEENA GUTIERREZ MOTION TO DISMISS CASE
MHM-2 12-10-15 [[69](#)]
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

10. [14-11329](#)-A-13 ROY SALAZAR MOTION TO DISMISS CASE
MHM-2 12-7-15 [[48](#)]
MICHAEL MEYER/MV
JEFF REICH/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

11. [12-13631](#)-A-13 KEVIN ROSE MOTION TO MODIFY PLAN
SAH-3 12-2-15 [[66](#)]
KEVIN ROSE/MV
SUSAN HEMB/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

12. [12-60233](#)-A-13 TREVOR HOOD MOTION TO DISMISS CASE
MHM-2 12-7-15 [[46](#)]
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

13. [14-14933](#)-A-13 RAMON MARTINEZ
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE
12-7-15 [[50](#)]

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f) (1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f) (1) (B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c) (1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$1674.50.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$1674.50. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c) (1), (6). The court hereby dismisses this case.

14. [15-13935](#)-A-13 RANDALL/SHARI WARKENTIN
MHM-1
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE
12-21-15 [[37](#)]

No tentative ruling.

15. [15-13238](#)-A-13 TODD/MINDY MACIEL
FLG-4
TODD MACIEL/MV
PETER FEAR/Atty. for dbt.
WITHDRAWN
- OBJECTION TO CLAIM OF INTERNAL
REVENUE SERVICE, CLAIM NUMBER 3
12-8-15 [[37](#)]

Final Ruling

The motion withdrawn, the matter is dropped as moot.

16. [12-19840](#)-A-13 TRACY/BETSY WALTRIP
BCS-3
TRACY WALTRIP/MV
- MOTION FOR COMPENSATION BY THE
LAW OFFICE OF SHEIN LAW GROUP,
PC FOR BENJAMIN C. SHEIN,
DEBTORS ATTORNEY(S)
12-27-15 [[38](#)]
- BENJAMIN SHEIN/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

17. [14-13043](#)-A-13 WILFREDO/YOLANDA FAELDO
CJO-1
DITECH FINANCIAL/MV
- MOTION FOR CONSENT TO ENTER
INTO LOAN MODIFICATION
AGREEMENT
1-14-16 [[42](#)]
- VARDUHI PETROSYAN/Atty. for dbt.
CHRISTINA O/Atty. for mv.

Tentative Ruling

Motion: Approval of Mortgage Loan Modification

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted

Order: Prepared by moving party according to the instructions below

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The motion seeks approval of a loan modification agreement. A copy of the loan modification agreement accompanies the motion. See Fed. R. Bankr. 4001(c). The court will grant the motion to authorize the debtor and the secured lender to enter into the loan modification agreement subject to the parties' right to reinstatement of the original terms of the loan documents in the event conditions precedent to the loan modification agreement are not satisfied. 11 U.S.C. § 364(d); Fed. R. Bankr. P. 4001(c). To the extent the modification is inconsistent with the confirmed plan, the debtor shall continue to perform the plan as confirmed until it is modified.

By granting this motion, the court is not approving the terms of any loan modification agreement. The order shall state only that the

parties are authorized to enter into the loan modification agreement subject to the parties' right to reinstate the agreement if all conditions precedent are not satisfied. The order shall not recite the terms of the loan modification agreement or state that the court approves the terms of the agreement.

18. [12-16046](#)-A-13 ERNEST/KATHERINE SHELTON MOTION TO DISMISS CASE
MHM-2 12-4-15 [[129](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

No tentative ruling.

19. [15-13346](#)-A-13 STEPHAN GRAHAM CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 11-17-15 [[39](#)]
MATIN RAJABOV/Atty. for dbt.
DISMISSED

Final Ruling

The case dismissed, the matter is denied as moot.

20. [13-10447](#)-A-13 JARRED/OLIVIA PIGG MOTION TO DISMISS CASE
MHM-3 12-7-15 [[140](#)]
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$18,920.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$18,920. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

21. [12-12650](#)-A-13 ROBERT/MONICA OLIVEIRA MOTION TO DISMISS CASE
MHM-3 12-4-15 [[53](#)]
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

22. [11-13553](#)-A-13 JOSE VILLALVASO AND CONTINUED MOTION TO DISMISS
MHM-5 TERESA SOTO DE VILLALVASO CASE
MICHAEL MEYER/MV 11-17-15 [[143](#)]
ANTHONY EGBASE/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

23. [15-13653](#)-A-13 BRADLEY JAURIQUE CONTINUED MOTION TO VALUE
JRL-3 COLLATERAL OF AMERICAN
BRADLEY JAURIQUE/MV FINANCIAL SERVICES, INC.
11-17-15 [[32](#)]
JERRY LOWE/Atty. for dbt.
ORDER ON STIPULATION, ECF
NO. 104

Final Ruling

The parties have resolved the matter by stipulation. The matter will be dropped from calendar as moot.

24. [14-10855](#)-A-13 ELISEO OROZCO MOTION TO DISMISS CASE
MHM-3 12-7-15 [[73](#)]
MICHAEL MEYER/MV
JEFFREY ROWE/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

25. [15-11055](#)-A-13 CHERYL JACQUEZ MOTION TO DISMISS CASE
MHM-1 12-18-15 [[50](#)]
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
RESPONSIVE PLEADING

No tentative ruling.

26. [15-12157](#)-A-13 ALFONSO JURADO GONZALES MOTION TO DISMISS CASE
MHM-3 12-7-15 [[44](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

27. [14-15459](#)-A-13 SANDRA JUNIEL MOTION TO DISMISS CASE
MHM-2 12-7-15 [[38](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1)

and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$2028.75.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$2028.75. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

28. [14-12960](#)-A-13 FRANCISCA MATA MOTION TO DISMISS CASE
MHM-1 12-7-15 [[23](#)]
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

29. [15-13960](#)-A-13 JAMES BARR MOTION TO CONFIRM PLAN
PBB-1 12-10-15 [[22](#)]
JAMES BARR/MV
PETER BUNTING/Atty. for dbt.

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(1), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

30. [10-64563](#)-A-13 LOREN/STACIE AFFONSO MOTION TO DISMISS CASE
MHM-2 12-4-15 [[48](#)]
MICHAEL MEYER/MV
CHRISTIE LEE/Atty. for dbt.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$4983.24.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$4983.24. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

31. [15-12063](#)-A-13 TOBY/AMY TAYLOR
MHM-1
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.

MOTION TO DISMISS CASE
12-7-15 [[16](#)]

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f) (1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f) (1) (B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c) (1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$600.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$600. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c) (1), (6). The court hereby dismisses this case.

32. [14-15867](#)-A-13 VALERIE FRANCIS
MHM-1
MICHAEL MEYER/MV
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO DISMISS CASE
12-7-15 [[30](#)]

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f) (1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f) (1) (B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c) (1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$5808.50.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$5808.50. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c) (1), (6). The court hereby dismisses this case.

33. [15-14067](#)-A-13 WARREN/MICHELLE BOND
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
12-21-15 [[26](#)]

Final Ruling

The motion withdrawn, the matter is dropped as moot.

34. [13-17268](#)-A-13 CHRISTOPHER/NORMA ABLES MOTION TO DISMISS CASE
MHM-1 12-7-15 [[69](#)]
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

35. [14-11670](#)-A-13 JOSE AGUILAR AND MARIA MOTION TO DISMISS CASE
MHM-1 GONZALEZ 12-7-15 [[28](#)]
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

36. [12-17272](#)-A-13 LEWIS ANDERSON MOTION FOR COMPENSATION BY THE
BCS-3 LAW OFFICE OF SHEIN LAW GROUP,
PC FOR BENJAMIN C. SHEIN,
DEBTORS ATTORNEY(S)
12-31-15 [[44](#)]

BENJAMIN SHEIN/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

37. [11-13474](#)-A-13 JOSE VARGAS MOTION TO DISMISS CASE
MHM-1 12-4-15 [[33](#)]
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

38. [13-16575](#)-A-13 SARAH GATHRIGHT MOTION TO DISMISS CASE
MHM-3 12-7-15 [[66](#)]
MICHAEL MEYER/MV
F. GIST/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

39. [15-14575](#)-A-13 HECTOR ZAVALZA ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-30-15 [[20](#)]
ERIC ESCAMILLA/Atty. for dbt.
INSTALLMENT FEE PAID \$156.00

Final Ruling

The fee paid, the order to show cause is discharged and the case will remain pending.

40. [13-11676](#)-A-13 JANETTE RIOS NUNEZ MOTION TO DISMISS CASE
MHM-2 12-7-15 [[39](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$335.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil

minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$335. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

41. [15-11376](#)-A-13 SOFIA REYNOZO CONTINUED OBJECTION TO CLAIM OF
GEG-2 NICHOLAS FLORES, CLAIM NUMBER 3
SOFIA REYNOZO/MV 6-30-15 [[39](#)]
GLEN GATES/Atty. for dbt.
RESPONSIVE PLEADING

Final Ruling

This matter will be continued to February 11, 2016, at 9:00 a.m., the date and time of the hearing on the motion to compromise filed at ECF No. 69.

42. [15-11376](#)-A-13 SOFIA REYNOZO CONTINUED OBJECTION TO
MHM-1 CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
7-31-15 [[45](#)]
GLEN GATES/Atty. for dbt.

Final Ruling

This matter will be continued to February 11, 2016, at 9:00 a.m., the date and time of the hearing on the motion to compromise filed at ECF No. 69.

43. [12-11877](#)-A-13 ARMANDO/MARIA RODRIGUEZ MOTION TO DISMISS CASE
MHM-1 12-4-15 [[32](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

44. [15-13077](#)-A-13 ANTONIO/MARIA ROMERO MOTION TO DISMISS CASE
MHM-1 12-11-15 [[37](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

45. [14-15882](#)-A-13 DELIA GALLARDO MOTION TO DISMISS CASE
MHM-2 12-7-15 [[55](#)]
MICHAEL MEYER/MV
JEFFREY ROWE/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

46. [14-14283](#)-A-13 JOLYNN DURAN MOTION TO DISMISS CASE
MHM-1 12-7-15 [[41](#)]
MICHAEL MEYER/MV
GEORGE LOGAN/Atty. for dbt.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$1314.10.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$1314.10. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

47. [13-11384](#)-A-13 MARTHA TAYLOR MOTION TO DISMISS CASE
MHM-1 12-7-15 [[32](#)]
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

48. [15-13686](#)-A-13 ROBERTO HINOJOSA, JR. MOTION TO DISMISS CASE
MHM-1 12-22-15 [[26](#)]
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Continued to March 10, 2016, at 9:00 a.m.

Order: Civil minute order

CASE DISMISSAL

The chapter 13 trustee moves to dismiss this case because the debtor has failed to make all payments due under the plan and failed to appear at the continued creditors' meeting. The trustee contends that the debtor is delinquent under the proposed plan. The debtor admits he is not current with his plan payments under his proposed plan but offers extenuating circumstances. This constitutes a ground for dismissal. See 11 U.S.C. § 1307(c)(1), (4).

A modified plan has been filed in this case. The hearing on confirmation of the modified plan is March 10, 2016. The court will continue the hearing on this motion to dismiss to coincide with the hearing on the modification.

The court may dismiss the case at the continued hearing if either of the following applies: (1) the modified plan curing the arrearages is not confirmed, and the motion to dismiss has not been withdrawn or otherwise resolved, or (2) the debtor has not attended the next

continued meeting of creditors, if one is scheduled after the date of the hearing on this motion.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the chapter 13 trustee's motion to dismiss is continued to March 10, 2016, at 9:00 a.m. If the motion has not been withdrawn as of the date that is 10 days before the continued hearing, a status report shall be filed on such date by the parties.

49. [15-13291](#)-A-13 JASON/ASHLEY WILLIAMS MOTION TO DISMISS CASE
MHM-2 12-11-15 [[39](#)]
MICHAEL MEYER/MV
RANDY RISNER/Atty. for dbt.

Final Ruling

The case dismissed, the motion is denied as moot.

50. [10-63700](#)-A-13 JOSE/IRMA MALDONADO CONTINUED MOTION TO DISMISS
MHM-6 CASE
MICHAEL MEYER/MV 11-13-15 [[130](#)]
THOMAS GILLIS/Atty. for dbt.

No tentative ruling.