

**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 31, 2019
CALENDAR: 9:00 A.M. CHAPTERS 13 AND 12 CASES

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.

1. [18-14403](#)-A-13 **IN RE: RODOLFO TORRES AND MARIA DE CAZARES**
[TOG-1](#)

CONTINUED MOTION TO VALUE COLLATERAL OF ALLY FINANCIAL
11-20-2018 [[10](#)]

RODOLFO TORRES/MV
THOMAS GILLIS
RESPONSIVE PLEADING

Final Ruling

The matter resolved by stipulation and order, ECF #35, the matter is dropped from calendar as moot.

2. [18-14706](#)-A-13 **IN RE: JUDY JONES**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
1-11-2019 [[19](#)]

MARK ZIMMERMAN

Final Ruling

The case dismissed, the objection is dropped as moot.

3. [18-14508](#)-A-13 **IN RE: PEDRO ESPINOZA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-9-2019 [[20](#)]

THOMAS GILLIS
\$60.00 INSTALLMENT PAYMENT 1/16/19

Final Ruling

The installment having been paid, the order to show cause is discharged.

4. [18-14713](#)-A-13 **IN RE: BRIAN/KARI COLEMAN**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER

1-11-2019 [[28](#)]

SCOTT LYONS

No Ruling

5. [18-14133](#)-A-13 **IN RE: CHARLES SMITH**
[MHM-3](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER

1-14-2019 [[27](#)]

MICHAEL ARNOLD

No Ruling

6. [18-14037](#)-A-13 **IN RE: DESIREE MARTINEZ**
[MHM-3](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER

1-14-2019 [[36](#)]

SCOTT LYONS

No Ruling

7. [10-19042](#)-A-12 **IN RE: LUIS/MARIA SOTO**
[TOG-20](#)

MOTION FOR ENTRY OF DISCHARGE
12-28-2018 [[235](#)]

LUIS SOTO/MV
THOMAS GILLIS

Final Ruling

Motion: Entry of Discharge [Chapter 12 case]
Notice: LBR 9014-1(f)(1); written opposition required
Disposition: Granted
Order: Prepared by the movant

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).

The motion requests entry of discharge under § 1228 of the Bankruptcy Code. The court finds that the debtor has completed all payments under the plan in this chapter 12 case. See 11 U.S.C. § 1228(a). The debtor has certified by declaration that the debtor has no domestic support obligations under a judicial or administrative order or statute. See *id.*

Under § 1228(f), the court finds that § 522(q)(1) is inapplicable to the debtor. A chapter 12 discharge should be entered in this case.

8. [15-11245](#)-A-13 **IN RE: WILLIAM O'BRIEN AND JILL**
ALVARADO-O'BRIEN
[MHM-3](#)

CONTINUED MOTION TO DISMISS CASE
10-31-2018 [[72](#)]

MICHAEL MEYER/MV
MARK SIEGEL
NOTICE OF CONTINUED HEARING 2/14/19

Final Ruling

This matter is continued to February 14, 2019, at 9:00 a.m.

9. [18-14667](#)-A-13 **IN RE: ISMAEL/MARIA PARAMO**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
1-11-2019 [[33](#)]

THOMAS GILLIS

Final Ruling

Matter: Objection to Confirmation of Chapter 13 Plan
Notice: LBR 3015-1(c)(4); no written opposition required
Disposition: Overruled as moot
Order: Civil minute order

Chapter 13 debtors may convert to chapter 7 at any time. 11 U.S.C. § 1307(a). The debtor filed a notice of conversion to chapter 7 after this objection was filed. As such, the objection will be overruled as moot.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the objection to confirmation is overruled as moot.

10. [18-11292](#)-A-13 **IN RE: ANGEL PEREZ**
[TCS-2](#)

CONTINUED MOTION TO MODIFY PLAN
10-2-2018 [[40](#)]

ANGEL PEREZ/MV
TIMOTHY SPRINGER
RESPONSIVE PLEADING

Final Ruling

Pursuant to the court's minutes of the hearing held January 24, 2019, ECF #68, and an order issued January 25, 2019, the hearing has been continued to March 22, 2019, at 9:00 a.m.

11. [18-14592](#)-A-13 **IN RE: MICHAEL/RANDI KESTNER**
[SL-1](#)

MOTION TO CONFIRM PLAN
12-21-2018 [[22](#)]

MICHAEL KESTNER/MV
STEPHEN LABIAK
RESPONSIVE PLEADING

No Ruling

12. [18-12797](#)-A-13 **IN RE: ANTONIO LOZANO DE ANDA**
[RS-1](#)

MOTION TO CONFIRM PLAN
12-20-2018 [[63](#)]

ANTONIO LOZANO DE ANDA/MV
RICHARD STURDEVANT
RESPONSIVE PLEADING

No Ruling