

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

**February 13, 2019 at 10:00 a.m.**

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**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

**1. Matters resolved without oral argument:**

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

- 2. The court will not continue any short cause evidentiary hearings scheduled below.**
- 3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.**
- 4. If no disposition is set forth below, the matter will be heard as scheduled.**

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1.	18-25323-D-7	LESLIE RAY	MOTION TO DISMISS ADVERSARY
	18-2192	RJM-1	PROCEEDING AND/OR MOTION FOR A
	FIRST BANK V. RAY		MORE DEFINITE STATEMENT
			12-28-18 [7]

**Final ruling:**

**This adversary proceeding was dismissed by a stipulated order entered on January 29, 2019. As a result the motion will be denied by minute order as moot. No appearance is necessary.**

2.	16-22725-D-7	PETER/CATHLEEN VERBOOM	MOTION TO COMPROMISE
	HSM-4		CONTROVERSY/APPROVE SETTLEMENT
			AGREEMENT WITH RAYGOZA & SON
			HAY, INC.
			1-4-19 [245]

3. 18-26942-D-7 HOLLY STEENSON  
SLH-4

MOTION TO AVOID LIEN OF CACH,  
LLC  
1-3-19 [29]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

4. 18-26942-D-7 HOLLY STEENSON  
SLH-5

MOTION TO AVOID LIEN OF CACH,  
LLC  
1-3-19 [34]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

5. 15-23746-D-7 GORDON BONES  
15-2160 MAS-5  
MELISSA JOSEPH, AS TRUSTEE OF  
THE RICHARD W. DE SI V. BONES

MOTION FOR EXCEPTION TO  
DISCHARGE  
12-21-18 [66]

**Tentative ruling:**

This is the plaintiffs' motion for a determination that a default judgment for \$235,643 in their favor against the defendant, issued by the Sacramento County Superior Court on November 13, 2018 (the "judgment"), is exempt from discharge under § 523(a)(2)(A), (a)(4), and (a)(6).<sup>1</sup> The defendant has filed opposition, including a declaration and a large number of exhibits. For the following reasons, the motion will be denied without prejudice to renewal once the judgment has become final.

The court construes the motion as a motion for summary judgment on the ground the judgment is entitled to preclusive effect in this adversary proceeding. Although the plaintiffs have discussed generally the state court's findings of fraud, breach of fiduciary duty, and slander of title, they have failed to address them in terms of the various factors the court must consider in determining whether issue preclusion applies. Further, although they have submitted certain documents that would be pertinent to the decision - copies of the judgment, the ruling on which it was based, and the operative amended complaint - they have not submitted the evidence or briefing the state court relied on in arriving at its decision. Instead, the plaintiffs have submitted only their attorneys' declaration that the

plaintiffs "adduced evidence" as to the amounts of the damages the state court determined arose from the defendant's conduct.<sup>2</sup>

The defendant has understood the motion as a motion to give preclusive effect to the judgment and has framed his arguments in terms of the general requirements for collateral estoppel (now referred to as issue preclusion). In doing so, however, he has made arguments about the underlying facts of the case as if there had been a trial in the state court rather than a default judgment. (The defendant's answer to the state court complaint was stricken as a sanction for failing to respond to discovery requests and his default was entered on that basis.) That is, it appears the defendant views this court as an appellate court, whereas it is not this court's function to determine whether the state court's ruling was right or wrong, whether based on the underlying facts as the defendant alleges them or on the allegations of the operative complaint, as appropriate on a motion for a default judgment. This court's job, at this stage at any rate, is to determine only whether the judgment meets the requirements to be given preclusive effect.

In short, both parties have missed the mark and, the plaintiffs having the burden of proof (McProud v. Siller (In re CWS Enters.), 870 F.3d 1106, 1119 (9th Cir. 2017)), the court would likely deny the motion on the present record or continue the hearing to allow the parties to supplement the record and provide additional briefing. The defendant has, however, raised two threshold issues, each of which will be dispositive of the motion if the defendant is correct.

First, the defendant claims that, as a default judgment, the judgment is not entitled to preclusive effect because it does not satisfy the requirement that the issues have been "actually litigated." The defendant is not correct. "Under the federal full faith and credit statute, federal courts must give state court judgments the preclusive effect that those judgments would enjoy under the law of the state in which the judgment was rendered." Far Out Productions v. Oskar, 247 F.3d 986, 993 (9th Cir. 2001). Thus, this court looks to the law of California on preclusion. The defendant has cited three cases - none of them construing California law.

"In California, a default judgment satisfies the 'actually litigated' requirement for the application of collateral estoppel." Younie v. Gonya (In re Younie), 211 B.R. 367, 375 (9th Cir. BAP 1997) (citations omitted). To be more specific: "[i]n California, it is well settled that a default judgment is: 'conclusive to the issues tendered by the complaint as if it had been rendered after answer filed and trial had on the allegations denied by the answer. . . . Such a judgment is res judicata as to all issues aptly pleaded in the complaint and defendant is estopped from denying in a subsequent action any allegations contained in the former complaint.'" Id. (citations omitted). Accordingly, the default nature of the judgment does not prevent this court from according it preclusive effect if the applicable requirements are met.

Second, the defendant contends that because he has appealed the judgment, it is not "final" for purposes of preclusion. He claims to have submitted a copy of his notice of appeal, but the court has been unable to find it among his many exhibits. If the defendant produces a copy of a timely filed notice of appeal, the court will deny this motion subject to renewal once the appeal is concluded and the judgment becomes final, if it does. "Under California law, a judgment is not final for preclusion purposes while it is still open to attack through appeal." Lopez v. Raicevic (In re Lopez), 2017 Bankr. LEXIS 297, \*12 (9th Cir. BAP 2017). Therefore, the court intends to deny the motion without prejudice.

The court will hear the matter.

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- 1 This court earlier lifted the automatic stay to permit the parties to proceed to judgment in the state court on all issues except the dischargeability of any judgment for the plaintiffs.
- 2 This court would not be determining whether the state court was correct in the amounts it awarded - that would constitute improper appellate review by this court. The evidence may, however, assist this court in determining whether to give preclusive effect to the state court's findings. The plaintiffs' counsel's conclusory testimony on the damages, in any event, is not likely to be helpful here.

6. 19-20256-D-11 BULLDOG DEVELOPMENT STATUS CONFERENCE RE: VOLUNTARY  
COMPANY PETITION  
1-16-19 [1]

**Final ruling:**

This case was dismissed on January 23, 2019. As a result the status conference is concluded. No appearance is necessary.

7. 18-24662-D-7 CHRISTINA BLACK-MORRIS MOTION TO AVOID LIEN OF BANK OF  
MOH-2 AMERICA, N.A.  
1-7-19 [29]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

8. 18-26671-D-7 SERGIO PENA-VASQUEZ AND MOTION FOR RELIEF FROM  
JHW-1 ANDREA TAVAKE AUTOMATIC STAY  
AMERICREDIT FINANCIAL 1-3-19 [20]  
SERVICES, INC. VS.

**Final ruling:**

This matter is resolved without oral argument. This is Americredit Financial Services, Inc.'s motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

9. 16-27672-D-7 DAVID LIND  
DNL-28

MOTION FOR COMPENSATION FOR  
HANK M. SPACONE, CHAPTER 7  
TRUSTEE  
1-8-19 [725]

Tentative ruling:

This is the chapter 7 trustee's application for a first and final allowance of compensation. The motion was noticed pursuant to LBR 9014-1(f)(1) and no opposition has been filed. The court is prepared to find that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a) and the fees are well below the maximum that could have been sought under § 326(a). However, the court has a concern about service.

The proof of service states that the notice of hearing, application, declaration, and exhibits were served on parties listed on an attached "address list" and the notice of hearing only was served on parties listed on an attached "creditor matrix." However, the only list or matrix attached is the PACER matrix, on which the names and addresses of the debtor, his spouse, and certain other parties have been crossed out. (Apparently, these are the parties whose names and addresses would appear on the "address list," if it had been attached.) In short, there is no evidence the moving papers were served on the debtor or those other parties. If a corrected proof of service has been filed by the time of the hearing, the court will grant the motion.

The court will hear the matter.

10. 16-27672-D-7 DAVID LIND  
DNL-29

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF DESMOND, NOLAN,  
LIVAICH & CUNNINGHAM TRUSTEE'S  
ATTORNEY(S)  
1-8-19 [730]

Tentative ruling:

This is the chapter 7 trustee's counsel's application for a second and final allowance of compensation. The motion was noticed pursuant to LBR 9014-1(f)(1) and no opposition has been filed. The court is prepared to find that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a).

However, the court has a concern about service. The proof of service states that the notice of hearing, application, declaration, and exhibits were served on parties listed on an attached "address list" and the notice of hearing only was served on parties listed on an attached "creditor matrix." However, the only list or matrix attached is the PACER matrix, on which the names and addresses of the debtor, his spouse, and certain other parties have been crossed out. (Apparently, these are the parties whose names and addresses would appear on the "address list," if it had been attached.) In short, there is no evidence the moving papers were served on the debtor or those other parties. If a corrected proof of service has been filed by the time of the hearing, the court will grant the motion.

The court will hear the matter.

**Tentative ruling:**

This is the motion of counsel for the debtor-in-possession ("Counsel") for a first interim allowance of compensation in the amount of \$15,549, including \$15,307 in fees and \$242 in costs. The hearing was continued for Counsel to correct service defects and supplement the record. He has done both. For the following reasons, the court will grant the motion in part.

Counsel has failed to make a showing as to the two factors the court is to consider when determining whether a professional is entitled to retroactive approval of compensation under In re THC Fin. Corp., 837 F.2d 389, 392 (9th Cir. 1988). However, there was only a nominal amount of time spent, one hour (2/12/18), during the two-week period between the petition date and the date that was 30 days before Counsel filed his employment application. See LBR 2014-1(b)(1). The fees incurred during that period, \$325, will be disallowed.

The court also finds Counsel's time charged for the following to be excessive and the fees requested will be reduced by 50%:

- for reviewing and filing the debtor's monthly operating reports, eight at one-half hour each (3/13/18, 4/13/18, 5/14/18, 6/22/18, 7/16/18, 8/20/18, 9/25/18, 10/17/18), based on the simple nature of the report;
- for reviewing routine Rule 2004 examination applications, 5.5 hours (3/2/18, 3/13/18, 4/2/18, 6/12/18, 6/27/18, 7/11/18, 8/6/18, 8/7/18, 8/31/18), particularly where Counsel's client was neither the party seeking the discovery nor the party responding; and
- for reviewing the court's standard form employment order and chapter 11 scheduling order, 0.3 hours each, and reviewing a one-sentence order transferring the case, two entries at 0.2 hours each (4/3/18, 4/5/18, 7/3/18, 10/5/18).

The charge of 0.5 hour for serving the notice of status conference, \$162.50, was secretarial in nature and will be disallowed. The court notes that all meetings and hearings were billed in increments of either one hour or one-half hour, and therefore, are suspect. The court will make no adjustments at this time, but cautions Counsel entries must be in the amounts of time actually spent.

Finally, in the motion, Counsel stated the debtor had paid him \$3,283 for work performed prior to the filing of the case, and in his declaration, he stated he had subtracted \$3,283 from his fees billed to arrive at the amount sought, \$15,307 in fees. As far as the pre-petition services are concerned, Counsel is entitled to the reasonable value of those services. § 329(b). Counsel testifies in his latest declaration the filing was on an emergency basis and much of the work normally done pre-petition was completed post-petition. His billing statements show a total of 2.3 hours was spent pre-petition, for total fees of \$747.50.

However, it appears Counsel was mistaken when he deducted the \$3,283 from the amount sought in this motion. That was not the amount he received for his pre-petition services; it was the balance remaining from his retainer, \$5,000, after he

paid the filing fee, \$1,717. Therefore, the court will construe the motion as requesting approval of \$18,590 in fees and \$242 in costs, for a total of \$18,832, and will deduct from that total the amounts the court has determined to be unreasonable - \$325, \$1,706.25, and \$162.05 - to arrive at a total of \$16,638.70 (comprised of \$16,396.70 in fees and \$242 in costs). Counsel is cautioned to be more careful in the future. His Rule 2016(b) statement and the debtor's Statement of Financial Affairs both indicate his retainer was paid by the debtor, whereas he now testifies it was paid by Brenna Labine. And the two documents indicate Counsel received a total of \$3,283 pre-petition, whereas he actually received \$5,000, from which he paid the filing fee. As the \$1,717 passed through Counsel's account, it should have been included in the amount disclosed as having been received from Brenna Labine.

Finally, Counsel now testifies that "[d]ue to some technical issues with the bank, the funds were transferred online to my personal bank account. . . . The funds were then transferred to one of my business accounts." It is difficult for the court to imagine what technical issue at the bank would have resulted in Brenna Labine transferring funds into Counsel's personal account for any reason other than Counsel having given her his personal account number. It is also of concern that Counsel then transferred the funds into "one of his business accounts," when the funds should have gone directly into his attorney-client trust account and remained there until his fees were approved.

For the reasons discussed above, the court will construe the motion as requesting an award of the full amount of fees billed, \$18,590, and will deduct from that the following: \$325, \$1,706.25, and \$162.05. The court will authorize reimbursement of costs of \$242, for a total award of \$16,638.70. The court will hear the matter.

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12. 18-25577-D-7        ROBERT SIMPSON  
JFL-1  
DITECH FINANCIAL, LLC VS.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
12-31-18 [16]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that the trustee has filed a statement of non-opposition, no timely opposition has been filed, and the relief requested in the motion is supported by the record. The debtors received their discharge on January 15, 2019 and, as a result, the stay is no longer in effect as to the debtors (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtors as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

13. 17-20689-D-7 MONUMENT SECURITY, INC. MOTION TO ABANDON  
DNL-10 1-16-19 [501]

**Final ruling:**

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to abandon personal property and the trustee has demonstrated the property to be abandoned is of inconsequential value to the estate. Accordingly, the motion will be granted and the property that is the subject of the motion will be deemed abandoned. Moving party is to submit an appropriate order. No appearance is necessary.

14. 17-20689-D-7 MONUMENT SECURITY, INC. MOTION TO ABANDON  
DNL-11 1-16-19 [506]

**Final ruling:**

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to abandon personal property and the trustee has demonstrated the property to be abandoned is of inconsequential value to the estate. Accordingly, the motion will be granted and the property that is the subject of the motion will be deemed abandoned. Moving party is to submit an appropriate order. No appearance is necessary.

15. 15-29890-D-7 GRAIL SEMICONDUCTOR MOTION TO COMPROMISE  
DNL-54 CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH THE HONGKONG AND  
SHANGHAI BANKING CORPORATION  
LIMITED  
1-16-19 [1205]

**Final ruling:**

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to approve compromise of controversy, and the trustee has demonstrated the compromise is in the best interest of the creditors and the estate. Specifically, the motion demonstrates that when the compromise is put up against the factors enumerated in In re Woodson, 839 F.2d 610 (9<sup>th</sup> Cir. 1988), the likelihood of success on the merits, the complexity of the litigation, the difficulty in collectability, and the paramount interests of creditors, the compromise should be approved. Accordingly, the motion is granted and the compromise approved. The moving party is to submit an appropriate order. No appearance is necessary.

16. 18-23090-D-7 BRET KANE MOTION TO EMPLOY NICHOLAS L.  
DNL-1 KOHLMAYER AS ATTORNE AND/OR  
MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF DESMOND, NOLAN,  
LIVAICH & CUNNINGHAM FOR  
NICHOLAS L. KOHLMAYER, CHAPTER  
7 TRUSTEE  
1-14-19 [20]



17. 18-27792-D-7 JOSEPH/JANICE PIERCE MOTION FOR RELIEF FROM  
JHW-1 AUTOMATIC STAY  
SANTANDER CONSUMER USA, INC. 1-11-19 [11]  
VS.

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtors' Statement of Intentions indicates they will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

18. 18-27898-D-7 ROBERT PINZON MOTION FOR RELIEF FROM  
JHW-1 AUTOMATIC STAY  
DAIMLER TRUST VS. 1-14-19 [11]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtor's Statement of Intentions indicates he will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

19. 10-25304-D-7 LOUIS/KIMBERLY DONOVAN MOTION TO AVOID LIEN OF LBS  
DBL-3 FINANCIAL CU  
1-29-19 [31]

**Final ruling:**

This is the debtors' motion to avoid a judicial lien held by LBS Financial CU. The motion will be denied because the moving parties have not properly claimed an exemption in the property. There are four basic elements of an avoidable lien under § 522(f)(1)(A):

First, there must be an exemption to which the debtor "would have been entitled under subsection (b) of this section." 11 U.S.C. § 522(f).

Second, the property must be listed on the debtor's schedules and claimed as exempt. Third, the lien must impair that exemption. Fourth, the lien must be ... a judicial lien. 11 U.S.C. § 522(f)(1).

In re Goswami, 304 B.R. 386, 390-91 (9th Cir. BAP 2003), quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), aff'd, 24 F.3d 247 (9th Cir. 1994) (table). The moving parties failed to claim an exemption in the property on the Schedule C filed with their petition. They filed as an exhibit to the motion a copy of an alleged amended Schedule C on which they purported to claim an exemption in the property. However, there is no copy of a fully-executed amendment cover sheet and the amended schedule and appropriate amendment cover sheet have not been filed with the court. Thus, the exemption has not been properly claimed.

Second, the moving parties have not satisfied and cannot satisfy the fourth requirement - that there be a judicial lien. LBS obtained a judgment against the debtor on July 21, 2009 but did not record an abstract of judgment until March 23, 2010. In the meantime, on March 4, 2010, the debtors had filed the petition commencing this case. The recording of the abstract of judgment occurred post-petition, before entry of the debtors' discharge and before the closing of the case, at which times the automatic stay expired pursuant to Bankruptcy Code § 362(c)(1) and (2). The recording was therefore in violation of the automatic stay of § 362(a) and is void. Schwartz v. United States (In re Schwartz), 954 F.2d 569, 571 (9th Cir. 1992).

As a result of the above, the court will deny the motion by minute order. No appearance is necessary.

20.	10-25304-D-7	LOUIS/KIMBERLY DONOVAN	MOTION TO AVOID LIEN OF
	DBL-2		AMERICAN EXPRESS CENTURION BANK
			1-29-19 [36]

Final ruling:

This is the debtors' motion to avoid a judicial lien held by American Express Centurion Bank. The motion will be denied because the moving parties have not properly claimed an exemption in the property. There are four basic elements of an avoidable lien under § 522(f)(1)(A):

First, there must be an exemption to which the debtor "would have been entitled under subsection (b) of this section." 11 U.S.C. § 522(f). Second, the property must be listed on the debtor's schedules and claimed as exempt. Third, the lien must impair that exemption. Fourth, the lien must be ... a judicial lien. 11 U.S.C. § 522(f)(1).

In re Goswami, 304 B.R. 386, 390-91 (9th Cir. BAP 2003), quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), aff'd, 24 F.3d 247 (9th Cir. 1994) (table). The moving parties failed to claim an exemption in the property on the Schedule C filed with their petition. They filed as an exhibit to the motion a copy of an alleged amended Schedule C on which they purported to claim an exemption in the property. However, there is no copy of a fully-executed amendment cover sheet and the amended schedule and appropriate amendment cover sheet have not been filed with the court. Thus, the exemption has not been properly claimed. As a result of the above, the court will deny the motion by minute order. No appearance is necessary.

21.	18-25346-D-7	SHIV SINGH	MOTION TO AVOID LIEN OF AXIS
	GMW-3		CAPITAL, INC.
			1-23-19 [38]

22. 18-22453-D-7 ECS REFINING, INC.  
HSM-2

CONTINUED MOTION TO ABANDON  
12-26-18 [912]

23. 17-20859-D-7 TIA LYN ELLIOTT  
JLK-2

MOTION TO AVOID LIEN OF  
PERSOLVE, LLC  
1-30-19 [63]

**Final ruling:**

This is the debtor's motion to avoid a judicial lien held by Persolve, LLC. An earlier motion for this same relief was denied because the moving papers gave Persolve insufficient information to determine whether to oppose the motion or the court whether to grant it. As stated in the ruling on the earlier motion, the motion gave the date of recording of Persolve's abstract of judgment and the date the debtor filed her bankruptcy petition, and stated the debtor had equity in her property which she fully exempted and that Persolve's judgment lien impaired the debtor's exempted equity. The moving papers gave no dollar amounts and provided no evidence to support these conclusions. They did not inform Persolve of the alleged value of the property, the amount of unavoidable liens, if any, or the amount of the debtor's claim of exemption.

The present motion is identical to the first but for this added sentence: "Debtor shall provide details of the property, other liens and how it was exempted in a declaration to be filed prior to the hearing set for this matter." Debtor's Motion, filed Jan. 30, 2019, ¶ 8. (As of this writing, the debtor has not done so.) The court's local rule does not authorize a motion that provides only the conclusion the court is requested to draw (here, that the lien impairs the debtor's exempted equity), with details supporting that conclusion to be provided later. The rule provides that a motion "shall set forth the relief or order sought and shall state with particularity the factual and legal grounds therefor." LBR 9014-1(d)(3)(A).

As the motion does not state with particularity the factual grounds for the relief sought, the motion will be denied by minute order. No appearance is necessary.

24. 18-20568-D-7 PAUL AMADOR  
ADJ-2

CONTINUED MOTION TO SELL  
12-12-18 [23]

25. 18-27691-D-7 CAITLIN SASSMAN  
VVF-1  
AMERICAN HONDA FINANCE  
CORPORATION VS.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION  
FOR ADEQUATE PROTECTION  
1-23-19 [13]