

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Fredrick E. Clement  
Bankruptcy Judge

2500 Tulare Street, Fifth Floor  
Department A, Courtroom 11  
Fresno, California

**THURSDAY**

**MAY 29, 2014**

**PRE-HEARING DISPOSITIONS**

**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.

**MATTERS RESOLVED BEFORE HEARING**

If the court has issued a final ruling on a matter and the parties directly affected by a matter have resolved the matter by stipulation or withdrawal of the motion before the hearing, then the moving party 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 to be dropped from calendar 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.

**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 52(b), 59(e) or 60, as incorporated by Federal Rules of Bankruptcy Procedure, 7052, 9023 and 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.

9:00 a.m.

1. [11-62704](#)-A-13 NORMAN PIMENTEL  
MNE-5  
NORMAN PIMENTEL/MV  
M. ENMARK/Atty. for dbt.  
RESPONSIVE PLEADING  
CONTINUED MOTION TO MODIFY PLAN  
2-6-14 [[96](#)]

**No tentative ruling.**

2. [13-14006](#)-A-13 DENNIS NAJARIAN  
THA-1  
DENNIS NAJARIAN/MV  
THOMAS ARMSTRONG/Atty. for dbt.  
RESPONSIVE PLEADING  
MOTION TO MODIFY PLAN  
4-25-14 [[21](#)]

**No tentative ruling.**

3. [13-17007](#)-A-13 DANNY/LORI CARRELL  
APN-1  
SANTANDER CONSUMER USA INC./MV  
GEOFFREY ADALIAN/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-21-14 [[43](#)]

**Tentative Ruling**

**Motion:** Stay Relief

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

**Disposition:** Denied as moot

**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).

Federal courts have no authority to decide moot questions. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 67-68, 72 (1997). "Mootness has been described as the doctrine of standing set in a time frame: The requisite personal interest that must exist at the commencement of the litigation (standing) must continue throughout its existence (mootness)." *Id.* at 68 n.22 (quoting *U.S. Parole Comm'n v. Geraghty*, 445 U.S. 388, 397 (1980)) (internal quotation marks omitted).

The confirmed chapter 13 plan in this case provides for the moving party's claim in Class 4. Class 4 secured claims are long-term claims that are not modified by the plan and that were not in default prior to the filing of the petition. They are paid directly by the debtor or a third party. Section 2.11 of the plan provides that "[u]pon confirmation of the plan, all bankruptcy stays are modified to allow

the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract."

Because the plan has been confirmed, the automatic stay has already been modified to allow the moving party to exercise its rights against its collateral. The motion will be denied as moot. No effective relief can be awarded.

4. [13-13912](#)-A-13 LUIS/RUBY BURGOS

MICHAEL MEYER/MV

THOMAS GILLIS/Atty. for dbt.

CONTINUED MOTION OF  
NON-COMPLIANCE AND REQUEST TO  
RE-ISSUE COURT'S ORDER TO SHOW  
CAUSE  
12-20-13 [[50](#)]

**No tentative ruling.**

5. [13-12917](#)-A-13 JAMIE/MARY JANE GALVAN  
PLF-2

PETER FEAR/Atty. for dbt.

MOTION FOR COMPENSATION FOR  
PETER L. FEAR, DEBTOR'S  
ATTORNEY(S)  
4-21-14 [[33](#)]

#### **Final Ruling**

**Application:** Interim Compensation and Expense Reimbursement

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

**Disposition:** Approved

**Order:** Prepared by applicant

**Applicant:** Law Offices of Peter L. Fear

**Compensation approved:** \$3336.50

**Costs approved:** \$94.15

**Aggregate fees and costs approved in this application:** \$3430.65

**Retainer held:** \$0.00

**Amount to be paid as administrative expense:** \$3430.65

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).

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a debtor's attorney in a Chapter 13 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1), (4)(B). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim

basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure. The moving party is authorized to draw on any retainer held.

6. [09-17228](#)-A-13 STEPHAN/JENNIFER BAGUE MOTION TO MODIFY PLAN  
MNE-3 4-10-14 [[81](#)]  
STEPHAN BAGUE/MV  
M. ENMARK/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

### **Final Ruling**

**Motion:** Confirm Modified Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by Chapter 13 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)(2), 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, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) 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 modification of the plan.

7. [14-11329](#)-A-13 ROY SALAZAR MOTION TO DISMISS CASE FOR  
MHM-1 UNREASONABLE DELAY THAT IS  
MICHAEL MEYER/MV PREJUDICIAL TO CREDITORS ,  
MOTION TO DISMISS CASE FOR  
FAILURE TO PROVIDE TAX  
DOCUMENTS , MOTION TO DISMISS  
CASE  
5-1-14 [[29](#)]

JEFF REICH/Atty. for dbt.

**No tentative ruling.**

8. [14-11332](#)-A-13 RONALD ESCOBAR  
JKX-1  
RONALD ESCOBAR/MV  
JAMIE XIONG-VANG/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
CITIMORTGAGE, INC.  
4-24-14 [[19](#)]

**Final Ruling**

**Motion:** Value Collateral [Real Property; Principal Residence]

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

**Disposition:** Granted

**Order:** Prepared by the moving party

**Collateral Value:** \$204,286.00

**Senior Liens:** \$263,199.99

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).

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b)(2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the responding party's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25.

The motion seeks to value real property collateral that is the moving party's principal residence. Because the amount owed to senior lienholders exceeds the value of the collateral, the responding party's claim is wholly unsecured and no portion will be allowed as a secured claim. See 11 U.S.C. § 506(a).

9. [14-11332](#)-A-13 RONALD ESCOBAR  
MHM-1  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE FOR  
FAILURE TO PROVIDE TAX  
DOCUMENTS , MOTION TO DISMISS  
CASE  
5-1-14 [[33](#)]

JAMIE XIONG-VANG/Atty. for dbt.  
RESPONSIVE PLEADING

**No tentative ruling.**

10. [14-10140](#)-A-13 CRISTY HULSEY  
MHM-1

OBJECTION TO CONFIRMATION OF  
PLAN BY TRUSTEE MICHAEL H.  
MEYER  
5-1-14 [[32](#)]

MARCUS TORIGIAN/Atty. for dbt.

**No tentative ruling.**

11. [14-10840](#)-A-13 SAMUEL/ISABEL CRUTCHFIELD  
WSC-1  
SAMUEL CRUTCHFIELD/MV  
WILLIAM COLLIER/Atty. for dbt.

AMENDED MOTION TO CONFIRM PLAN  
4-16-14 [[38](#)]

**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 Chapter 13 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.

12. [10-61643](#)-A-13 CHRISTOPHER/CLAUDIA  
GEG-3 JIMENEZ  
CHRISTOPHER JIMENEZ/MV  
GLEN GATES/Atty. for dbt.

MOTION TO INCUR DEBT  
5-15-14 [[38](#)]

**Tentative Ruling**

**Motion:** Approve Debtor's Incurring New Debt [Vehicle Loan]

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

**Disposition:** Granted

**Order:** Prepared by moving party

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 debtor seeks to incur new debt to finance the purchase of a vehicle. Amended Schedules I and J have been filed indicating that the debtor can afford both the plan payment and the proposed monthly loan payment of principal and interest that would result from obtaining this financing. The court will grant the motion, and the trustee will approve the order as to form and content.

13. [14-10854](#)-A-13 TIMOTHY/MIJHA LEASURE  
MAZ-1  
TIMOTHY LEASURE/MV  
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO AVOID LIEN OF KINGS  
CREDIT SERVICES, A CORP.  
4-29-14 [[29](#)]

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

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

**Disposition:** Granted

**Order:** Prepared by moving party

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).

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of—(i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the debt secured by the responding party's lien. As a result, the responding party's judicial lien will be avoided entirely.

14. [11-12757](#)-A-13 JAMES/CAROLYN ELLIOTT MOTION FOR WAIVER OF  
TCS-3 CERTIFICATION UNDER 11 U.S.C.  
JAMES ELLIOTT/MV 1328  
5-7-14 [[50](#)]  
TIMOTHY SPRINGER/Atty. for dbt.

**Tentative Ruling**

**Motion:** Waiver of Certification under 11 U.S.C. § 1328

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

**Disposition:** Granted subject to condition

**Order:** Prepared by the moving part

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 court has reviewed the motion and supporting papers. Co-debtor Carolyn Elliot has passed away. The requirement that Carolyn Elliot sign the § 1328 certification is waived subject to the following condition. As a representative of her estate and a person with personal knowledge as to the information required for Carolyn Elliot's certification, James Elliot, her husband, must sign the required § 1328 certification form on her behalf.

15. [14-11059](#)-A-13 JORGE VELAZQUEZ-JARACUARO MOTION TO RECONSIDER  
ALG-1 AND ADRIANA OROPEZA 5-6-14 [[38](#)]  
JPMORGAN CHASE BANK, N.A./MV  
JANINE ESQUIVEL/Atty. for dbt.  
KRISTI WELLS/Atty. for mv.  
RESPONSIVE PLEADING

**No tentative ruling.**

16. [14-10360](#)-A-13 KRISTEN JONES ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
5-5-14 [[44](#)]  
DISMISSED

**Final Ruling**

The case dismissed, the order to show cause is discharged.



17. [14-10360](#)-A-13 KRISTEN JONES  
MHM-2  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
4-30-14 [[39](#)]

DISMISSED

### **Final Ruling**

The case dismissed, the motion is denied as moot.

18. [14-10190](#)-A-13 MARIO/ZULEYKA NUNEZ  
EPE-1  
MARIO NUNEZ/MV  
ERIC ESCAMILLA/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
4-9-14 [[37](#)]

### **Tentative Ruling**

**Motion:** Confirm Chapter 13 Plan

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

**Disposition:** Pending

**Order:** Pending

The motion requests confirmation of the Chapter 13 plan in this case. 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1). The Chapter 13 trustee opposes the motion, objecting to confirmation. But the moving party has not filed a reply to the opposition.

### **CONFIRMATION**

Without the benefit of a reply, the court cannot determine whether the grounds for the trustee's opposition are disputed or undisputed. As a result, the court does not consider the matter to be ripe for a decision in advance of the hearing.

If such grounds are undisputed, the moving party may appear at the hearing and affirm that they are undisputed. The moving party may opt not to appear at the hearing, and such nonappearance will be deemed by the court as a concession that the trustee's grounds for opposition are undisputed and meritorious.

If such grounds are disputed, the moving party shall appear at the hearing. The court may either (1) rule on the merits and resolve any disputed issues appropriate for resolution at the initial hearing, or (2) treat the initial hearing as a status conference and schedule an evidentiary hearing to resolve disputed, material factual issues or schedule a further hearing after additional briefing on any disputed legal issues.

### **75 DAY ORDER**

A Chapter 13 plan must be confirmed no later than the first hearing date available after the 75-day period that commences on the date of this hearing. If a Chapter 13 plan has not been confirmed by such date, the court may dismiss the case on the trustee's motion. See 11 U.S.C. § 1307(c)(1).

19. [14-10190](#)-A-13 MARIO/ZULEYKA NUNEZ  
EPE-2  
MARIO NUNEZ/MV

MOTION TO VALUE COLLATERAL OF  
HSBC MORTGAGE SERVICES, INC.  
AND/OR MOTION TO AVOID LIEN OF  
HSBC MORTGAGE SERVICES, INC.  
4-15-14 [[46](#)]

ERIC ESCAMILLA/Atty. for dbt.

### **Final Ruling**

**Motion:** Value Collateral [Real Property; Principal Residence]

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

**Disposition:** Granted

**Order:** Prepared by the moving party

**Collateral Value:** \$245,500

**Senior Liens:** \$263,722

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).

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b)(2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the responding party's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25.

The motion seeks to value real property collateral that is the moving party's principal residence. Because the amount owed to senior lienholders exceeds the value of the collateral, the responding party's claim is wholly unsecured and no portion will be allowed as a secured claim. See 11 U.S.C. § 506(a).

20. [14-10190](#)-A-13 MARIO/ZULEYKA NUNEZ  
MHM-1  
MICHAEL MEYER/MV

CONTINUED MOTION TO DISMISS  
CASE FOR UNREASONABLE DELAY  
THAT IS PREJUDICIAL TO  
CREDITORS AND/OR MOTION TO  
DISMISS CASE  
4-7-14 [[32](#)]

ERIC ESCAMILLA/Atty. for dbt.

**No tentative ruling.**

21. [13-16391](#)-A-13 JOSHUA/SOMMER RITTER  
MHM-2  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
5-15-14 [[89](#)]

JOEL WINTER/Atty. for dbt.  
MICHAEL MEYER/Atty. for mv.

**No tentative ruling.**

22. [14-10696](#)-A-13 CRECENCIANO CHAVEZ  
MHM-1  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO DISMISS CASE  
4-23-14 [[24](#)]

**Final Ruling**

The hearing is continued to June 12, 2014, at 9:00 a.m. Debtor shall  
file his opposition by June 5, 2014.

23. [14-11396](#)-A-13 BARBARA BRYAN  
MHM-1  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
5-1-14 [[21](#)]

JOEL WINTER/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped from calendar as moot.

24. [10-64699](#)-A-13 RONALD/JENNIFER SLOCUM

ORDER TO SHOW CAUSE - FAILURE  
TO TENDER FEE FOR FILING  
TRANSFER OF CLAIM  
5-5-14 [[58](#)]

TIMOTHY SPRINGER/Atty. for dbt.

**Final Ruling**

The fee being paid, the order to show cause is discharged.

25. [13-10799](#)-A-13 GREGORY/SOMVANG BOTH  
PLF-2

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF PETER L. FEAR FOR  
PETER L. FEAR, DEBTOR'S  
ATTORNEY(S)  
4-21-14 [[32](#)]

PETER FEAR/Atty. for dbt.

**Final Ruling**

**Application:** Interim Compensation and Expense Reimbursement

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

**Disposition:** Approved

**Order:** Prepared by applicant

**Applicant:** Law Offices of Peter L. Fear

**Compensation approved:** \$3704.00

**Costs approved:** \$66.31

**Aggregate fees and costs approved in this application:** \$3770.31

**Retainer held:** \$0.00

**Amount to be paid as administrative expense:** \$3770.31

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).

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a debtor's attorney in a Chapter 13 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1), (4)(B). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure. The moving party is authorized to draw on any retainer held.

26. [13-18099](#)-A-13 ROJELIO/JOANDREW ORTIZ  
SL-1  
ROJELIO ORTIZ/MV  
SCOTT LYONS/Atty. for dbt.
- MOTION TO CONFIRM PLAN  
4-7-14 [[39](#)]

**Final Ruling**

The case dismissed, the matter is dropped from calendar as moot.

27. [13-16020](#)-A-13 BLANCA MARTINEZ  
MHM-4  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.  
OST 5/23/14
- MOTION TO VACATE HEARING DATE  
AND TO RESTORE MATTER TO  
SCHEDULING CALENDAR  
5-23-14 [[145](#)]

**No tentative ruling.**

**10:00 a.m.**

1. [12-19290](#)-A-12 DIMAS/ROSA COELHO  
THOMAS GILLIS/Atty. for dbt.  
DISMISSED
- ORDER TO SHOW CAUSE WHY FEES  
SHOULD NOT BE DISGORGED  
4-23-14 [[189](#)]

**Final Ruling**

The order to show cause is discharged.

2. [12-19291](#)-A-12 JOAO/LUZIA VAZ  
THOMAS GILLIS/Atty. for dbt.  
DISMISSED
- ORDER TO SHOW CAUSE WHY FEES  
SHOULD NOT BE DISGORGED  
4-23-14 [[204](#)]

**Final Ruling**

The order to show cause is discharged.