

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Thursday, June 14, 2018  
Place: Department B - Courtroom #13  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

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

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

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

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions. If the parties stipulate to continue the hearing on the matter or agree to resolve the matter in a way inconsistent with the final ruling, then the court will consider vacating the final ruling only if the moving party notifies chambers before 4:00 p.m. (Pacific time) at least one business day before the hearing date: Department A-Kathy Torres (559)499-5860; Department B-Jennifer Dauer (559)499-5870. If a party has grounds to contest a final ruling under FRCP 60(a)(FRBP 9024) because of the court's error ["a clerical mistake (by the court) or a mistake arising from (the court's) oversight or omission"] the party shall notify chambers (contact information above) and any other party affected by the final ruling by 4:00 p.m. (Pacific time) one business day before the hearing.

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

**THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

9:30 AM

1. [18-11166](#)-B-11    **IN RE: JOSE/MARY VALADAO**  
[WW-6](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF WALTER WILHELM  
LAW GROUP FOR RILEY C. WALTER, DEBTORS ATTORNEY(S)  
5-17-2018    [[90](#)]

RILEY WALTER  
RESPONSIVE PLEADING

NO RULING.

The court directs Lawley's, Inc. to Local Rule of Practice 9004-2(c)(1). This rule requires that objections, exhibits, inter alia, are to be filed as separate documents. Here, the exhibits and opposition were combined into one document and not filed separately.

2. [18-11385](#)-B-11    **IN RE: MOHAMMAD KHAN**  
[UST-1](#)

MOTION TO DISMISS CASE  
5-16-2018    [[49](#)]

TRACY DAVIS/MV  
ROBIN TUBESING/ATTY. FOR MV.  
DISMISSED

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

DISPOSITION:        Granted in part and denied as moot in part.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-

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

This motion is GRANTED IN PART and DENIED AS MOOT IN PART. Trustee's request to dismiss the motion is DENIED AS MOOT because the court dismissed the case on May 31, 2018. Doc. #62. The court however, retained jurisdiction over the case specifically to decide this matter. Trustee's request for a 180 day bar to re-filing is GRANTED.

11 U.S.C. § 349(a) provides that "dismissal of a case under this title [does not] prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g)."

11 U.S.C. § 109(g) provides that "no individual...may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if the case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case."

Pursuant to the Chapter 11 status conference notice (doc. #20), the court may, sua sponte, dismiss the case at a status conference, which it did at the status conference held on May 31, 2018, precisely for the reasons stated in § 109(g). In this case, the court granted two extensions of time to file schedules and affairs, and the court denied a third request to extend time. Doc. #31, 45, and 58. The debtor has not appeared at any hearing, either in person or telephonically. At a hearing on a motion for relief from stay, debtor's son appeared, and at the status conference when the court dismissed the case, the debtor called the court prior and stated that he would appear telephonically, but failed to appear at the hearing. As noted in the U.S. Trustee's motion to dismiss, the Trustee's office has not received any records from the debtor, debtor has not appeared at the § 341 meeting, inter alia. See doc. #49. Debtor has also filed five prior cases, four of which were "skeletal petitions." All five cases were dismissed within three months. Case no. 11-13975, 16-11408, 16-16109, 17-10547, and 17-13630. Three of the five cases were filed in the Eastern District of California, and the other two were filed in the Central District of California.

Debtor is barred from filing a petition for relief in any bankruptcy court in any jurisdiction in the United States of America for 180 days from the date of entry of this order.

3. [17-11591](#)-B-11    **IN RE: 5 C HOLDINGS, INC.**  
[KDG-2](#)

CONTINUED MOTION FOR COMPENSATION BY THE LAW OFFICE OF  
KLEIN, DENATALE, GOLDNER, COOPER, ROSENLIB AND KIMBALL, LLP  
SPECIAL COUNSEL(S)  
5-2-2018    [[365](#)]

LEONARD WELSH

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the motion.

4. [17-13797](#)-B-9    **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[WW-35](#)

CONTINUED MOTION TO APPROVE STIPULATION FOR RELIEF FROM THE  
AUTOMATIC STAY  
5-3-2018    [[511](#)]

TULARE LOCAL HEALTHCARE  
DISTRICT/MV  
RILEY WALTER

NO RULING.

1:30 PM

1. [17-12900](#)-B-13 IN RE: PAUL/TERESA YAMASHITA  
[ALG-4](#)

OBJECTION TO CLAIM OF BH FINANCIAL SERVICES, INC., CLAIM  
NUMBER 8 AND/OR OBJECTION TO CLAIM OF BH FINANCIAL SERVICES,  
INC., CLAIM NUMBER 9  
4-18-2018 [[57](#)]

PAUL YAMASHITA/MV  
JANINE ESQUIVEL

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

DISPOSITION: Sustained. Claims 8 and 9 shall be allowed as  
unsecured claims.

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

This objection was set for hearing on more than 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSATINED. Debtors contend that claims 8 and 9, filed on September 28, 2017, are not secured but unsecured. Claims 8 and 9 were both filed by BH Financial Services, Inc. Included with each claim is an abstract of judgment.

Claim 8 is in the amount of \$6,753.52. The abstract of judgment was originally for \$6,443.69. The judgment was entered on March 5, 2017 and recorded in Fresno county on April 19, 2017.

Claim 9 is in the amount of \$6,790.54. The abstract of judgment was originally for \$6,368.26. The judgment was entered on November 28, 2016 and recorded in Fresno county on December 29, 2016.

California Code of Civil Procedure ("CCP") 637.310 states that a judgment lien on real property is created by recording an abstract

of judgment with the county recorder. CCP 697.510 states that a judgment lien on personal property is created by filing a notice of judgment lien with the Secretary of State's office, and the lien can only attach to (1) accounts receivable, and the judgment debtor is located in this state; (2) tangible chattel paper, as defined in paragraph (79) of subdivision (a) of section 9102 of the Commercial Code, and the judgment debtor is located in this state; (3) equipment, located within this state; (4) farm products, located within this state; (5) inventory, located within this state; and (6) negotiable documents of title, located within this state.

Debtors' schedule A/B does not list any real property. Therefore, the abstracts of judgment cannot be secured by real estate, and are therefore only secured judgments if they can be secured by personal property under CCP 697.510 AND creditor filed a "notice of judgment lien" with the Secretary of State's office.

Not only is there no evidence that the creditor filed a "notice of judgment lien" with the Secretary of State's office, but even if creditor had, the judgment liens would not be able to attach to any of the property debtors own. Debtors' significant and valuable assets listed on schedule A/B are three vehicles, which are exempt from attachment under CCP 697.510(d)(1). Debtors do not list accounts receivable, tangible chattel paper as defined in paragraph 79 of section 9102(a) of the Commercial Code, equipment, farm products, inventory, or negotiable documents. See doc. #9.

Creditor has not opposed this objection, has not filed a "notice of judgment lien" with the Secretary of State, and even if creditor had, creditor's judgments could not attach to any of debtors' property. Therefore, this objection is SUSTAINED. Claims 8 and 9 shall be allowed as unsecured claims.

2. [18-11201](#)-B-13     **IN RE: DOUGLAS PARKS**  
[MHM-2](#)

MOTION TO DISMISS CASE  
5-16-2018    [[32](#)]

MICHAEL MEYER/MV  
PETER FEAR  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Unless the trustee's motion is withdrawn at the hearing the court intends to grant the motion to dismiss on the grounds stated in the motion.

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

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules of Practice. The debtor filed a timely response and indicated that all required documentation would be provided to the trustee. The record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors. The debtor failed to file a complete and accurate Schedule I as required by 11 U.S.C. § 521 and/or F.R.B.P. 1007. If the trustee's motion is not withdrawn at the hearing, the court intends to grant the motion and dismiss the case on the grounds stated in the motion.

3. [18-11003](#)-B-13    **IN RE: CARLOS LEAL**  
[MHM-1](#)

MOTION TO DISMISS CASE  
5-4-2018    [[29](#)]

MICHAEL MEYER/MV  
TIMOTHY SPRINGER  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to July 5, 2018, at 1:30 p.m.

ORDER:                The court will issue an order.

The trustee's motion to dismiss will be continued to July 5, 2018, at 1:30 p.m., to be heard with the debtor's motion to confirm plan.

4. [17-14004](#)-B-13    **IN RE: XAVIER/ELIZABETH BERMUDEZ**  
[SAH-4](#)

MOTION TO MODIFY PLAN  
5-3-2018    [[55](#)]

XAVIER BERMUDEZ/MV  
SUSAN HEMB  
RESPONSIVE PLEADING

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:        Granted.

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

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1) and will proceed as scheduled. The defaults of all non-responding parties will be entered.

The trustee filed a detailed opposition but stated that the plan could be confirmed if debtor files amended Schedules I and J evidencing the ability to make the plan payment of \$385.79 and the

following change is made in the order confirming plan: Attorney has been paid \$1,275.00 through month 6, commencing in month 7, Attorney shall receive a monthly dividend of \$125.00.

In their response to trustee's opposition, the debtors agreed to the changes and additionally filed amended Schedules I and J, showing that they were able to make the plan payment. See doc. #70.

This motion is GRANTED. The matter will be called to confirm that the trustee is satisfied with debtor's response and the amended Schedules I and J.

5. [17-10507](#)-B-13     **IN RE: KRYSTAL WEDEKIND**  
[FW-2](#)

CONTINUED MOTION TO MODIFY PLAN  
3-29-2018    [[28](#)]

KRYSTAL WEDEKIND/MV  
GABRIEL WADDELL  
RESPONSIVE PLEADING

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the motion.

6. [18-11113](#)-B-13     **IN RE: CIRILO PADILLA**  
[MHM-2](#)

MOTION TO DISMISS CASE  
5-16-2018    [[21](#)]

MICHAEL MEYER/MV  
MARK ZIMMERMAN

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

DISPOSITION:                    Granted.

ORDER:                            The court will issue an order.

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

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915,



917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The record shows that the debtor has failed to provide the trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Accordingly, the case will be dismissed.

The court received a very late response from debtor on June 13, 2018. Doc. #28. The response states that the debtor provided the missing documents and debtor's attorney sent them to the trustee's office. No evidence was included with the response.

The response is late and under LBR 9014-1(1), the court strikes the late-filed response.

7. [18-10222](#)-B-13 **IN RE: DOMINIC BURRIEL**  
[AP-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CALIFORNIA  
FIELD IRONWORKERS TRUST FUNDS  
3-13-2018 [[29](#)]

BOARD OF TRUSTEES OF THE  
CALIFORNIA IRONWORKERS FIELD  
PETER FEAR  
CHRISTOPHER MCDERMOTT/ATTY. FOR MV.

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

DISPOSITION: Continued to July 5, 2018 at 1:30 p.m.

ORDER: The court will issue an order.

This matter is continued to July 5, 2018 at 1:30 p.m. to be heard in conjunction with the chapter 13 trustee's motion to dismiss. Doc. #62.

8. [18-10222](#)-B-13 **IN RE: DOMINIC BURRIEL**  
[RMP-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CREDITOR  
DITECH FINANCIAL LLC  
2-28-2018 [[18](#)]

DITECH FINANCIAL LLC/MV  
PETER FEAR  
JAMES LEWIN/ATTY. FOR MV.

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

DISPOSITION: Continued to July 5, 2018 at 1:30 p.m.

ORDER: The court will issue an order.

This matter is continued to July 5, 2018 at 1:30 p.m. to be heard in conjunction with the chapter 13 trustee's motion to dismiss. Doc. #62.

9. [18-10223](#)-B-13    **IN RE: ROBERT/JESSICA LIM**  
[MHM-5](#)

MOTION TO DISMISS CASE  
5-9-2018    [[43](#)]

MICHAEL MEYER/MV  
NICHOLAS WAJDA  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Unless the trustee's motion is withdrawn at the hearing the court intends to grant the motion to dismiss on the grounds stated in the motion.

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

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules of Practice. The debtors filed a timely response and indicated that all required documentation has been provided to the trustee and/or filed with the court. The debtors' response is not supported by evidence. If the trustee's motion is not withdrawn at the hearing, the court intends to grant the motion and dismiss the case on the grounds stated in the motion.

10. [18-11323](#)-B-13    **IN RE: JOHNI JENNINGS**  
[MHM-2](#)

MOTION TO DISMISS CASE  
5-17-2018    [[25](#)]

MICHAEL MEYER/MV  
JERRY LOWE  
RESPONSIVE PLEADING

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the motion.

11. [18-11323](#)-B-13    **IN RE: JOHNI JENNINGS**  
[NLG-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY FIRST TECH FEDERAL  
CREDIT UNION  
5-16-2018    [[15](#)]

FIRST TECH FEDERAL CREDIT  
UNION/MV  
JERRY LOWE  
NICHOLE GLOWIN/ATTY. FOR MV.

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the objection.

12. [18-12023](#)-B-13    **IN RE: CARLOS PADILLA**  
[SL-1](#)

MOTION TO EXTEND AUTOMATIC STAY  
5-25-2018    [[9](#)]

CARLOS PADILLA/MV  
SCOTT LYONS

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Granted.

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

This Motion to Extend the Automatic Stay was properly set for hearing on the notice required by LBR 9014-1(f)(2). Consequently, the creditors, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Under 11 U.S.C. § 362(c)(3)(A), the automatic stay under subsection (a) of this section with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case.

This case was filed on May 21, 2018 and the automatic stay will expire on June 20, 2018. 11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor or a party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* This evidence standard has been defined, in Singh v. Holder, 649 F.3d 1161, 1165, n. 7 (9th Cir. 2011), as "between a preponderance of the evidence and proof beyond a reasonable doubt." It may further be defined as a level of proof that will produce in the mind of the fact finder a firm belief or conviction that the allegations sought to be established are true; it is "evidence so clear, direct and weighty and convincing as to enable the fact finder to come to a clear conviction, without hesitancy, of the truth of the precise facts of the case." In re Castaneda, 342 B.R. 90 (Bankr. S.D. Cal. 2006), *citations omitted*.

In this case the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith because the prior case was dismissed on the grounds that debtor failed to file documents as required by the bankruptcy code and the court without substantial excuse. 11 U.S.C. § 362(c)(3)(C)(i)(II)(aa).

However, based on the moving papers and the record, and in the absence of opposition, the court is persuaded that the presumption has been rebutted, the debtors' petition was filed in good faith, and it intends to grant the motion to extend the automatic stay as to all creditors.

Debtor previously filed bankruptcy on February 14, 2018. Case no. 18-10478. That case was dismissed on May 11, 2018 for failure to provide necessary documents to the chapter 13 trustee, specifically a rental property list of rents with detailed expenses and the rental agreements, a copy of all trusts to which he is a beneficiary, and tax returns for years 2016 and 2017. Doc. #11. Debtor stated that he provided the rental agreements (except for one) and a copy of the trust documents to his son, who gave them to his attorney's office, who gave them to the trustee on May 4, 2018. *Id.* Debtor states that he still needs to file and prepare his 2015 tax return, though the motion to dismiss in the previous case does not mention a 2015 tax return. See *Id.*, case no. 18-10478 doc. #21.

The motion will be granted and the automatic stay extended for all purposes as to all parties who received notice, unless terminated by further order of this court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order.

The court notes that the notice did not contain the language required under LBR 9014-1(d)(3)(B)(iii). LBR 9014-1(d)(3)(B), which

is about noticing requirements, requires movants to notify respondents that they can determine whether the matter has been resolved without oral argument or if the court has issued a tentative ruling by checking the Court's website at [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov) after 4:00 p.m. the day before the hearing.

13. [18-10325](#)-B-13     **IN RE: MA RAMOS**  
[MHM-3](#)

MOTION TO DISMISS CASE  
5-4-2018    [[33](#)]

MICHAEL MEYER/MV  
THOMAS GILLIS

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

DISPOSITION:         Granted.

ORDER:                The court will issue an order.

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

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

The record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors. The debtor failed to timely complete Credit Counseling Certificate. Accordingly, the case will be dismissed.

14. [18-10926](#)-B-13    **IN RE: PATRICIA CRAWFORD**  
[MHM-2](#)

MOTION TO DISMISS CASE  
5-4-2018    [[17](#)]

MICHAEL MEYER/MV  
SCOTT LYONS

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

DISPOSITION:        Continued to July 5, 2018 at 1:30 p.m.

ORDER:                No appearance is necessary. The court will issue the order.

This matter will be continued to July 5, 2018 at 1:30 p.m. to be heard concurrently with the motion to confirm plan, SL-1, matter #15 below.

15. [18-10926](#)-B-13    **IN RE: PATRICIA CRAWFORD**  
[SL-1](#)

MOTION TO CONFIRM PLAN  
5-7-2018    [[21](#)]

PATRICIA CRAWFORD/MV  
SCOTT LYONS  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to July 5, 2018 at 1:30 p.m.

ORDER:                No appearance is necessary. The court will issue the order.

The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. At the continued hearing, if the § 341 meeting has concluded and trustee has filed an objection to this motion, the court may call the matter and may set an evidentiary hearing or schedule further proceedings, if any are necessary.

16. [18-12132](#)-B-13     **IN RE: ALICE BURTON**  
[DRJ-2](#)

MOTION TO EXTEND AUTOMATIC STAY  
6-2-2018    [[10](#)]

ALICE BURTON/MV  
DAVID JENKINS  
OST SIGNED 6/4/18

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Granted.

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

This Motion to Extend the Automatic Stay was properly set for hearing on the notice required by LBR 9014-1(f)(2). Consequently, the creditors, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Under 11 U.S.C. § 362(c)(3)(A), the automatic stay under subsection (a) of this section with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case.

This case was filed on May 28, 2018 and the automatic stay will expire on June 27, 2018. 11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor or a party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* This evidence standard has been defined, in Singh v. Holder, 649 F.3d 1161, 1165, n. 7 (9th Cir. 2011), as "between a preponderance of the evidence and proof beyond a reasonable doubt." It may further be defined as a level of proof that will produce in the mind of the fact finder a firm belief or conviction that the allegations sought to be established are true; it is "evidence so clear, direct and weighty and convincing as to enable the fact finder to come to a

clear conviction, without hesitancy, of the truth of the precise facts of the case." In re Castaneda, 342 B.R. 90 (Bankr. S.D. Cal. 2006), *citations omitted*.

In this case the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith because the prior case was dismissed on the grounds that the debtor failed to perform the terms of a plan confirmed by the court. 11 U.S.C. § 362(c)(3)(C)(i)(II)(cc).

However, based on the moving papers and the record, and in the absence of opposition, the court is persuaded that the presumption has been rebutted, the debtors' petition was filed in good faith, and it intends to grant the motion to extend the automatic stay as to all creditors.

Debtor filed bankruptcy previously on May 30, 2015, which was dismissed approximately two and a half years later on October 16, 2017 for failure to make plan payments. During that time, debtor paid a total of \$43,561.05 to the trustee. Doc. #12. Debtor fell behind in making the plan payments because debtor was hospitalized several times and debtor's primary care-giver, debtor's granddaughter, became unreliable in managing debtor's finances. *Id.* Debtor's grandson and wife have now become the main care-givers and will assist with the finances. *Id.* Debtor's previous record of paying the trustee and schedule I and J also convince the court that debtor will be able to make the plan payments.

The motion will be granted and the automatic stay extended for all purposes as to all parties who received notice, unless terminated by further order of this court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order.

17. [18-10233](#)-B-13     **IN RE: JOSE QUINTEROS**  
[MHM-3](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS  
5-9-2018    [[52](#)]

MICHAEL MEYER/MV  
THOMAS GILLIS  
WITHDRAWN

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

DISPOSITION:                      Dropped from calendar.

NO ORDER REQUIRED:              Movant withdrew the objection.



18. [18-10233](#)-B-13    **IN RE: JOSE QUINTEROS**  
[TOG-2](#)

CONTINUED MOTION TO CONFIRM PLAN  
3-23-2018    [[29](#)]

JOSE QUINTEROS/MV  
THOMAS GILLIS  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to July 19, 2018 at 1:30 p.m.

ORDER:                The court will issue an order.

This motion will be set for a continued hearing on July 19, 2018 at 1:30 p.m. The court will issue an order. No appearance is necessary.

The trustee has filed a detailed objection to the debtor's fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7 or dismissed or the trustee's opposition to confirmation has been withdrawn, the debtor shall file and serve a written response not later than July 5, 2018. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than July 12, 2018. If the debtor does not timely file a modified plan or a written response, the motion to confirm the plan will be denied on the grounds stated in the opposition without a further hearing.

19. [18-11338](#)-B-13    **IN RE: ISMAEL/MARIA PARAMO**  
[MHM-2](#)

MOTION TO DISMISS CASE  
5-16-2018    [[21](#)]

MICHAEL MEYER/MV  
THOMAS GILLIS  
RESPONSIVE PLEADING

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

DISPOSITION:        Dropped from calendar.

NO ORDER REQUIRED:    Movant withdrew the motion.

20. [17-14648](#)-B-13     **IN RE: FLIMON/LOURDES RAMIREZ**  
[EPE-1](#)

MOTION TO CONFIRM PLAN  
5-8-2018    [[67](#)]

FLIMON RAMIREZ/MV  
ERIC ESCAMILLA  
RESPONSIVE PLEADING

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

DISPOSITION:         Continued to July 19, 2018 at 1:30 p.m.

ORDER:                The court will issue an order.

This motion will be set for a continued hearing on July 19, 2018 at 1:30 p.m. The court will issue an order. No appearance is necessary.

The trustee has filed a detailed objection to the debtor's fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7 or dismissed or the trustee's opposition to confirmation has been withdrawn, the debtor shall file and serve a written response not later than July 5, 2018. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than July 12, 2018. If the debtor does not timely file a modified plan or a written response, the motion to confirm the plan will be denied on the grounds stated in the opposition without a further hearing.

Pursuant to § 1324(b), the court will set August 23, 2018 as a bar date by which a chapter 13 plan must be confirmed or objections to claims must be filed or the case will be dismissed on the trustee's declaration.

21. [17-14648](#)-B-13     **IN RE: FLIMON/LOURDES RAMIREZ**  
[EPE-2](#)

MOTION TO VALUE COLLATERAL OF AMERICREDIT GM FINANCIAL  
5-15-2018    [[76](#)]

FLIMON RAMIREZ/MV  
ERIC ESCAMILLA

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

DISPOSITION:         Granted.

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

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

The debtor is competent to testify as to the value of the 2007 GMC Yukon. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). The respondent's secured claim will be fixed at \$9,000.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

22. [18-11563](#)-B-13     **IN RE: ALBA FELIXMORENO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
5-25-2018    [[28](#)]

\$80.00 INSTALLMENT PAYMENT 5/25/18

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

DISPOSITION:     The OSC will be vacated.

ORDER:            The court will issue an order.

The record shows that the installment fees now due have been paid.

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

23. [18-10973](#)-B-13     **IN RE: GLENN BEVER**  
[MHM-1](#)

MOTION TO DISMISS CASE  
5-4-2018    [[34](#)]

MICHAEL MEYER/MV  
NANCY KLEPAC  
RESPONSIVE PLEADING

TENTATIVE RULING:     This matter will proceed as scheduled.

DISPOSITION:     Granted.

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

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules of Practice. The grounds of the motion are unreasonable delay that is prejudicial to creditors and failure to confirm a chapter 13 plan. The debtors filed a timely response and indicated that a hearing on their motion to confirm plan is scheduled for the same day as the hearing on this motion (TCS-3, matter #24 below). Because that motion to confirm is not being granted, nor can it be granted, this motion to dismiss is GRANTED.

24. [18-10973](#)-B-13     **IN RE: GLENN BEVER**  
[TCS-3](#)

MOTION TO CONFIRM PLAN  
5-7-2018    [[38](#)]

GLENN BEVER/MV  
NANCY KLEPAC  
RESPONSIVE PLEADING

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Denied.

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

This motion is DENIED WITHOUT PREJUDICE. Constitutional due process requires that the movant make a *prima facie* showing that they are entitled to the relief sought. Here, the moving papers do not present "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" In re Tracht Gut, LLC, 503 B.R. 804, 811 (9th Cir. BAP, 2014), citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

This motion is DENIED. Both creditor CitiMortgage, Inc. ("CitiMortgage") and the chapter 13 trustee ("Trustee") filed timely oppositions to this motion.

CitiMortgage opposes the plan because the plan fails to provide for full payment of the arrearages under 11 U.S.C. §§ 1322(b)(2), (b)(5), and 1325(a)(5)(B). Doc. #47. The proposed plan states that the arrearages owed to CitiMortgage amount to \$1,169.84, but CitiMortgage's claim shows that the arrearages are more than 100 times that amount. See doc. #43, claim #1.

Trustee opposes the plan on much the same grounds: that debtor would have to pay \$4,372.23 a month to fund a 60 month plan, when debtor's schedules only show an ability to pay \$2,206.58, and that the plan as filed would take 191 years to fund. Doc. #47.

This plan is unconfirmable. Debtor does not earn enough money, as evidenced in their schedules, to make plan payments and pay living expenses. Therefore, this motion is DENIED.

25. [18-11976](#)-B-13     **IN RE: JOSE ALCANTAR**  
[SL-1](#)

MOTION TO EXTEND AUTOMATIC STAY  
5-22-2018   [8]

JOSE ALCANTAR/MV  
SCOTT LYONS

TENTATIVE RULING:       This matter will proceed as scheduled.

DISPOSITION:             Granted.

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

This Motion to Extend the Automatic Stay was properly set for hearing on the notice required by LBR 9014-1(f)(2). Consequently, the creditors, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Under 11 U.S.C. § 362(c)(3)(A), the automatic stay under subsection (a) of this section with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case.

This case was filed on May 16, 2018 and the automatic stay will expire on June 15, 2018. 11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor or a party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* This evidence standard has been defined, in Singh v. Holder, 649 F.3d 1161, 1165, n. 7 (9th Cir. 2011), as "between a preponderance of the evidence and proof beyond a reasonable doubt." It may further be defined as a level of proof that will produce in the mind of the fact finder a firm belief or conviction that the allegations sought to be established are true; it is "evidence so clear, direct and weighty and convincing as to enable the fact finder to come to a clear conviction, without hesitancy, of the truth of the precise

facts of the case." In re Castaneda, 342 B.R. 90 (Bankr. S.D. Cal. 2006), *citations omitted*.

In this case the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith because the prior case was dismissed on the grounds that the debtor failed to perform the terms of a plan confirmed by the court. 11 U.S.C. § 362(c)(3)(C)(i)(II)(cc).

However, based on the moving papers and the record, and in the absence of opposition, the court is persuaded that the presumption has been rebutted, the debtors' petition was filed in good faith, and it intends to grant the motion to extend the automatic stay as to all creditors.

Debtor previously filed bankruptcy on June 15, 2016, which was dismissed on March 17, 2018 for failure to make plan payments. Debtor states that he was unable to make the payments because he paid for his stepson's and stepdaughter's weddings, and traveled to see his stepson's graduation from Army bootcamp in Oklahoma. While all of that very generous of him to do and important to attend, it is imprudent to pay for two weddings at the expense of creditors, especially when the plan proposes to pay nothing to unsecured creditors.

That being said, the court understands the position the debtor was in, and because of the debtor's record of making payments for nearly two years, the court will GRANT THIS MOTION.

The automatic stay extended for all purposes as to all parties who received notice, unless terminated by further order of this court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order.

26. [18-11583](#)-B-13     **IN RE: TODD FISHER AND LEZA COOPER**  
[SL-1](#)

MOTION TO VALUE COLLATERAL OF WELLS FARGO DEALER SERVICES  
5-4-2018    [[13](#)]

TODD FISHER/MV  
STEPHEN LABIAK

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

DISPOSITION:        Denied without prejudice.

ORDER:                The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE. Constitutional due process requires that the movant make a *prima facie* showing that they are entitled to the relief sought. Here, the moving papers do not present "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" In re Tracht Gut,

LLC, 503 B.R. 804, 811 (9th Cir. BAP, 2014), citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

Debtor's declaration, while establishing the "replacement value" of the vehicle under 11 U.S.C. § 506(a)(2), relies on the NADA guidelines in establishing that value. Doc. #15. Debtor has not established himself as an expert, and can therefore not rely on the NADA guidelines in determining the replacement value of the vehicle. See Federal Rules of Evidence 701, 702, and 703. Therefore, this motion is DENIED WITHOUT PREJUDICE.

The court also notes that the value of the vehicle is different in the motion, declaration, and schedule A/B. So, the court has no consistent proof or allegations of value.

27. [18-10488](#)-B-13     **IN RE: DEQUAN/ALEXIS KELSEY**  
[JDW-1](#)

MOTION TO CONFIRM PLAN  
5-1-2018   [[22](#)]

DEQUAN KELSEY/MV  
JOEL WINTER  
DISMISSED

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

DISPOSITION:                     Dropped from calendar.

NO ORDER REQUIRED:             An order dismissing the case has already been entered. Doc. #30.

28. [18-10489](#)-B-13     **IN RE: JAVIER/GABRIELA DIAZ**  
[JDM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRAVIS CREDIT UNION  
5-16-2018   [[39](#)]

TRAVIS CREDIT UNION/MV  
JEFFREY ROWE  
JOHN MENDONZA/ATTY. FOR MV.  
WITHDRAWN

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

DISPOSITION:                     Dropped from calendar.

NO ORDER REQUIRED:             Movant withdrew the objection.



29. [18-11093](#)-B-13     **IN RE: CATHERINE GARCIA**  
[MHM-2](#)

MOTION TO DISMISS CASE  
5-16-2018    [[15](#)]

MICHAEL MEYER/MV  
PETER BUNTING  
RESPONSIVE PLEADING

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

DISPOSITION:         Continued to July 19, 2018, at 1:30 p.m.

ORDER:                The court will issue an order.

Based on the timely response filed by the debtor, the trustee's motion to dismiss will be continued to July 19, 2018, at 1:30 p.m., to allow the debtor to appear at the continued 341 Meeting of Creditors set for July 10, 2018.

30. [18-10894](#)-B-13     **IN RE: JUAN REBOLLERO**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER  
5-7-2018    [[27](#)]

MICHAEL MEYER/MV  
THOMAS GILLIS  
ORDER SIGNED 6/1/18

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

DISPOSITION:         Dropped from calendar.

NO ORDER REQUIRED:    An order overruling the objection as moot has already been entered. Doc. #52.

31. [18-10894](#)-B-13     **IN RE: JUAN REBOLLERO**  
[MHM-2](#)

MOTION TO DISMISS CASE  
5-10-2018    [[33](#)]

MICHAEL MEYER/MV  
THOMAS GILLIS  
RESPONSIVE PLEADING

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

DISPOSITION:         Dropped from calendar.

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

32. [18-10396](#)-B-13     **IN RE: AHARON/GRANUSH GASPARIAN**  
[MHM-3](#)

OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER  
5-8-2018   [[30](#)]

MICHAEL MEYER/MV  
KARNEY MEKHITARIAN

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

DISPOSITION:        Overruled as moot.

ORDER:               The court will issue an order.

This objection is OVERRULED AS MOOT. Debtors withdrew their chapter 13 plan. Doc. #41.

33. [18-11697](#)-B-13     **IN RE: JOSE MUNOZ JR. AND DEBORAH MUNOZ**  
[SL-1](#)

MOTION TO VALUE COLLATERAL OF GM FINANCIAL  
5-4-2018   [[11](#)]

JOSE MUNOZ JR./MV  
STEPHEN LABIAK

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

DISPOSITION:        Denied without prejudice.

ORDER:               The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE. Constitutional due process requires that the movant make a *prima facie* showing that they are entitled to the relief sought. Here, the moving papers do not present "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" In re Tracht Gut, LLC, 503 B.R. 804, 811 (9th Cir. BAP, 2014), citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

Debtor's declaration, while establishing the "replacement value" of the vehicle under 11 U.S.C. § 506(a)(2), relies on the NADA guidelines in establishing that value. Doc. #13. Debtor has not established himself as an expert, and can therefore not rely on the NADA guidelines in determining the replacement value of the vehicle. See Federal Rules of Evidence 701, 702, and 703. Therefore, this motion is DENIED WITHOUT PREJUDICE.

34. [18-11598](#)-B-13     **IN RE: LYDIA CORONADO**  
[HV-1](#)

CONTINUED MOTION TO IMPOSE AUTOMATIC STAY  
5-22-2018    [[17](#)]

LYDIA CORONADO/MV  
HECTOR VEGA

FINAL RULING:        There will be not hearing on this matter.

DISPOSITION:         Denied. The stay will be terminated as to all  
                          creditors beginning at 12:00 a.m. on June 16, 2018.

ORDER:                The court will issue an order.

This motion is DENIED. This motion was previously granted in part and denied in part, imposing the automatic stay as to all creditors who received notice until 11:59 p.m. June 15, 2018 and denying retroactive imposition of the stay. Doc. #23. In the court's previous order, the court ordered debtor to file and serve a continued notice of hearing on the motion to extend the automatic stay on all creditors no later than May 31, 2018. *Id.* No such document has been filed with the court.

Because the debtor failed to follow court orders, the court exercises its powers under 11 U.S.C. § 105(a) to DENY this motion and the stay will not be extended past the previous extension to June 15, 2018 at 11:59 p.m.

The debtor voluntarily converted the case to chapter 7 on June 11, 2018. Doc. #29.