

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Thursday, July 21, 2016
Place: Department B – Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS 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 A.M.

1. [15-14017](#)-B-11 CLUB ONE CASINO, INC. CONTINUED STATUS CONFERENCE RE:
[15-1146](#) COMPLAINT
KMG I, INC. ET AL V. LONG ET AL 12-1-15 [[1](#)]
ORI KATZ/Atty. for pl.

Based on the Status Conference Statements filed both in the main case and in this matter, the court will continue this status conference to August 25, 2016 at 9:30 am. No appearance is necessary.

2. [15-14017](#)-B-11 CLUB ONE CASINO, INC. CONTINUED STATUS CONFERENCE RE:
CHAPTER 11 VOLUNTARY PETITION
10-14-15 [[1](#)]
HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled.

After hearing reports from all counsel, the court intends to continue the status conference to August 25, 2016 at 9:30 am. The debtor shall file a status report 7 calendar days before the continued hearing.

3. [15-14017](#)-B-11 CLUB ONE CASINO, INC. CONTINUED MOTION FOR
BBR-6 COMPENSATION BY THE LAW OFFICE
OF BELDEN BLAINE RAYTIS, LLP
FOR T. TODD ENGLAND, DEBTORS
ATTORNEY(S)
4-19-16 [[572](#)]
HAGOP BEDOYAN/Atty. for dbt.

Pursuant to stipulation of the parties the hearing held on June 1, and again on June 23, 2016 this matter will be continued to August 25, 2016, at 9:30 a.m. The times for opposition and replies to be filed will be as agreed by the parties. The applicant is authorized to draw down retainer funds approved as per the stipulation. No opposition has been filed.

4. [15-14017](#)-B-11 CLUB ONE CASINO, INC. CONTINUED MOTION FOR ABSTENTION
WW-2 AND/OR MOTION TO DISMISS CASE ,
ELAINE LONG/MV MOTION TO APPOINT TRUSTEE
11-21-15 [[178](#)]
HAGOP BEDOYAN/Atty. for dbt.
HOLLY ESTES/Atty. for mv.

Based on the Status Conference Statements filed, in the main case and in this matter, the court will continue this status conference to August 25, 2016 at 9:30 am. No appearance is necessary.

5. [15-14017](#)-B-11 CLUB ONE CASINO, INC. CONTINUED MOTION TO CONSOLIDATE
 WW-3 LEAD CASE 15-14017 WITH
 ELAINE LONG/MV 15-14021
 11-21-15 [[189](#)]

 HAGOP BEDOYAN/Atty. for dbt.
 HOLLY ESTES/Atty. for mv.
 RESPONSIVE PLEADING

Based on the Status Conference Statements filed both in the main case and in this matter, the court will continue this status conference to August 25, 2016 at 9:30 am. No appearance is necessary.

6. [15-14021](#)-B-11 CLUB ONE ACQUISITION CONTINUED STATUS CONFERENCE RE:
 CORP. CHAPTER 11 VOLUNTARY PETITION
 10-14-15 [[1](#)]

 T. BELDEN/Atty. for dbt.

Based on the Status Conference Statements, the court will continue this status conference to August 25, 2016 at 9:30 am. No appearance is necessary.

7. [15-14021](#)-B-11 CLUB ONE ACQUISITION CONTINUED PRE-TRIAL CONFERENCE
 WW-2 CORP. RE: MOTION FOR ABSTENTION
 ELAINE LONG/MV AND/OR MOTION TO DISMISS CASE ,
 MOTION TO APPOINT TRUSTEE
 11-21-15 [[52](#)]

 T. BELDEN/Atty. for dbt.
 HOLLY ESTES/Atty. for mv.

Based on the Status Conference Statement, the court will continue this status conference to August 25, 2016 at 9:30 am. No appearance is necessary.

8. [15-14021](#)-B-11 CLUB ONE ACQUISITION CONTINUED MOTION TO CONSOLIDATE
 WW-3 CORP. LEAD CASE 15-14017 WITH
 ELAINE LONG/MV 15-14021
 11-21-15 [[46](#)]

 T. BELDEN/Atty. for dbt.
 HOLLY ESTES/Atty. for mv.

Based on the Status Conference Statements, the court will continue this status conference to August 25, 2016 at 9:30 am. No appearance is necessary.

9. [16-10643](#)-B-12 MARK FORREST

CONTINUED STATUS CONFERENCE RE:
CHAPTER 12 VOLUNTARY PETITION
3-2-16 [[1](#)]

HAGOP BEDOYAN/Atty. for mv.

Based on the debtor's second chapter 12 status conference statement, this matter will be continued to August 25, 2016, at 9:30 a.m., to allow time for review of the pending chapter 12 plan. No appearance is necessary.

10. [11-15081](#)-B-12 ALBERTO/DIANA SANCHEZ
MNE-1
M. ENMARK/MV
HENRY NUNEZ/Atty. for dbt.

MOTION TO DISMISS CASE
6-8-16 [[104](#)]

The trustee's motion to dismiss was noticed pursuant to LBR 9014-1(f)(2) and will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to grant the motion. The evidence shows that there is a material default in the plan payments that has not been cured. Accordingly, the case will be dismissed for unreasonable delay that is prejudicial to creditors and because it appears the plan is no longer feasible.

1:30 P.M.

1. [15-14801](#)-B-13 DAVID ESCALANTE
MHM-1
MICHAEL MEYER/MV
MICHAEL ARNOLD/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.
WITHDRAWN
- OBJECTION TO HOMESTEAD
EXEMPTION
6-6-16 [[57](#)]

The trustee's objection has been withdrawn. No appearance is necessary.

2. [16-10302](#)-B-13 JASON/ASHLEY WILLIAMS
RR-2
JASON WILLIAMS/MV
RANDY RISNER/Atty. for dbt.
RESPONSIVE PLEADING
- MOTION TO CONFIRM PLAN
5-26-16 [[35](#)]

This matter will be continued to September 15, 2016, at 1:30 p.m. The court will enter a civil minute order. No appearance is necessary.

This motion to confirm a chapter 13 plan was fully noticed. The chapter 13 trustee has filed a detailed objection to confirmation. The debtors shall file and serve a written response not later than September 1, 2016. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. If the debtors elect 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 September 8, 2016. If the debtors do not timely file a modified plan or a written response, the motion to confirm a plan will be denied on the grounds stated in the opposition without a further hearing.

3. [16-11003](#)-B-13 ALFREDO GUTIERREZ AND
TCS-1 CLAUDIA BECERRA
ALFREDO GUTIERREZ/MV
TIMOTHY SPRINGER/Atty. for dbt.
- MOTION TO CONFIRM PLAN
5-28-16 [[28](#)]

The motion will be granted without oral argument based on well-pled facts. No appearance is necessary. The movant shall submit a proposed order as specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules, there is no opposition and the respondents' default will be entered. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

4. [14-11310](#)-B-13 MICHAEL GARDNER
FW-4
MICHAEL GARDNER/MV
PETER FEAR/Atty. for dbt.

MOTION TO MODIFY PLAN
6-1-16 [[89](#)]

The motion will be granted without oral argument based on well-pled facts. No appearance is necessary. The movant shall submit a proposed order as specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules, there is no opposition and the respondents' default will be entered. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

5. [15-13910](#)-B-13 MICHAEL/LYNNSEE PRIOLO
PBB-1
MICHAEL PRIOLO/MV
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN
6-7-16 [[19](#)]

The motion will be granted without oral argument based on well-pled facts. No appearance is necessary. The Movant shall submit a proposed order as specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules, there is no opposition and the respondents' default will be entered. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

6. [16-11610](#)-B-13 SOLOMON OLIVAS

MARK ZIMMERMAN/Atty. for dbt.
INSTALLMENT PAID 6/13/16

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-9-16 [[22](#)]

The OSC will be vacated. The court intends to dismiss the case on the trustee's unopposed motion below, at #7 (MHM-1).

7. [16-11610](#)-B-13 SOLOMON OLIVAS
MHM-1
MICHAEL MEYER/MV
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO DISMISS CASE
6-20-16 [[27](#)]

Unless the trustee's motion is withdrawn, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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 debtor has failed to appear at the scheduled 341 Meeting of Creditors and has failed to provide the Trustee with the required documentation of proof of all income for the six months prior to filing. Accordingly, the case will be dismissed.

8. [16-10012](#)-B-13 VICTOR/MARIA FIGUEROA
MHM-1
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO DISMISS CASE
6-6-16 [[25](#)]

The hearing will proceed as scheduled. The court's tentative ruling follows:

This motion was adequately noticed. The debtor, Victor Figueroa filed a declaration stating that the debtors fell behind due to their seasonal employment. The debtors plan to make a second payment of at least \$1050 to the Trustee one day before this hearing. If that payment is not made, and unless the trustee withdraws the motion to dismiss, then the case will be dismissed at the hearing.

If that payment is made, the court will issue an order that the debtors must be current through July 25, 2016 or the case will be dismissed on the Trustee's declaration without further hearing. Further, if the debtors' August 25, 2016 payment is not made on or before that date, the case will be dismissed on the Trustee's declaration without further hearing.

If the case is dismissed it is on the grounds of unreasonable delay that is prejudicial to creditors and that the plan is no longer feasible.

9. [11-11514](#)-B-13 MARIO/SHANNON MONTERROSA OBJECTION TO CLAIM OF MADERA
MHM-2 COUNTY TAX COLLECTOR, CLAIM
MICHAEL MEYER/MV NUMBER 8
5-19-16 [[97](#)]

M. ENMARK/Atty. for dbt.
RESPONSIVE PLEADING

This matter will proceed as scheduled. Based on the claimant's response, if the matter is not resolved at the hearing, the court intends to set an evidentiary hearing and a briefing schedule. There are factual issues in dispute, including, the amount of taxes owed when the case was filed, the reasons the County has not filed an amended claim or withdrawn the claim, and the effect on the Plan and the source of the funds for the tax payment.

10. [11-11514](#)-B-13 MARIO/SHANNON MONTERROSA OBJECTION TO CLAIM OF MADERA
MHM-3 COUNTY TAX COLLECTOR, CLAIM
MICHAEL MEYER/MV NUMBER 9
5-19-16 [[101](#)]

M. ENMARK/Atty. for dbt.
RESPONSIVE PLEADING

This matter will proceed as scheduled. Based on the claimant's response, if the matter is not resolved at the hearing, the court intends to set an evidentiary hearing and a briefing schedule. There are factual issues in dispute, including, the amount of taxes owed when the case was filed, the reasons the County has not filed an amended claim or withdrawn the claim, and the effect on the Plan and the source of the funds for the tax payment.

11. [14-12924](#)-B-13 ADRIAN MUNOZ MOTION TO DISMISS CASE
MHM-2 6-7-16 [[50](#)]
MICHAEL MEYER/MV
GARY HUSS/Atty. for dbt.

Unless the trustee's motion is withdrawn, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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 there is a material default in plan payments that is prejudicial to creditors. Accordingly, the case will be dismissed.

12. [16-11626](#)-B-13 ROBERTO RODRIGUEZ-YANEZ
EMM-1
BANK OF AMERICA N.A./MV

OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR BANK OF
AMERICA N.A.
6-17-16 [[27](#)]

MARK ZIMMERMAN/Atty. for dbt.
ERIN MCCARTNEY/Atty. for mv.

This matter was served pursuant to LBR 9014-1(f)(2) and will be called as scheduled. The court notes that the notice did not contain the language required by either LBR 9014-1(f)(1) or (f)(2).

If the movant has not filed a proof of claim by the time of the hearing, and unless opposition is presented, the court intends to overrule the objection without prejudice. The grounds for the objection is that the plan understates the payment arrearage. While a proof of claim is presumed valid, none has yet been filed and the motion was not supported by evidence showing the amount of arrearage.

13. [16-12227](#)-B-13 RAMON MARTINEZ
SL-1
RAMON MARTINEZ/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
7-1-16 [[9](#)]

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' default and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2). The court will issue a minute order.

According to the debtor's declaration, his prior failure to make plan payments stemmed from the fact that, as a new employee, he did not work 40 hours each week. When his electricity was disconnected due to non payment, he was forced to make a \$1,000 deposit for reinstatement at approximately the same time his plan payment increased. His change in circumstances includes the fact that he now receives 40 hours of work each week, as well as some overtime and a raise of \$2.75 per hour.

14. [12-16828](#)-B-13 MARY BOCANEGRA
MHM-3
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE
6-7-16 [[83](#)]

The motion will be denied without prejudice. The court will enter a civil minute order. No appearance is necessary.

The trustee's motion to dismiss the case was based on a default in plan payments. The debtor filed an opposition and has filed a modified plan that appears to address the default and no further relief appears necessary.

15. [13-10830](#)-B-13 ANTONIO/BLANCA HOLGUIN
MHM-4
MICHAEL MEYER/MV
HENRY NUNEZ/Atty. for dbt.

MOTION TO DISMISS CASE
5-12-16 [[134](#)]

Unless the trustee's motion is withdrawn prior to the hearing, this matter will proceed as scheduled.

The debtors have filed an opposition with evidence to show they are current in their plan payments. However, if the debtors are not current through June 25, 2016, then the court intends to dismiss the case at the hearing.

Furthermore, if the case is not dismissed at the hearing, the trustee's declaration that the debtors have failed to timely make the July 25th plan payment will result in dismissal without further notice upon the trustee's declaration. The court will enter a civil minute order after the hearing.

16. [15-10631](#)-B-13 MANSOUR/PHEBE TOPALIAN
MHM-1
MICHAEL MEYER/MV
BENNY BARCO/Atty.

MOTION TO DISMISS CASE
6-6-16 [[82](#)]

Unless the trustee's motion is withdrawn, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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 FRBP 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 is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the case will be dismissed.

17. [15-12831](#)-B-13 GARY/JANET BOTHUN
MHM-2
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE
6-6-16 [[37](#)]

Unless the trustee's motion is withdrawn, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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 FRBP 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 is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the case will be dismissed.

18. [14-12636](#)-B-13 JACQUELYN FARGANO
MHM-2
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
6-7-16 [[42](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

19. [16-11338](#)-B-13 JOSE VALENCIA
MHM-1
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
6-7-16 [[22](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

20. [16-11339](#)-B-13 JOSE FARIAS
MHM-1
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO DISMISS CASE
6-7-16 [[25](#)]

Unless the trustee's motion is withdrawn, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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 there has been unreasonable delay by the debtor that is prejudicial to creditors due to his: failure to appear at multiple §341 Meeting of Creditors, and failure to provide the Trustee with the required documentation including 2015 State and Federal Tax Returns. Accordingly, the case will be dismissed.

21. [12-19942](#)-B-13 BRIAN YENNE
HDN-1
BRIAN YENNE/MV
HENRY NUNEZ/Atty. for dbt.

CONTINUED MOTION TO INCUR DEBT
5-12-16 [[44](#)]

This motion will be granted. The movant shall submit a proposed order. No appearance is necessary.

This motion was continued to provide an opportunity for the debtor to obtain the trustee's consent to his incurring of debt. The default of the responding parties has been entered. The debtor has filed the trustee's consent, accordingly, the motion to incur debt will be granted.

22. [16-11043](#)-B-13 MARK/RISE MARTIN
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
5-16-16 [[37](#)]

This motion will proceed as scheduled. Unless the trustee withdraws his motion or consents to a further continuance, the court intends to grant the motion.

The motion was continued to this date to permit the debtors to resolve the trustee's issues with the case. The record is devoid of any evidence as to whether this has been accomplished. The court intends to grant the motion on the grounds of unreasonable delay. The court will enter a civil minute order after the hearing.

23. [16-11043](#)-B-13 MARK/RISE MARTIN
SL-2
MARK MARTIN/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
AMERICAN AUTO FINANCE, INC.
7-1-16 [[51](#)]

This matter will proceed as scheduled.

If the case is not dismissed pursuant to calendar #22 above, unless opposition is presented at the hearing, the court intends to enter the respondent's default and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f) (2).

If the case is dismissed, this motion will be denied without prejudice as moot. The court will issue a civil minute order.

24. [16-11043](#)-B-13 MARK/RISE MARTIN
SL-3
MARK MARTIN/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
WESTMARK AUTO FINANCE, LLC
7-1-16 [[56](#)]

This matter will proceed as scheduled.

If the case is not dismissed pursuant to calendar #22 above, unless opposition is presented at the hearing, the court intends to enter the respondent's default and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f) (2).

If the case is dismissed, this motion will be denied without prejudice as moot. The court will issue a civil minute order.

25. [13-15344](#)-B-13 ROBERT BRAMBILA AND NIDIA MOTION TO DISMISS CASE
MHM-1 CASILLAS DE BRAMBILA 6-7-16 [[53](#)]
MICHAEL MEYER/MV
KARNEY MEKHITARIAN/Atty. for dbt.

The trustee's motion has been withdrawn. No appearance is necessary.

26. [12-17145](#)-B-13 DAVID/LISA PINA MOTION TO DISMISS CASE
MHM-3 6-7-16 [[91](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

27. [15-12352](#)-B-13 PATRICIA CHAMBERS MOTION TO MODIFY PLAN
DJC-3 6-13-16 [[72](#)]
PATRICIA CHAMBERS/MV
DIANA CAVANAUGH/Atty. for dbt.

The motion will be granted without oral argument based on well-pled facts. No appearance is necessary. The movant shall submit a proposed order as specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules, there is no opposition and the respondents' default will be entered. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

28. [15-12352](#)-B-13 PATRICIA CHAMBERS CONTINUED MOTION TO DISMISS
MHM-2 CASE
MICHAEL MEYER/MV 4-21-16 [[64](#)]
DIANA CAVANAUGH/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

29. [15-13552](#)-B-13 SELVAN PAUL
KMM-1
SELVAN PAUL/MV

OBJECTION TO CLAIM OF TAYLOR,
BEAN & WHITAKER MORTGAGE CORP.,
CLAIM NUMBER 12
6-7-16 [[23](#)]

KARNEY MEKHITARIAN/Atty. for dbt.

The objection will be sustained without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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.

30. [16-10653](#)-B-13 GEORGE/LYDIA MATHIS
MHM-2
MICHAEL MEYER/MV
HENRY NUNEZ/Atty. for dbt.
DISMISSED

MOTION TO DISMISS CASE
6-20-16 [[49](#)]

This case has already been dismissed. No appearance is necessary.

31. [16-11253](#)-B-13 MINH NGUYEN
MHM-1
MICHAEL MEYER/MV

CONTINUED MOTION TO DISMISS
CASE
5-25-16 [[25](#)]

This hearing will proceed as scheduled. Unless the Trustee withdraws the motion or consents to a continuance, the court intends to grant the motion to dismiss.

The motion was continued to today's date after the debtor appeared, *pro se*, at the prior hearing. There is nothing in the record showing that the deficiencies in the documents filed with the court and provided to the trustee have been cured by the debtor. The court does note that the meeting of creditors has been continued, but the record on this motion is devoid of compliance with the deficiencies set forth in Ms. Clark's declaration filed with this motion nearly two months ago. The court will enter a civil minute order after the hearing.

32. [16-11554](#)-B-13 BRIAN CHIARITO
MHM-1
MICHAEL MEYER/MV

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
6-20-16 [[14](#)]

JERRY LOWE/Atty. for dbt.

This objection to confirmation of a chapter 13 plan will be overruled without prejudice. The court will prepare and enter a civil minute order. No appearance is necessary.

The debtor has withdrawn the plan. Within 14 days, the debtor shall file and serve a modified plan and set a confirmation hearing. If a chapter 13 plan has not been confirmed by September 22, 2016, then the case will be dismissed on the trustee's motion.

33. [14-14555](#)-B-13 IRENE ORNELAS
MHM-4
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE
6-7-16 [[72](#)]

Unless the trustee's motion is withdrawn, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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 is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the case will be dismissed.

34. [16-11555](#)-B-13 ANTHONY/AMY THOMPSON
APN-1
WELL FARGO BANK, N.A./MV
JERRY LOWE/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK, N.A.
6-8-16 [[13](#)]

This matter will be continued to August 25, 2016, at 1:30 p.m. The court will prepare and enter a civil minute order. No appearance is necessary.

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. If the § 341 has been concluded and this objection has not been withdrawn, the court will call the matter and set an evidentiary hearing. This objection will be continued to, to be heard with the motion to value movant's collateral. The court will enter a civil minute order. No appearance is necessary.

If the matter is not resolved by the time of the hearing on August 15, 2016, the court intends to consolidate the movant's objection to confirmation with the motion to value its collateral and set deadlines and a date for an evidentiary hearing.

35. [16-11555](#)-B-13 ANTHONY/AMY THOMPSON
PPR-1
BANK OF AMERICA, N.A./MV
JERRY LOWE/Atty. for dbt.
JONATHAN VAKNIN/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY BANK OF AMERICA, N.A.
6-17-16 [[23](#)]

This matter will be continued to August 25, 2016, at 1:30 p.m. The court will prepare and enter a civil minute order. No appearance is necessary.

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. If the § 341 has been concluded and this objection has not been withdrawn, the court will call the matter and set an evidentiary hearing.

36. [15-13659](#)-B-13 TONY MESA
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE
6-6-16 [[51](#)]

Unless the trustee's motion is withdrawn, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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 is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the case will be dismissed.

37. [15-14363](#)-B-13 STEVEN/MARGARITA STROUD
MHM-1
MICHAEL MEYER/MV
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO DISMISS CASE
6-6-16 [[28](#)]

Unless the trustee's motion is withdrawn, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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 FRBP 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 is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the case will be dismissed.

38. [16-11167](#)-B-13 MICHAEL/ASHLEY ESPINOSA CONTINUED OBJECTION TO
MDE-1 CONFIRMATION OF PLAN BY TOYOTA
TOYOTA MOTOR CREDIT MOTOR CREDIT CORPORATION
CORPORATION/MV 5-13-16 [[15](#)]
SCOTT LYONS/Atty. for dbt.
MARK ESTLE/Atty. for mv.
DISMISSED

This case has already been dismissed. No appearance is necessary.

39. [16-10468](#)-B-13 FRED/ANNA VALDEZ ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-23-16 [[58](#)]

SCOTT LYONS/Atty. for dbt.
FINAL INSTALLMENT PAID
6/24/16

The OSC will be vacated. The record shows that the required fees have been paid. No appearance is necessary.

40. [16-11668](#)-B-13 BRENDA EVELYN MOTION FOR RELIEF FROM
EMM-1 AUTOMATIC STAY AND/OR MOTION
THE BANK OF NEW YORK MELLON/MV FOR RELIEF FROM CO-DEBTOR STAY
6-1-16 [[14](#)]

ERIN MCCARTNEY/Atty. for mv.
DISMISSED

This motion will be denied as moot. The case has already been dismissed and the stay has terminated by operation of law. The court will enter a civil minute order. No appearance is necessary.

41. [15-14770](#)-B-13 KENNETH/JANE HOSTETLER MOTION TO VALUE COLLATERAL OF
TCS-2 AMERICREDIT FINANCIAL SERVICES,
KENNETH HOSTETLER/MV INC.
6-8-16 [[38](#)]

TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

Based on the respondent's opposition, this matter will be continued to August 25, 2016, at 1:30 p.m. The court will prepare and enter a civil minute order. No appearance is necessary.

This matter is now deemed to be a contested matter. Pursuant to Federal Rules of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The debtor(s) shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date.

42. [16-11470](#)-B-13 JOSHUA/BRANDY BARKLEY
APN-1
CAPITAL ONE AUTO FINANCE/MV
TIMOTHY SPRINGER/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
OBJECTION TO CONFIRMATION OF
PLAN BY CAPITAL ONE AUTO
FINANCE
5-24-16 [[19](#)]

The objection to confirmation has been withdrawn. No appearance is necessary.

43. [16-11470](#)-B-13 JOSHUA/BRANDY BARKLEY
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN
MOTION TO DISMISS CASE
6-20-16 [[27](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

44. [16-11471](#)-B-13 DONNA REYNA
EAT-1
DEUTSCHE BANK NATIONAL TRUST
COMPANY/MV
GABRIEL WADDELL/Atty. for dbt.
DARLENE VIGIL/Atty. for mv.
OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
6-21-16 [[21](#)]

This hearing will proceed as scheduled as the notice of this hearing so provides.

The court intends to overrule the objection without prejudice because the objection contains no evidence as to the amount of arrearage claimed by the objector. No declaration supports the objection. The proof of claim filed July 18, 2016, notes the arrearage is \$112,552.88. The proof of claim will control subject to objection. Accordingly, the creditor will be paid, if the plan is confirmed, according to the proof of claim.

45. [16-11072](#)-B-13 ELLYN LOPEZ
LOANME, INC./MV
PATRICK KAVANAGH/Atty. for dbt.
DAVID BRODY/Atty. for mv.
OBJECTION TO CONFIRMATION OF
PLAN BY LOANME, INC.
6-10-16 [[30](#)]

This objection will be overruled without prejudice. The court will enter a civil minute order. No appearance is necessary.

The moving papers do not include an appropriate docket control number as required by Local Bankruptcy Rule 9014-1(c).

46. [16-11473](#)-B-13 SHELBY/CAROL KING

CONSTRUCTION LABORERS TRUST
FUNDS FOR SOUTHERN CALIFORNIA

LEONARD WELSH/Atty. for dbt.
MARSHA HAMASAKI/Atty. for mv.
WITHDRAWN

OBJECTION TO CONFIRMATION OF
PLAN BY CONSTRUCTION LABORERS
TRUST FUNDS FOR SOUTHERN
CALIFORNIA ADMINISTRATIVE
COMPANY, LLC
6-16-16 [[28](#)]

The objection has been withdrawn. No appearance is necessary.

47. [12-17275](#)-B-13 SUKHWINDER/JASWINDER

BCS-6 PADDA

SUKHWINDER PADDA/MV

BENJAMIN SHEIN/Atty. for dbt.

MOTION TO MODIFY PLAN

5-26-16 [[77](#)]

The motion will be granted without oral argument based on well-pled facts. No appearance is necessary. The movant shall submit a proposed order as specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules, there is no opposition and the respondents' default will be entered. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

48. [16-11377](#)-B-13 SANJEEV ATHALE

MHM-1

MICHAEL MEYER/MV

PETER BUNTING/Atty. for dbt.

WITHDRAWN

MOTION TO DISMISS CASE

6-15-16 [[32](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

49. [16-11377](#)-B-13 SANJEEV ATHALE

PBB-1

SANJEEV ATHALE/MV

PETER BUNTING/Atty. for dbt.

RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN

5-9-16 [[17](#)]

This matter will be dropped from calendar. The trustee's opposition to confirmation has been resolved by a stipulation between the parties that this plan will be withdrawn. No appearance is necessary.

50. [16-11578](#)-B-13 MARY WALKER
ETL-1
TOYOTA MOTOR CREDIT
CORPORATION/MV
JERRY LOWE/Atty. for dbt.
ERICA LOFTIS/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY TOYOTA MOTOR CREDIT
CORPORATION
6-21-16 [[12](#)]

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to sustain the objection.

The plan is ambiguous in its treatment of the claim, first, as unsecured, to be paid in full, and then second, also providing that the lease will be assumed with payments being made outside of the plan. This ambiguity leaves the creditor and the trustee without direction as to the treatment of the claim.

If the debtor presents opposition to the court's tentative ruling, then the court will ask the parties for suggested dates to complete discovery and for an evidentiary hearing on the objection.

51. [16-11878](#)-B-13 SHANA SHIELDS
JDM-1
SHANA SHIELDS/MV

JAMES MILLER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
AMERICAN HONDA FINANCE
CORPORATION
6-1-16 [[8](#)]

This motion will be denied without prejudice. The court will enter a civil minute order. No appearance is necessary.

The respondent is identified in the motion as "American Honda Finance Corporation." However, based on the proof of claim related to this vehicle, it appears the holder of the lien on this vehicle is Acura Financial Services.

52. [15-12681](#)-B-13 MICHAEL/YVONNE MIRIGIAN
DRJ-2
MICHAEL MIRIGIAN/MV
DAVID JENKINS/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN
OF LOUISE CRAIG
5-23-16 [[23](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was continued to provide the debtor with an opportunity to show that service was properly made on the respondent and the debtor has done so.

The motion was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' defaults 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 FRBP 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.

53. [15-14288](#)-B-13 GEORGE/JULIETTE ROBERTS
DRJ-2
GEORGE ROBERTS/MV
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
3-13-16 [[28](#)]

This matter will be called as scheduled.

If the trustee's opposition is withdrawn and the plan payments are current through June 25, 2016, then the court will grant the motion and confirm the plan. However, if the trustee's opposition is not withdrawn or the payments are not current, then counsel will need to show that the plan is feasible.

54. [16-11390](#)-B-13 STEVEN CERVANTES
MHM-1
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
6-7-16 [[18](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

55. [16-10294](#)-B-13 LINA CONTRERAS
AP-1
WELLS FARGO BANK, NA/MV

WILLIAM ROMAINE/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.
WITHDRAWN

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY WELLS
FARGO BANK, NA
3-29-16 [[33](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

56. [12-10696](#)-B-13 STEPHEN/VICTORIA BELIAEFF
SAH-6
STEPHEN BELIAEFF/MV
SUSAN HEMB/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
C.A.H.P. CREDIT UNION
5-16-16 [[136](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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.

57. [16-11598](#)-B-13 DIANNE LEE
JDM-1
DIANNE LEE/MV
JAMES MILLER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
SANTANDER CONSUMER USA, INC.
5-5-16 [[8](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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.