

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, September 2, 2020
Place: Department B - Courtroom #13
Fresno, California

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

Pursuant to District Court General Order 618, no persons are permitted to appear in court unless authorized by order of the court until further notice. All appearances of parties and attorneys shall be telephonic through CourtCall. The contact information for CourtCall to arrange for a phone appearance is: (866) 582-6878.

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.

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. [17-12213](#)-B-13 **IN RE: RENE ELLER**
[TCS-5](#)

MOTION TO MODIFY PLAN
7-23-2020 [\[94\]](#)

RENE ELLER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 30, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtor's fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than September 16, 2020. 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. Trustee shall file and serve a reply, if any, by September 23, 2020.

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 September 23, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

2. [20-11414](#)-B-13 **IN RE: BRANDON/NYDIA CARNEY**
[MAZ-2](#)

MOTION TO CONFIRM PLAN
7-22-2020 [\[31\]](#)

BRANDON CARNEY/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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 motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(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. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

3. [20-11414](#)-B-13 **IN RE: BRANDON/NYDIA CARNEY**
[MAZ-3](#)

MOTION TO VALUE COLLATERAL OF TUCOEMAS FEDERAL C.U.
7-22-2020 [\[37\]](#)

BRANDON CARNEY/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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 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.

The motion is GRANTED. 11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim."

11 U.S.C. § 506(a)(2) states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined."

Debtors ask the court for an order valuing a 2016 Kia Optima ("Vehicle") at \$9,095.00. Doc. #37. The Vehicle is encumbered by a purchase-money security interest in favor of creditor Tucoemas Federal Credit Union ("Creditor"). Debtors purchased the Vehicle in March, 2016, which is more than 910 days preceding the petition filing date. The elements of § 1325(a)(*) are not met and § 506 is applicable.

Debtors' declaration states the replacement value of the Vehicle is \$9,095.00. Doc. #39. Creditor's claim states the amount owed to be \$9,361.33. Claim #4.

The debtor is competent to testify as to the value of the Vehicle. 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). Creditor's secured claim will be fixed at \$9,095.00. 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.

4. [20-12051](#)-B-13 **IN RE: BRIAN/LUANNA NELSON**
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-28-2020 [\[16\]](#)

HVRML TRUST 2019-1/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Resolved by stipulation of the parties. Doc.
#32.

5. [19-12622](#)-B-13 **IN RE: JULIE MARTINEZ**
[FW-4](#)

MOTION TO MODIFY PLAN
7-13-2020 [\[59\]](#)

JULIE MARTINEZ/MV
GABRIEL WADDELL/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 9, 2020 at 9:00 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and the defaults of all parties, except for the chapter 13 trustee, will be entered and the matter will be continued to the above date and time.

The chapter 13 trustee ("Trustee") opposes confirmation solely because debtor is delinquent in the amount of \$1,010.00 through July 2020. Doc. #68. Before this hearing, another payment in of \$2,020.00 will also come due. Id.

Because that is Trustee's sole objection, this matter will be continued a short time to verify if the debtor is current on plan payments. If debtor becomes current, Trustee will withdraw the opposition and the motion will be granted. If the motion is granted, The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. If debtor is not current by the continued hearing date, the motion will be denied.

6. [20-11229](#)-B-13 **IN RE: THERON/BARBARA REDFEARN**
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE
5-15-2020 [\[22\]](#)

MICHAEL MEYER/MV
MICHAEL REID/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 30, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

This motion is continued to the above time and date to be heard in conjunction with WLJ-2, debtor's motion to confirm a chapter 13 plan.

7. [20-11229](#)-B-13 **IN RE: THERON/BARBARA REDFEARN**
[WLG-1](#)

CONTINUED MOTION TO CONFIRM PLAN
6-24-2020 [\[31\]](#)

THERON REDFEARN/MV
MICHAEL REID/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion. Doc. #62.

8. [17-14843](#)-B-13 **IN RE: MATTHEW/MYRA ALLRED**
[APN-1](#)

MOTION TO APPROVE LOAN MODIFICATION
8-6-2020 [\[51\]](#)

SPECIALIZED LOAN SERVICING, LLC./MV
SCOTT LYONS/ATTY. FOR DBT.
AUSTIN NAGEL/ATTY. FOR MV.

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 for failure to comply with the Local Rules of Practice ("LBR").

LBR 9014-1(f)(2)(C) states that motions filed on less than 28 days' notice, but at least 14 days' notice, require the movant to notify the respondent or respondents that no party in interest shall be required to file written opposition to the motion. Opposition, if any, shall be presented at the hearing on the motion. If opposition is presented, or if there is other good cause, the Court may continue the hearing to permit the filing of evidence and briefs.

This motion was filed and served on August 6, 2020 and set for hearing on September 2, 2020. Doc. #52,55. September 2, 2020 is 27 days after August 6, 2020 and therefore this hearing was set on less than 28 days' notice under LBR 9014-1(f)(2). The notice stated that written opposition was required and must be filed at least 14 days preceding the date of the hearing. Doc. #52. That is incorrect. Because the hearing was set on less than 28 days' notice, the notice should have stated that no written opposition was required. Because this motion was filed, served, and noticed on less than 28 days' notice, the language of LBR 9014-1(f)(2)(C) needed to have been included in the notice.

9. [16-14058](#)-B-13 **IN RE: SHANNON CASTONGUAY**
[TCS-2](#)

MOTION TO MODIFY PLAN
7-27-2020 [\[57\]](#)

SHANNON CASTONGUAY/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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 motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(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. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

10. [18-14060](#)-B-13 **IN RE: SCOTTIE/CHRISTINA NABORS**
[FW-3](#)

MOTION TO MODIFY PLAN
7-14-2020 [\[62\]](#)

SCOTTIE NABORS/MV
GABRIEL WADDELL/ATTY. FOR DBT.

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 motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(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. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

11. [20-10360](#)-B-13 **IN RE: ELESIA EVANS**
[MAZ-1](#)

MOTION TO VALUE COLLATERAL OF AMERICREDIT FINANCIAL SERVICES,
INC.

7-22-2020 [\[39\]](#)

ELESIA EVANS/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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 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.

The motion is GRANTED. 11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim."

11 U.S.C. § 506(a)(2) states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined."

Debtor asks the court for an order valuing a 2015 Ford Escape ("Vehicle") at \$9,047.00. Doc. #39. The Vehicle is encumbered by a purchase-money security interest in favor of creditor Americredit Financial Services, Inc. ("Creditor"). Debtor purchased the Vehicle in December 2014, which is more than 910 days preceding the petition filing date. The elements of § 1325(a)(*) are not met and § 506 is applicable.

Debtor's declaration states the replacement value of the Vehicle is \$9,047.00. Doc. #42. Creditor's claim states the amount owed to be \$15,452.15. Claim #8.

The debtor is competent to testify as to the value of the Vehicle. 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). Creditor's secured claim will be fixed at \$9,047.00. 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.

12. [17-10466](#)-B-13 **IN RE: RUBY LOMAS**
[SL-2](#)

MOTION TO MODIFY PLAN
7-29-2020 [\[34\]](#)

RUBY LOMAS/MV
SCOTT LYONS/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

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 motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(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. The chapter 13 trustee withdrew his opposition on August 6, 2020. Doc. #43. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

13. [17-11570](#)-B-13 **IN RE: GREGGORY KIRKPATRICK**
[MHG-6](#)

MOTION TO MODIFY PLAN
7-2-2020 [\[212\]](#)

GREGGORY KIRKPATRICK/MV
MARTIN GAMULIN/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 30, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") and creditors Christopher Scott Callison and Perla Perez (collectively "Creditors") have filed an objection to the debtor's fully noticed motion to modify a chapter 13 plan. Unless this case is voluntarily converted to chapter 7, dismissed, or the oppositions are withdrawn, the debtor shall file and serve a written response not later than September 16, 2020. The response shall specifically address each issue raised in the oppositions, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee and Creditors shall file and serve a reply, if any, by September 23, 2020.

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 September 23, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the oppositions without a further hearing.

14. [19-10873](#)-B-13 **IN RE: IVAN/RODELIA VILLA**
[PBB-2](#)

MOTION TO MODIFY PLAN
7-27-2020 [\[61\]](#)

IVAN VILLA/MV
PETER BUNTING/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

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 motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(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. The chapter 13 trustee withdrew his opposition on August 6, 2020. Doc. #77. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

15. [16-14381](#)-B-13 **IN RE: PONDER RICHARDSON AND SONYA MURPHY**
[TCS-2](#)

CONTINUED MOTION TO MODIFY PLAN
6-19-2020 [\[44\]](#)

PONDER RICHARDSON/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. Debtors filed an amended plan on July 31, 2020. Doc. #63.

16. [20-11581](#)-B-13 **IN RE: APRIL BETTERSON**
[MHM-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
7-24-2020 [\[38\]](#)

MICHAEL MEYER/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the objection. Doc. #54.

17. [20-11896](#)-B-13 **IN RE: MARTIN/EVANGELINA MENDOZA**
[APN-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TOYOTA MOTOR
CREDIT CORPORATION
6-29-2020 [\[19\]](#)

TOYOTA MOTOR CREDIT
CORPORATION/MV
WILLIAM OLCOTT/ATTY. FOR DBT.
AUSTIN NAGEL/ATTY. FOR MV.

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

DISPOSITION: Continued to September 9, 2020 at 9:00 a.m.

ORDER: The court will issue an order.

18. [20-11896](#)-B-13 **IN RE: MARTIN/EVANGELINA MENDOZA**
[WDO-1](#)

CONTINUED MOTION TO VALUE COLLATERAL OF TOYOTA MOTOR CREDIT
CORPORATION
6-23-2020 [[13](#)]

MARTIN MENDOZA/MV
WILLIAM OLCOTT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 9, 2020 at 9:00 a.m.

ORDER: The court will issue an order.

11:00 AM

1. [20-10024](#)-B-7 **IN RE: SUKHJINDER SINGH**
[20-1036](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
7-21-2020 [[14](#)]

SALVEN V. SINGH ET AL
RUSSELL REYNOLDS/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 9, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

2. [19-13048](#)-B-7 **IN RE: CRAIG BREWER**
[19-1103](#) [MB-2](#)

MOTION TO QUASH
7-30-2020 [[55](#)]

MACLOVIO V. BREWER
PETER BUNTING/ATTY. FOR MV.

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 for failure to comply with the Local Rules of Practice ("LBR").

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 after 4:00 p.m. the day before the hearing.

3. [18-14160](#)-B-7 **IN RE: BRYAN ROCHE**
[19-1013](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
1-17-2019 [\[1\]](#)

VANDENBERGHE V. ROCHE
DAREN SCHLECTER/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 23, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

This status conference is continued to the above date and time to be heard in conjunction with plaintiff's motion to dismiss.

4. [08-17066](#)-B-13 **IN RE: JOE PARKS**
[20-1039](#)

STATUS CONFERENCE RE: COMPLAINT
6-24-2020 [\[1\]](#)

PARKS V. HSBC MORTGAGE SERVICES, INC. ET AL
GABRIEL WADDELL/ATTY. FOR PL.
SUMMONES REISSUED FOR 8/19/20 CONT TO 9/30/20 PER ORDER DOC #11

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

DISPOSITION: Continued to September 30, 2020 at 11:00 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #11.

5. [19-13569](#)-B-7 **IN RE: JOHN ESPINOZA**
[20-1021](#) [KAS-2](#)

MOTION FOR ENTRY OF DEFAULT JUDGMENT
7-30-2020 [\[43\]](#)

FEAR V. ESPINOZA ET AL
KELSEY SEIB/ATTY. FOR MV.

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 for failure to comply with the Local Rules of Practice ("LBR").

LBR 9014-1(f)(1)(B) states that Motions filed on at least 28 days' notice require the movant to notify the respondent or respondents that any opposition to motions filed on at least 28 days' notice must be in writing and must be filed with the court at least fourteen (14) days preceding the date or continued date of the hearing.

This motion was filed and served on July 30, 2020 and set for hearing on September 2, 2020. Doc. #44, 48. September 2, 2020 is more than 28 days after July 30, 2020, and therefore this hearing was set on more than 28 days' notice under LBR 9014-1(f)(1). The notice stated that written opposition was not required and any opposition must be presented at the hearing. Doc. #44. That is incorrect. Because the hearing was set on more than 28 days' notice, the notice should have stated that written opposition was required and must be filed and served at least 14 days prior to the hearing. Because this motion was filed, served, and noticed on at least 28 days' notice, the language of LBR 9014-1(f)(1)(B) needed to have been included in the notice.

6. [17-11570](#)-B-13 **IN RE: GREGGORY KIRKPATRICK**
[19-1100](#)

MOTION BY JODY L. WINTER TO WITHDRAW AS ATTORNEY
8-4-2020 [\[78\]](#)

KIRKPATRICK V. CALLISON ET AL
JODY WINTER/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

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

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Bankruptcy Rules ("LBR").

LBR 9004-2(a)(6), (b)(5), (b)(6), (e) and LBR 9014-1(c), (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require the DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN.

This motion does not have a DCN and therefore does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

7. [19-13374](#)-B-7 **IN RE: KENNETH HUDSON**
[19-1128](#)

OBJECTION TO THE PROPOSED FILING DATES
7-31-2020 [\[65\]](#)

BROWN V. HUDSON
NEIL SCHWARTZ/ATTY. FOR PL.

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

DISPOSITION: Overruled without prejudice.

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

This objection is OVERRULED WITHOUT PREJUDICE for failure to comply with the Local Bankruptcy Rules ("LBR").

LBR 9004-2(a)(6), (b)(5), (b)(6), (e) and LBR 9014-1(c), (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require the DCN to be in the caption page on all documents filed in every matter with the court and each new matter requires a new DCN.

This objection does not have a DCN and therefore does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

8. [19-13374](#)-B-7 **IN RE: KENNETH HUDSON**
[20-1027](#) [NES-1](#)

MOTION TO COMPEL ABANDONMENT
8-4-2020 [\[14\]](#)

ROYALTY LENDING II, LTD. V. HUDSON ET AL
NEIL SCHWARTZ/ATTY. FOR MV.

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 for failure to comply with the Local Rules of Practice ("LBR").

LBR 9014-1(f)(1)(B) states that Motions filed on at least 28 days' notice require the movant to notify the respondent or respondents that any opposition to motions filed on at least 28 days' notice must be in writing and must be filed with the court at least fourteen (14) days preceding the date or continued date of the hearing.

This motion was filed and served on August 4, 2020 and set for hearing on September 2, 2020. Doc. #15, 18. September 2, 2020 is 28

days after August 4, 2020, and therefore this hearing was set on 28 days' notice under LBR 9014-1(f)(1). The notice stated that written opposition was not required and may be presented at the hearing. Doc. #15. That is incorrect. Because the hearing was set on 28 days' notice, the notice should have stated that written opposition was required and must be filed and served not less than 14 days before the hearing date. Because this motion was filed, served, and noticed on 28 days' notice, the language of LBR 9014-1(f)(1)(B) needed to have been included in the notice.

Second, 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 after 4:00 p.m. the day before the hearing.

Third, this motion is not scheduled on the appropriate calendar. The motion should be scheduled on the regular Chapter 7 law and motion calendar.

9. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT
[19-1113](#)**

STATUS CONFERENCE RE: COMPLAINT
10-14-2019 [\[1\]](#)

TULARE LOCAL HEALTHCARE DISTRICT V. KOLLEN, MD
MICHAEL WILHELM/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped as moot

NO ORDER REQUIRED.

A joint stipulation of dismissal and order thereon has been entered in this adversary proceeding. Doc. #46. Therefore, the status conference will be dropped as moot.