

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Thursday, September 29, 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. MOTION FOR COMPENSATION FOR
KDG-21 BAKER PETERSON FRANKLIN, CPA,
BAKER PETERSON FRANKLIN, CPA, LLP, ACCOUNTANT(S)
LLP/MV 9-7-16 [[686](#)]
HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion as a final approval of all fees and costs awarded.

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).

If the motion is granted, the applicant shall submit a proposed order after the hearing.

2. [15-14017](#)-B-11 CLUB ONE CASINO, INC. MOTION FOR COMPENSATION FOR
KDG-22 BILL HUGHES, OTHER
BILL HUGHES/MV PROFESSIONAL(S)
9-7-16 [[693](#)]
HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion as a final approval of all fees and costs awarded.

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).

If the motion is granted, the applicant shall submit a proposed order after the hearing.

3. [15-14017](#)-B-11 CLUB ONE CASINO, INC.
KDG-23

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF KLEIN, DENATALE,
GOLDNER, COOPER, ROSENLIEB &
KIMBALL, LLP FOR HAGOP T.
BEDOYAN, DEBTORS ATTORNEY(S)
9-7-16 [[700](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion as a final approval of all fees and costs awarded.

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).

If the motion is granted, the applicant shall submit a proposed order after the hearing.

4. [15-14017](#)-B-11 CLUB ONE CASINO, INC.
KDG-24

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF MCCORMICK,
BARSTOW LLP FOR DAVID R.
MCNAMARA, SPECIAL COUNSEL(S)
9-7-16 [[707](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion as a final approval of all fees and costs awarded.

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).

If the motion is granted, the applicant shall submit a proposed order after the hearing.

5. [15-14017](#)-B-11 CLUB ONE CASINO, INC.
KDG-25

MOTION FOR COMPENSATION FOR
JOHN K. MALONEY, SPECIAL
COUNSEL(S)
9-7-16 [[714](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion as a final approval of all fees and costs awarded.

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).

If the motion is granted, the applicant shall submit a proposed order after the hearing.

6. [15-14017](#)-B-11 CLUB ONE CASINO, INC.
KDG-26

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF DOWLING AARON
INCORPORATED FOR DONALD RICHARD
FISCHBACH, SPECIAL COUNSEL(S)
9-8-16 [[721](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion as a final approval of all fees and costs awarded.

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).

If the motion is granted, the applicant shall submit a proposed order after the hearing.

7. [15-14017](#)-B-11 CLUB ONE CASINO, INC.
SMR-7

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF SHEPPARD, MULLIN,
RICHTER & HAMPTON LLP FOR ORI
KATZ, DEBTORS ATTORNEY(S)
9-8-16 [[728](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion as a final approval of all fees and costs awarded.

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).

If the motion is granted, the applicant shall submit a proposed order after the hearing.

8. [16-10643](#)-B-12 MARK FORREST

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

LEONARD WELSH/Atty. for dbt.

This matter will be continued to October 20, 2016, at 9:30 a.m., to be heard with the continued motion to confirm the chapter 12 plan below at calendar number 9 (LKW-4). No appearance is necessary.

9. [16-10643](#)-B-12 MARK FORREST
LKW-4

MOTION TO CONFIRM CHAPTER 12
PLAN

MARK FORREST/MV

8-12-16 [[64](#)]

LEONARD WELSH/Atty. for dbt.

This motion will be called as scheduled. At the hearing the court intends to continue this matter to October 20, 2016, at 9:30 a.m. If the issues have not been resolved by that time, the court intends to set a date for an evidentiary hearing.

This matter is now deemed to be a contested matter. Pursuant to Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall immediately commence formal discovery, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing.

10. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS,
DHR-5 INC.

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF LEVENE, NEALE, BENDER, YOO &
BRILL L.L.P. FOR DANIEL H.
REISS, CREDITOR COMM. ATY(S)
8-10-16 [[460](#)]

LEONARD WELSH/Atty. for dbt.
RESPONSIVE PLEADING

This matter will proceed as scheduled.

1:30 P.M.

1. [15-14800](#)-B-13 RICHARD LIMA MOTION TO APPROVE LOAN
JCW-1 MODIFICATION
U.S. BANK NATIONAL 8-26-16 [[60](#)]
ASSOCIATION/MV
HALIE LEONARD/Atty. for mv.

The motion will be granted without oral argument. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtor to enter into a modification agreement on terms to be negotiated between the debtor and the mortgagee so long as modification of the mortgage does not interfere with the debtor duties and trustee's administration of the chapter 13 plan.

2. [12-12101](#)-B-13 GUADALUPE/STACEY ESQUEDA MOTION TO DISMISS CASE
MHM-2 8-3-16 [[35](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

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

3. [16-12610](#)-B-13 DAVID DOMINGO MOTION TO DISMISS CASE
MHM-1 8-29-16 [[20](#)]
MICHAEL MEYER/MV
MARK ZIMMERMAN/Atty. for dbt.
CASE DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

4. [16-10016](#)-B-13 KEVIN DAVEY

ORDER TO SHOW CAUSE REGARDING
DISMISSAL OF CASE
8-26-16 [[30](#)]

FRANCISCO ALDANA/Atty. for dbt.
CASE DISMISSED 1/25/16

This matter will be called as scheduled. The court intends to dismiss this case on the grounds stated in the OSC unless opposition is presented at the hearing. 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).

5. [15-14219](#)-B-13 ANTHONY/CRYSTAL DIAZ

MOTION TO SELL
9-9-16 [[29](#)]

MAZ-1
ANTHONY DIAZ/MV
MARK ZIMMERMAN/Atty. for dbt.

The debtors' motion to sell their residence will be denied without prejudice. The court will issue a civil minute order. No appearance is necessary.

This matter was not fully noticed pursuant to LBR 9014-1(f)(1). Although the language in the notice of the motion complied with LBR 9014-1(f)(2), notice of the motion still had to conform with the requirements of FRBP 2002(a)(2), which requires 21 days notice. This motion was served on September 9, which is only 20 days.

6. [14-10121](#)-B-13 GREGORY/ERIKA IRELAND

MOTION TO USE CASUALTY
INSURANCE PROCEEDS TO REBUILD
RESIDENCE
9-1-16 [[88](#)]

FW-3
GREGORY IRELAND/MV

PETER FEAR/Atty. for dbt.

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

This matter was fully noticed in compliance with the Local Rules of Practice 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 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 order shall provide that any additional amounts recovered shall be paid by joint check payable to the debtors and the mortgage holder up to the amount of the debt to the mortgage holder. The debtors shall report any additional payments and the amounts to the chapter 13 trustee within 7 days of receipt.

7. [16-11925](#)-B-13 LUDGERO ALVES
SJS-1
LUDGERO ALVES/MV
SCOTT SAGARIA/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
8-11-16 [[33](#)]

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 of Practice; opposition by Snider Leasing Corp. has been withdrawn. There is no other opposition and those 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.

8. [15-12326](#)-B-13 FRED/EVA ARREOLA
MHM-3
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.

MOTION TO DISMISS CASE
8-8-16 [[64](#)]

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

9. [16-12626](#)-B-13 DONALD CUMPTON
JRL-1
DONALD CUMPTON/MV
JERRY LOWE/Atty. for dbt.
8/3/16 PLAN WITHDRAWN

MOTION TO CONFIRM PLAN
8-16-16 [[27](#)]

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 of Practice; 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.

10. [16-12626](#)-B-13 DONALD CUMPTON
MHM-1
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE
9-1-16 [[48](#)]

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

11. [13-17827](#)-B-13 ALEX CACERES
MHM-3
ALEX CACERES/MV
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO DISMISS CASE
8-4-16 [[45](#)]

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

12. [14-14028](#)-B-13 GEORGETTE AVEDIKIAN
DRJ-8
GEORGETTE AVEDIKIAN/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO MODIFY PLAN
8-17-16 [[131](#)]

This motion will be set for a continued hearing on November 10, 2016, at 10:30 a.m. The court will issue a civil minute 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 October 27, 2016. 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 November 3, 2016. 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.

13. [14-14028](#)-B-13 GEORGETTE AVEDIKIAN CONTINUED MOTION TO DISMISS
MHM-3 CASE
MICHAEL MEYER/MV 7-13-16 [[124](#)]
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING

This matter will be continued to November 10, 2016, at 10:30 a.m., to be heard with the motion to confirm the plan. No appearance is necessary.

14. [14-14729](#)-B-13 JANET ALCANTRA-BLAJOS MOTION FOR ADMINISTRATIVE
PPR-1 EXPENSES
U.S. BANK, NATIONAL 8-15-16 [[41](#)]
ASSOCIATION/MV
PETER BUNTING/Atty. for dbt.
MELISSA VERMILLION/Atty. for mv.

This matter will be denied without prejudice. No appearance is required. Although the motion was served in compliance with the time required for by LBR 9014-1(f)(1), the language used in the notice did not comply with LBR 9014-1(f)(1) where written response is required within 14 days.

15. [16-12632](#)-B-13 PAUL/JUANITA SANCHEZ MOTION TO VALUE COLLATERAL OF
JRL-1 CHASE AUTO FINANCE
PAUL SANCHEZ/MV 8-30-16 [[23](#)]
JERRY LOWE/Atty. for dbt.

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

The named respondent in the motion is "Chase Auto Finance." Based on the proof of claim, the holder of this lien appears to be "JPMorgan Chase Bank, N.A.

16. [16-12632](#)-B-13 PAUL/JUANITA SANCHEZ MOTION TO DISMISS CASE
MHM-1 8-29-16 [[19](#)]
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.

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

17. [16-12633](#)-B-13 IRMA VILLA
MHM-1
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE
8-29-16 [[20](#)]

The hearing on this motion will be called as scheduled and will proceed as a scheduling conference.

This matter is now deemed to be a contested matter. Pursuant to Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall immediately commence formal discovery, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing.

18. [16-12440](#)-B-13 JAVIER GARCIA

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-9-16 [[33](#)]

ROBERT CERVANTES/Atty. for dbt.

This matter will be called as scheduled. If the installment payment now due has not been paid by the time of the hearing, the case will be dismissed. If the installment payment now due is paid by the time of the hearing, the OSC will be vacated.

If the OSC is vacated and the case is not dismissed, then if any of the remaining installments are not paid when they come due then the case may be dismissed without further notice.

19. [16-12440](#)-B-13 JAVIER GARCIA
MHM-1
MICHAEL MEYER/MV
ROBERT CERVANTES/Atty. for dbt.

MOTION TO DISMISS CASE
8-29-16 [[27](#)]

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

20. [16-12841](#)-B-13 RACHEL ABILEZ
JDM-1
RACHEL ABILEZ/MV
JAMES MILLER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
THE GOLDEN 1 CREDIT UNION
8-11-16 [[11](#)]

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

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent 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 debtor is competent to testify as to the value of the 2010 Nissan Altima. 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 \$9,959. 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.

21. [16-12843](#)-B-13 MIRIAM RIVERA

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-8-16 [[38](#)]

This matter will proceed as scheduled.

22. [16-12843](#)-B-13 MIRIAM RIVERA
DJP-2
MARY GALUSHA/MV
DON POOL/Atty. for mv.

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
8-17-16 [[20](#)]

This motion will be granted. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from the automatic stay was initially noticed on shortened time. Based on the debtor's appearance and opposition, the matter was continued to provide the debtor with an opportunity to file a written opposition. No such opposition having been filed by September 15, required by the court as stated on the record and the court's civil minute order entered August 25, 2016, the motion for relief from stay under §362(d)(4) will be granted.

The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. Although this is the debtor's first bankruptcy case, it appears from the evidence submitted and from the record that the her case was used as part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting real property. The debtor's bankruptcy case is one of four recent filings that involve this property and the movants have been forced to postpone a foreclosure sale 18 times, the latest of which was set for August 16, 2016.

The proposed order must comply with 362(d)(4) and shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. §506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

23. [15-11944](#)-B-13 HECTOR/MARISELA MIRANDA OBJECTION TO CLAIM OF JOSE
HDN-2 CASTILLO ROBLES, CLAIM NUMBER
HECTOR MIRANDA/MV 4-1
8-17-16 [[45](#)]

HENRY NUNEZ/Atty. for dbt.
RESPONSIVE PLEADING

This matter will proceed as scheduled. The debtors have objected to the claim based on lack of evidence and on the basis that it was filed late, after the claims bar date of September 28, 2015.

The claimant has filed an opposition to the objection to the claim however no excuse is presented for the tardy claim filing.

At the hearing, the court intends to inquire as to whether the claimant has an excuse for the tardiness of the claim and as to the status of the pending litigation referred to by the claimant and listed in the debtors' Statement of Financial Affairs.

24. [16-11647](#)-B-13 AMBARTSUM RAFAYELYAN ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-8-16 [[71](#)]

GLEN GATES/Atty. for dbt.

The OSC will be vacated. No appearance is necessary. The required installment payments have been paid in full.

25. [15-12149](#)-B-13 BRUCE NIEMI MOTION TO DISMISS CASE
MHM-1 8-5-16 [[17](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

Unless it is withdrawn before the hearing, the trustee's motion to dismiss the case will be denied as moot. No appearance is necessary.

The trustee's motion is based on the debtor's failure to make plan payments required by the debtor's plan. The debtor has filed, served, and set for hearing a modified plan which appears to cure the default in plan payments.

26. [16-12550](#)-B-13 MICHAEL/ASHLEY ESPINOSA MOTION TO DISMISS CASE
MHM-1 8-29-16 [[26](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

This motion will be continued to November 10, 2016, at 10:30 a.m., to be heard with the trustee's motion to dismiss, MHM-2, for payment default, set for that date. No appearance is necessary.

27. [16-11555](#)-B-13 ANTHONY/AMY THOMPSON CONTINUED MOTION TO VALUE
JRL-1 COLLATERAL OF WELLS FARGO
ANTHONY THOMPSON/MV DEALER SERVICES
6-13-16 [[18](#)]

JERRY LOWE/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

The debtors' motion to value collateral has been withdrawn. No appearance is necessary.

28. [16-11555](#)-B-13 ANTHONY/AMY THOMPSON MOTION TO CONFIRM PLAN
JRL-2 8-12-16 [[60](#)]
ANTHONY THOMPSON/MV
JERRY LOWE/Atty. for dbt.

This motion to confirm a modified chapter 13 plan will be denied without prejudice. No appearance is necessary.

The record does not show that the debtors served the proposed modified plan and the moving papers on creditors in compliance with LBR 3015-1(c)(3) & (d)(1). The court notes that the trustee has filed an opposition to the motion.

29. [16-11555](#)-B-13 ANTHONY/AMY THOMPSON CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 8-12-16 [[67](#)]
JERRY LOWE/Atty. for dbt.

This matter will proceed as scheduled.

30. [16-11555](#)-B-13 ANTHONY/AMY THOMPSON OBJECTION TO DEBTOR'S CLAIM OF
MHM-2 EXEMPTIONS
MICHAEL MEYER/MV 8-31-16 [[79](#)]
JERRY LOWE/Atty. for dbt.
WITHDRAWN

The objection to the debtors' exemptions has been withdrawn. No appearance is necessary.

31. [16-10358](#)-B-13 ADAM/CHRISTINA RAMIREZ
MHM-3
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
8-10-16 [[69](#)]

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 of Practice 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 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 is a material default in the chapter 13 plan payments that has not been cured.

32. [13-12064](#)-B-13 KEITH/MARGARET WILD
MHM-1
MICHAEL MEYER/MV
JAMES MILLER/Atty. for dbt.

MOTION TO DISMISS CASE
8-4-16 [[41](#)]

Unless it is withdrawn before the hearing, the trustee's motion to dismiss the case will be denied as moot. No appearance is necessary.

The trustee's motion is based on the debtors' failure to make plan payments required by the debtor's plan. The debtors have filed a modified plan which appears to cure the default in plan payments.

33. [14-12966](#)-B-13 KRISTIN HUESTIS
MHM-1
MICHAEL MEYER/MV
SUSAN HEMB/Atty. for dbt.

MOTION TO DISMISS CASE
8-4-16 [[35](#)]

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

34. [16-12568](#)-B-13 JENNIFER PECK
MHM-1
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO DISMISS CASE
8-29-16 [[19](#)]

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

35. [16-10169](#)-B-13 FRANK/MARY ANNE DORES
AMM-3
BUNNETT & CO., INC./MV
PETER FEAR/Atty. for dbt.
ANDREW MINEAR/Atty. for mv.

FINAL HEARING RE: MOTION TO
COMPEL
8-18-16 [[164](#)]

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

The motion is brought in connection with a discovery dispute and requests an order compelling disclosure and testimony. While the motion may be defective in other ways, there are two threshold defects. The first is the failure of the moving parties to include a separately filed certification, pursuant to FRCP 37, that the movant has in good faith conferred with the opposing party.

The second is the failure of the moving parties, pursuant to LBR 9014-2, to file and serve with the motion, "a separate document . . . that provides all the information necessary to understand each disclosure or discovery request and all the responses to it that are at issue. The separate statement must be full and complete so that no person is required to review any other document in order to determine the full request and the full response. Material must not be incorporated into the separate statement by reference. The separate statement must include- for each disclosure or discovery request (e.g., each interrogatory, request for admission, deposition question, or inspection demand) to which a further response, answer, or production is requested--the following:

- (1) The text of the applicable portion of Rule 26 or the request, interrogatory, question, or inspection demand;
- (2) The text of each Rule 26 disclosure, response, answer, or objection, and any further responses or answers;
- (3) A statement of the factual and legal reasons for compelling further responses, answers, or production as to each matter in dispute;
- (4) If necessary, the text of all definitions, instructions, and other matters required to understand each discovery request and the responses to it;
- (5) If the response to a particular discovery request is dependent on the response given to another discovery request, or if the reasons a further response to a particular discovery request is deemed necessary are based on the response to some other discovery request, the other request and the response to it must be set forth; and
- (6) If the pleadings, other documents in the file, or other items of discovery are relevant to the motion, the party relying on them must summarize each relevant document.

36. [16-10169](#)-B-13 FRANK/MARY ANNE DORES
AMM-4
BUNNETT & CO., INC./MV
PETER FEAR/Atty. for dbt.
ANDREW MINEAR/Atty. for mv.

FINAL HEARING RE: MOTION TO
COMPEL
8-17-16 [[169](#)]

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

The motion is brought in connection with a discovery dispute and requests an order compelling disclosure and testimony. While the motion may be defective in other ways, there are two threshold defects. The first is the failure of the moving parties to include a separately filed certification, pursuant to FRCP 37, that the movant has in good faith conferred with the opposing party.

The second is the failure of the moving parties, pursuant to LBR 9014-2, to file and serve with the motion, "a separate document . . . that provides all the information necessary to understand each disclosure or discovery request and all the responses to it that are at issue. The separate statement must be full and complete so that no person is required to review any other document in order to determine the full request and the full response. Material must not be incorporated into the separate statement by reference. The separate statement must include- for each disclosure or discovery request (e.g., each interrogatory, request for admission, deposition question, or inspection demand) to which a further response, answer, or production is requested--the following:

- (1) The text of the applicable portion of Rule 26 or the request, interrogatory, question, or inspection demand;
- (2) The text of each Rule 26 disclosure, response, answer, or objection, and any further responses or answers;
- (3) A statement of the factual and legal reasons for compelling further responses, answers, or production as to each matter in dispute;
- (4) If necessary, the text of all definitions, instructions, and other matters required to understand each discovery request and the responses to it;
- (5) If the response to a particular discovery request is dependent on the response given to another discovery request, or if the reasons a further response to a particular discovery request is deemed necessary are based on the response to some other discovery request, the other request and the response to it must be set forth; and
- (6) If the pleadings, other documents in the file, or other items of discovery are relevant to the motion, the party relying on them must summarize each relevant document.

37. [14-15875](#)-B-13 RICHARD/VERONICA ESPINOZA MOTION TO DISMISS CASE
MHM-2 8-4-16 [[62](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to grant the trustee's motion and dismiss the case.

38. [14-15875](#)-B-13 RICHARD/VERONICA ESPINOZA MOTION TO MODIFY PLAN
TCS-3 8-20-16 [[68](#)]
RICHARD ESPINOZA/MV
TIMOTHY SPRINGER/Atty. for dbt.

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to deny the motion without prejudice based on the trustee's opposition. The court will issue a civil minute order after the hearing.

39. [16-10479](#)-B-13 CELINA MUNIZ MOTION TO CONFIRM PLAN
TOG-1 8-9-16 [[24](#)]
CELINA MUNIZ/MV
THOMAS GILLIS/Atty. for dbt.

This motion will be set for a continued hearing on November 10, 2016, at 10:30 a.m. The court will issue a civil minute 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 October 27, 2016. 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 October 3, 2016. 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.

40. [15-14184](#)-B-13 JUVENAL VIDALES AND DIANA MOTION TO DISMISS CASE
MHM-1 BERNAL-VIDALES 8-8-16 [[30](#)]
MICHAEL MEYER/MV
VARDUHI PETROSYAN/Atty. for dbt.

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

41. [14-15485](#)-B-13 JACOB MARTINEZ CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 7-13-16 [[54](#)]
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING

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

42. [14-15485](#)-B-13 JACOB MARTINEZ MOTION TO MODIFY PLAN
PBB-4 8-18-16 [[63](#)]
JACOB MARTINEZ/MV
PETER BUNTING/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 of Practice; 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.

43. [16-12490](#)-B-13 MARIANO AGUIRRE MOTION TO DISMISS CASE
MHM-1 8-29-16 [[16](#)]
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.

Based on the debtor's opposition and the trustee's response, this matter will proceed as scheduled.

44. [14-10193](#)-B-13 MARTA MATA AND GUSTAVO MOTION TO MODIFY PLAN
TCS-3 SEGURA 8-24-16 [[56](#)]
MARTA MATA/MV
TIMOTHY SPRINGER/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 of Practice; 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.

45. 15-10407-B-13 STEPHEN/KYMBERLY SALTER
TCS-2
STEPHEN SALTER/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO INCUR DEBT
9-15-16 [32]

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults 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 LBR 9014-1(f)(2). The court will issue a civil minute order.