

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis
Bankruptcy Judge
Sacramento, California

October 23, 2014 at 10:00 a.m.

1. 09-46360-E-13 MARGUERITE GALVEZ MOTION TO COMPEL
13-2313 PLC-7 9-12-14 [[83](#)]
GALVEZ V. WELLS FARGO BANK,
N.A.

Final Ruling: No appearance at the October 23, 2014 hearing is required.

Local Rule 9014-1(f)(1) Motion

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on parties requesting special notice and Office of the United States Trustee on September 12, 2014. By the court's calculation, 41 days' notice was provided. 28 days' notice is required.

The Motion to Compel Discovery for Deposition of Michael Dolan of Wells Fargo Bank, Person Designated Most Knowledgeable has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered to be the equivalent of a statement of nonopposition. *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 Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion Motion to Compel Discovery for Deposition of Michael Dolan of Wells Fargo Bank, Person Designated Most Knowledgeable is continued to 1:30 p.m. on December 11, 2014.
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Marguerite Galvez ("Plaintiff") filed the instant Motion to Compel Discovery for Deposition of Michael Dolan of Wells Fargo Bank, Person Designated Most Knowledgeable on September 12, 2014. Dckt. 83.

On October 9, 2014, Wells Fargo Bank, N.A. filed opposition to the instant motion. Dckt. 107.

On October 14, 2014, the court issued an order continuing the instant Motion to 1:30 p.m. on November 6, 2014 to allow the District Court to rule on

October 23, 2014 at 10:00 a.m.

the motion to withdraw the reference of this Adversary Proceeding pursuant to 28 U.S.C. § 157(d). Dckt. 130.

On October 16, 2014, the court issued an order continuing the instant Motion to 1:30 p.m. on December 9, 2014. Dckt. 146.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Compel Discovery having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Compel Discovery is continued to 1:30 p.m. on December 11, 2014.

2. [09-46360](#)-E-13 MARGUERITE GALVEZ
[13-2313](#) PLC-8
GALVEZ V. WELLS FARGO BANK,
N.A.

MOTION TO COMPEL
10-13-14 [[120](#)]

Final Ruling: No appearance at the October 23, 2014 hearing is required.

Local Rule 9014-1(f)(3) Motion.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on parties requesting special notice and Office of the United States Trustee on October 13 2014. By the court's calculation, 10 days' notice was provided.

The Motion Compel Discovery was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(3). The Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion.

The Motion Motion to Compel Discovery is continued to 1:30 p.m. on December 11, 2014.
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Marguerite Galvez ("Plaintiff") filed the instant Motion to Compel Discovery on October 13, 2014. Dckt. 120.

On October 14, 2014, the court issued an order continuing the instant Motion to 1:30 p.m. on November 6, 2014 to allow the District Court to rule on the motion to withdraw the reference of this Adversary Proceeding pursuant to 28 U.S.C. § 157(d). Dckt. 132.

On October 16, 2014, the court issued an order continuing the instant Motion to 1:30 p.m. on December 9, 2014. Dckt. 142.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Compel Discovery having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Compel Discovery is continued to 1:30 p.m. on December 11, 2014.