

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Thursday, November 5, 2015
Place: U.S. Courthouse, 510 19th Street
Bakersfield, 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.

10:00 A.M.

1. [08-12604](#)-B-7 JULIE AVILA CONTINUED MOTION TO AVOID LIEN
DMG-2 OF AQUA FIANCE, INC.
JULIE AVILA/MV 9-8-15 [[19](#)]
D. GARDNER/Atty. for dbt.

This motion was continued to permit the debtor to file an amended proof of service that complied with Local Bankruptcy Rule 9014 1(d)(2) (see Local Rules, Appendix II, EDC.002 901, Revised Guidelines for the Preparation of Documents (5).) Nothing has been filed in response to the court's civil minute order entered October 23, 2015. Accordingly, the motion will be denied without prejudice. No appearance is necessary.

2. [15-12909](#)-B-7 RAMON LOPEZ MOTION FOR RELIEF FROM
BHT-1 AUTOMATIC STAY
WASHINGTON TRUST COMPANY/MV 9-22-15 [[13](#)]
BRIAN TRAN/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor's default will be entered and the motion will be granted without oral argument for cause shown. 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. The proposed order 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 Rules of Bankruptcy Procedure 4001(a)(3), that relief will be granted. Unless the court expressly orders otherwise, the proposed order shall not include any other relief. 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. No appearance is necessary.

3. [15-13012](#)-B-7 HUMBERTO/ANGELA VASQUEZ MOTION FOR RELIEF FROM
BHT-1 AUTOMATIC STAY
OCWEN LOAN SERVICING, LLC/MV 10-1-15 [[21](#)]
D. GARDNER/Atty. for dbt.
BRIAN TRAN/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtors' default will be entered and the motion will be granted without oral argument for cause shown. 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. The proposed order 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 Rules of Bankruptcy Procedure 4001(a)(3), that relief will be granted. Unless the court expressly orders otherwise, the proposed order shall not include any other relief. 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. No appearance is necessary.

4. [15-13916](#)-B-7 ALBERT VILLASENOR ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
WILLIAM OLCOTT/Atty. for dbt. 10-20-15 [[11](#)]

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

5. [15-12721](#)-B-7 ARHTUR/AMANDA MEXICANO
CJO-1
DITECH FINANCIAL LLC/MV
RABIN POURNAZARIAN/Atty. for dbt.
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-30-15 [[17](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtors' default will be entered and the motion will be granted without oral argument for cause shown. 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. The proposed order 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 Rules of Bankruptcy Procedure 4001(a)(3), that relief will be granted. Unless the court expressly orders otherwise, the proposed order shall not include any other relief. 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. No appearance is necessary.

6. [15-11234](#)-B-7 CYNTHIA EVANS
RP-1
RANDELL PARKER/MV
VINCENT GORSKI/Atty. for dbt.

MOTION TO SELL
10-14-15 [[15](#)]

This motion to sell assets was fully noticed in compliance with the Local Rules and there is no opposition. The agreed terms permit payment to be made after 30 days. Accordingly, unless the court orders otherwise, the trustee may not release any property of the bankruptcy estate unless and until the purchase price has been paid in full. The trustee shall submit an appropriate order in conformity with this ruling.

7. [15-13442](#)-B-7 ROBERT SAUNDERS
JHW-1
DAIMLER TRUST/MV
NEIL SCHWARTZ/Atty. for dbt.
JENNIFER WANG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-1-15 [[10](#)]

This motion for relief from the automatic stay will be denied as moot. This motion relates to an executory contract or lease of personal property. The lease was not assumed by the chapter 7 trustee within the time prescribed in 11 U.S.C. §365(d) (1). Pursuant to 365 (p) (1), the leased property is no longer property of the estate and the automatic stay under 362(a) has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

8. [11-16145](#)-B-7 RICHARD/NARCISA CLARK
TMT-3
RICHARD CLARK/MV

TYSON TAKEUCHI/Atty. for dbt.

MOTION TO AVOID LIEN OF
PORTFOLIO RECOVERY ASSOCIATES,
LLC
9-11-15 [[28](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

9. [11-16145](#)-B-7 RICHARD/NARCISA CLARK
TMT-4
RICHARD CLARK/MV
TYSON TAKEUCHI/Atty. for dbt.

MOTION TO AVOID LIEN OF
CITIBANK (SOUTH DAKOTA) N.A.
9-15-15 [[34](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

10. [15-13045](#)-B-7 SEAN/ASHLEY WHALEY
BHT-1
KERN SCHOOLS FEDERAL CREDIT
UNION/MV
R. BELL/Atty. for dbt.
BRIAN TRAN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-3-15 [[9](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor(s) default will be entered and the motion will be granted without oral argument for cause shown. 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. The proposed order 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 Rules of Bankruptcy Procedure 4001(a)(3), that relief will be granted. Unless the court expressly orders otherwise, the proposed order shall not include any other relief. 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. No appearance is necessary.

11. [15-12954](#)-B-7 MICHAEL HALL
SAW-1
MICHAEL HALL/MV
STEVEN WOLVEK/Atty. for dbt.

MOTION TO CONVERT CASE FROM
CHAPTER 7 TO CHAPTER 13
10-5-15 [[14](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The chapter 7 trustee may file an administrative claim in the chapter 13 case. The moving party shall submit a proposed order. No appearance is necessary.

12. [15-13057](#)-B-7 RAJAB-ALI/MARYAM SHARBATI MOTION TO SELL
RP-1 10-14-15 [[20](#)]
RANDELL PARKER/MV
STUART PRICE/Atty. for dbt.

This motion to sell property of the estate will be denied without prejudice. The motion, notice, and declaration reference a 2008 Toyota Tacoma, however the valuation information references a 2005 Chevrolet Silverado. The pleadings are ambiguous as to the vehicle being sold. The court will enter a civil minute order. No appearance is necessary.

13. [15-13561](#)-B-7 ALFONSO/MARIA PUGA ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-24-15 [[11](#)]
\$335.00 FILING FEE PAID

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

14. [13-13062](#)-B-7 CECILY WATERMAN MOTION FOR COMPENSATION FOR
JTW-2 JANZEN, TAMBERI AND WONG,
JANZEN, TAMBERI AND WONG/MV ACCOUNTANT(S)
9-30-15 [[109](#)]
LEONARD WELSH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The court will issue a civil minute order approving fees of \$2,774 and expenses of \$36.75 for a total of \$2,810.75, payable at the trustee's discretion. No appearance is necessary.

15. [15-13869](#)-B-7 JEFFREY/CYNTHIA EVANS ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-15-15 [[11](#)]

16. [15-13271](#)-B-7 ASENSION PEREZ MORENO AND MOTION FOR RELIEF FROM
JHW-1 JULIA PEREZ AUTOMATIC STAY
TD AUTO FINANCE LLC/MV 9-25-15 [[11](#)]
FRANK SAMPLES/Atty. for dbt.
JENNIFER WANG/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The debtor(s) default will be entered and the motion will be granted without oral argument for cause shown. 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. The proposed order 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 Rules of Bankruptcy Procedure 4001(a)(3), that relief will be granted. Unless the court expressly orders otherwise, the proposed order shall not include any other relief. 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. No appearance is necessary.

17. [15-13072](#)-B-7 TIFFANY HOLLINS MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
SANTANDER CONSUMER USA INC./MV 9-30-15 [[22](#)]
AUSTIN NAGEL/Atty. for mv.

This motion for relief from the automatic stay will be denied as moot. The debtor is an individual. The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by 11 U.S.C. §521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. §362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

11:00 A.M.

1. [15-12808](#)-B-7 SALVADOR GONZALEZ REAFFIRMATION AGREEMENT WITH WESTAMERICA BANK
9-21-15 [[18](#)]
ROBERT WILLIAMS/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. The court notes that, based on the documents filed, the debtor is not the one currently paying the creditor, but instead another family member is making the payments on this account. Debtor's counsel shall notify debtor that no appearance is necessary.

2. [15-13016](#)-B-7 KELLY EDWARDS PRO SE REAFFIRMATION AGREEMENT WITH CHEVRON VALLEY CREDIT UNION
9-16-15 [[22](#)]
3. [15-13116](#)-B-7 ELIZANDRO/SARAH VALENZUELA PRO SE REAFFIRMATION AGREEMENT WITH PAN AMERICAN BANK
9-15-15 [[16](#)]

The reaffirmation agreement is incomplete and does not meet the requirements of 11 U.S.C. § 524. It is therefore not enforceable against the debtors and cannot be approved. *In re Lopez*, 274 B.R. 854, 861-62 (9th Cir. BAP 2002), *aff'd*, 345 F.3d 701 (9th Cir. CA 2003). The hearing will be dropped from calendar. No appearance is necessary.

4. [15-12637](#)-B-7 SHARON BASS REAFFIRMATION AGREEMENT WITH HTD LEASING LLC
9-30-15 [[14](#)]
PHILLIP GILLET/Atty. for dbt.

This reaffirmation agreement will be dropped from calendar without a disposition. The agreement relates to a lease of personal property. The parties are directed to the provisions of 11 U.S.C. § 365(p)(2). This case was filed June 30, 2015, and the lease was not assumed by the chapter 7 trustee within the time prescribed in 11 U.S.C. § 365(d)(1). Pursuant to 365 (p)(1), the leased property is no longer property of the estate. No appearance is necessary.

5. [15-13339](#)-B-7 JONATHAN/MARGIE PARKER PRO SE REAFFIRMATION AGREEMENT
WITH TOYOTA MOTOR CREDIT
CORPORATION
9-17-15 [[11](#)]

6. [15-12866](#)-B-7 RACHEL RIDEOUT REAFFIRMATION AGREEMENT WITH
CAPITAL ONE AUTO FINANCE
9-16-15 [[11](#)]

STEVEN ALPERT/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor's attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtor, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. The debtor shall have 14 days to refile the reaffirmation agreement properly signed and endorsed by the attorney. The debtor's counsel shall notify the debtor that no appearance is necessary at this hearing.

5. [10-65107](#)-B-13 JOHNNY MACON AND PAULA MOTION TO MODIFY PLAN
DIGEROLAMI-MACON 9-29-15 [[60](#)]
JOHNNY MACON/MV
ROBERT MCCOY/Atty. for dbt.

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtors shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

6. [15-12709](#)-B-13 LORI KITCHEN CONTINUED OBJECTION TO
MHM-1 CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
8-13-15 [[16](#)]
WILLIAM OLCOTT/Atty. for dbt.
RESPONSIVE PLEADING

This objection to confirmation of a chapter 13 plan will be overruled without prejudice. The debtor has filed a modified plan that has been served and set for a hearing at a later date. The plan that is the subject of this objection is deemed withdrawn. The court will prepare and enter a civil minute order. No appearance is necessary.

7. [15-10011](#)-B-13 ASHLEY RANDOLPH MOTION FOR RELIEF FROM
CJO-1 AUTOMATIC STAY
BANK OF AMERICA, N.A./MV 9-18-15 [[54](#)]
ROBERT WILLIAMS/Atty. for dbt.
CHRISTINA O/Atty. for mv.
DISMISSED

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

8. [12-16014](#)-B-13 WENDY REDWINE MOTION TO DISMISS CASE
MHM-3 9-16-15 [[65](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

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

9. [15-13215](#)-B-13 BEATRIZ AGUILAR
MDE-1
KARPE REAL ESTATE CENTER/MV
ROBERT WILLIAMS/Atty. for dbt.
MARK ESTLE/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY KARPE REAL ESTATE
CENTER
10-6-15 [[14](#)]

This matter will be continued to December 14, 2015, at 1:30 p.m., in Bakersfield. 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. The court will prepare and enter a civil minute order. No appearance is necessary.

10. [15-11017](#)-B-13 ODILON/SAURISARET
PIM-1 PEREZ-FLORES
ODILON PEREZ-FLORES/MV
PHILLIP MYER/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO VALUE
COLLATERAL OF BAYVIEW LOAN
SERVICING, LLC
8-13-15 [[40](#)]

This matter will be continued to December 14, 2015, at 1:30 p.m., to be heard with the movant's objection to plan confirmation and the trustee's motion to dismiss the case. The court will prepare and enter a civil minute order. No appearance is necessary.

11. [15-11918](#)-B-13 CARLOS/SARA LAM
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
7-27-15 [[35](#)]

12. [15-11918](#)-B-13 CARLOS/SARA LAM
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

CONTINUED OBJECTION TO DEBTOR'S
CLAIM OF EXEMPTIONS
8-19-15 [[50](#)]

The objection will be overruled. This matter was continued to permit the trustee to file supplemental opposition if the debtors' amended schedules did not resolve the objection to the debtors' claim of exemptions. No supplemental opposition has been filed. The court will prepare and enter a civil minute order. No appearance is necessary in this matter.

13. [15-11918](#)-B-13 CARLOS/SARA LAM
RSW-3
CARLOS LAM/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
9-15-15 [[58](#)]

14. [15-12018](#)-B-13 CURTIS DUNMORE AND MOTION TO DISMISS CASE
MHM-2 DEMETRIA JOHNSON 8-31-15 [[33](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

15. [15-12319](#)-B-13 VINCENT STUHLMAN AND MOTION TO SELL
SL-1 SUSAN PERETTO 10-2-15 [[25](#)]
VINCENT STUHLMAN/MV
STEPHEN LABIAK/Atty. for dbt.

16. [15-13525](#)-B-13 DAVID REIMER MOTION TO DISMISS CASE
MHM-1 10-22-15 [[23](#)]
MICHAEL MEYER/MV

17. [15-12826](#)-B-13 JOE/TINA MARIE GRANILLO OBJECTION TO CLAIM OF PHILLIP
SJS-2 GILLET, CLAIM NUMBER 1
JOE GRANILLO/MV 9-28-15 [[31](#)]
SUSAN SALEHI/Atty. for dbt.

The objection to proof of claim will be overruled without prejudice. The objection fails to comply with Local Bankruptcy Rule 3007-1(b)(1) or Local Bankruptcy Rule 3007-1(b)(2). The court will prepare and enter a civil minute order. No appearance is necessary.

18. [15-10928](#)-B-13 DAVID FOX
DMG-3
DAVID FOX/MV
D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
9-17-15 [[87](#)]

The trustee has filed a detailed objection to the debtor's motion to confirm a chapter 13 plan. The motion will be continued for a final hearing on December 14, 2015, at 1:30 p.m. 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 November 30, 2015. 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 December 7, 2015. 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. The court will prepare and enter a civil minute order.

19. [11-13629](#)-B-13 DUWANE CLARK
MHM-1
MICHAEL MEYER/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO DISMISS CASE
9-16-15 [[28](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

20. [15-11029](#)-B-13 TERRY WHEELER
MHM-3
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
9-4-15 [[68](#)]

21. [15-11029](#)-B-13 TERRY WHEELER MOTION TO CONFIRM PLAN
PK-2 9-15-15 [[78](#)]
TERRY WHEELER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

The motion will be denied without prejudice. The form of the proof of service does not comply with Local Bankruptcy Rule 9014-1(d)(2) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (5)). The court will prepare a minute order. No appearance is necessary.

22. [15-10233](#)-B-13 PEDRO/ZENAIDA NAVEIRAS MOTION FOR COMPENSATION FOR
NES-4 NEIL E. SCHWARTZ, DEBTORS
ATTORNEY(S)
10-2-15 [[95](#)]
NEIL SCHWARTZ/Atty. for dbt.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

23. [13-18038](#)-B-13 MARK MOORE AND TAMILLEE MOTION TO DISMISS CASE
MHM-4 DERINGTON-MOORE 9-21-15 [[83](#)]
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

The trustee's motion will be denied without prejudice. The debtors have filed and set for hearing a modified plan that appears to address the basis for the trustee's motion to dismiss. The court will prepare and enter a civil minute order. No appearance is necessary.

24. [15-12839](#)-B-13 CARLOS/ASHLEY ROSALES MOTION TO DISMISS CASE
MHM-1 9-9-15 [[60](#)]
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
DISMISSED

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

25. [15-11946](#)-B-13 NEREIDA CHOATE CONTINUED MOTION TO DISMISS
MHM-2 CASE
MICHAEL MEYER/MV 8-24-15 [[25](#)]
STEVEN ALPERT/Atty. for dbt.

The trustee's motion to dismiss will be denied as moot. The court intends to confirm the debtor's modified plan below, provided the confirmation order includes the language specified in the trustee's opposition. The court will prepare and enter a civil minute order. No appearance is necessary.

26. [15-11946](#)-B-13 NEREIDA CHOATE
PLG-1
NEREIDA CHOATE/MV
STEVEN ALPERT/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
9-9-15 [[37](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor shall submit a proposed confirmation order for approval to the chapter 13 trustee.

The confirmation order shall indicate that the plan is amended as indicated in the trustee's detailed opposition to confirmation of the plan: "The plan payments are modified herein as follows: \$2,500.02 for months 5-60." The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

27. [11-11648](#)-B-13 MICHAEL KOVACEVICH
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
9-16-15 [[115](#)]

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

28. [15-13652](#)-B-13 MERCEDITA ABRAHAM
PK-1
REALTY DIMENSIONS/MV
RICHARD SNYDER/Atty. for dbt.
PATRICK KAVANAGH/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-23-15 [[25](#)]

This motion for relief from the automatic stay will be denied without prejudice. The movant failed to file a separate relief from stay information sheet pursuant to Local Bankruptcy Rule 4001-1(c). The court will prepare and enter a civil minute order. No appearance is necessary.

29. [11-63156](#)-B-13 TIMOTHY HARBOUR
PK-7

MOTION FOR COMPENSATION FOR
PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
9-30-15 [[123](#)]

PATRICK KAVANAGH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The fees will be approved in the amount of \$3,682.94 and costs in the amount of \$113.56. The court will prepare and enter a civil minute order. No appearance is necessary.

30. [15-12775](#)-B-13 TERRI MALAMMA
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
9-9-15 [[19](#)]

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

31. [15-10076](#)-B-13 ESTEBAN ZAVALA
MHM-2
MICHAEL MEYER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
9-25-15 [[91](#)]

The trustee's motion will be denied without prejudice. The motion was based on the failure to confirm a chapter 13 plan. The debtor failed to lodge a consensual confirmation order for the plan filed January 13, 2015. On October 20, 2015, the debtor filed a modified plan. The court will prepare and enter a civil minute order. No appearance is necessary.

32. [15-13378](#)-B-13 JAMES ZOPPE
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
10-22-15 [[30](#)]

33. [11-19880](#)-B-13 KENNETH/LUZ JOHNSON
MHM-3
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE
9-16-15 [[96](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

34. [13-11783](#)-B-13 DWAYNE/TONI CARTER MOTION TO MODIFY PLAN
RSW-1 9-15-15 [[33](#)]
DWAYNE CARTER/MV
ROBERT WILLIAMS/Atty. for dbt.

35. [15-10985](#)-B-13 CHERYL LOPEZ MOTION TO DISMISS CASE
MHM-2 9-16-15 [[39](#)]
MICHAEL MEYER/MV
D. GARDNER/Atty. for dbt.

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

36. [15-12789](#)-B-13 OLUSEGUN LERAMO ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-21-15 [[35](#)]
FRANCISCO ALDANA/Atty. for dbt.
FILING FEE PAID FULL

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

37. [15-12789](#)-B-13 OLUSEGUN LERAMO MOTION TO DISMISS CASE
MHM-1 9-10-15 [[29](#)]
MICHAEL MEYER/MV
FRANCISCO ALDANA/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that the debtor and counsel have failed to appear at the initially scheduled and the continued 341 meeting of creditors and have failed to provide the trustee with the information required by law. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

38. [10-16492](#)-B-13 PETE/SHERRI MURPHY MOTION TO DISMISS CASE
MHM-2 9-15-15 [[104](#)]
MICHAEL MEYER/MV
WILLIAM OLCOTT/Atty. for dbt.
WITHDRAWN

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

39. [13-17292](#)-B-13 DEWAYNE MORRIS MOTION TO DISMISS CASE
MHM-3 9-21-15 [[57](#)]
MICHAEL MEYER/MV
RABIN POURNAZARIAN/Atty. for dbt.
RESPONSIVE PLEADING

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

40. [15-11993](#)-B-13 MARIA ROSALES
MHM-1
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
9-10-15 [[31](#)]

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

41. [10-60998](#)-B-13 RONALD/DEBORAH NEWFIELD
LKW-6
DEBORAH NEWFIELD/MV

MOTION FOR WAIVING REQUIREMENT
THAT RONALD GENE NEWFIELD
COMPLETE DEBTORS 11 USC 1328
AND/OR MOTION FOR ENTRY OF
DISCHARGE
10-8-15 [[98](#)]

LEONARD WELSH/Atty. for dbt.

2:30 P.M.

1. [15-13167](#)-B-12 DOUG KOPHAMER FARMS STATUS CONFERENCE RE: CHAPTER
12 VOLUNTARY PETITION
8-10-15 [[1](#)]
LEONARD WELSH/Atty. for dbt.

Based on the trustee's status report, filed October 26, 2015, and the chapter 12 plan, filed October 30, 2015, it appears that a status conference in this matter is not necessary at this time. Accordingly, the status conference will be continued to December 8, 2015, at 2:30 p.m., on the Fresno calendar. The court will prepare a minute order. No appearance is necessary.

2. [15-13167](#)-B-12 DOUG KOPHAMER FARMS MOTION FOR COMPENSATION FOR
LKW-7 LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
10-7-15 [[90](#)]
LEONARD WELSH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. Fees in the amount of \$8,345 and costs of \$87.80 will be approved. The court will prepare and enter a civil minute order. No appearance is necessary.

3. [15-13168](#)-B-12 DOUGLAS/JONA KOPHAMER STATUS CONFERENCE RE: CHAPTER
12 VOLUNTARY PETITION
8-10-15 [[1](#)]
LEONARD WELSH/Atty. for dbt.

4. [15-13168](#)-B-12 DOUGLAS/JONA KOPHAMER MOTION FOR COMPENSATION FOR
LKW-3 LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
10-7-15 [[52](#)]
LEONARD WELSH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. Fees in the amount of \$4,645 and costs of \$50 will be approved. The court will prepare and enter a civil minute order. No appearance is necessary.