UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

November 24, 2014 at 10:00 a.m.

1.	13-34541-A-11 CAH-13	6056 SYCAMORE TERRACE L.L.C.	MOTION TO CONFIRM PLAN 5-28-14 [135]

Tentative Ruling: The motion will be denied.

The hearing on this motion was continued from October 27, 2014. The continuance was ordered to permit two creditors, Faran Honardoost and Mahboob Tehranian, additional time to retain counsel, file claims, and otherwise protect their interests. An amended ruling from October 27 follows below.

The debtor is seeking confirmation of its chapter 11 plan filed on May 28, 2014. Docket 135.

Creditor Faran Honardoost opposes confirmation, stating that she has rejected the plan and asking the court to help her protect her rights. The court, however, is not any party in interest's advocate. The court is entrusted only with making certain that the law is properly administered and obeyed by everyone. The court cannot serve as counsel or advocate for Ms. Honardoost.

Turning to the motion, it will be denied. First, the debtor has filed a valuation motion that is set for hearing on December 9, 2014. Docket 257. The court cannot adjudicate plan confirmation until it has heard and granted the debtor's valuation motion.

Second, Faran Honardoost has filed a proof of claim on November 7, 2014. Her proof of claim is in the amount of $552,000. POCs 7.

The claim of Ms. Honardoost was listed on Schedule D at $200,000 as noncontingent, liquidated and undisputed. She was then not required to file a proof of claim. Her claim is deemed allowed even without a formal proof of claim being filed. See 11 U.S.C. § 1111(a).

The plan does not provide for the new $552,000 proof of claim.

More, Ms. Honardoost cast a ballot rejecting the plan. Docket 233. The debtor's tabulation does not include her vote even though attached to the tabulation is Ms. Hondardoost's timely ballot. With her vote included in the tabulation, Class 6 has rejected the plan because those voting do not hold 66% of the dollar amount of the claims being voted. See 18 11 U.S.C. § 1126(c).

To the extent Ms. Hondardoost's ballot has not been counted because the debtor wishes to dispute her claim, the debtor should be prepared to explain at the continued hearing why it should not be precluded from objecting to the claim because it failed to identify her claim as disputed in the schedules and the motion to value her collateral.

To the extent the debtor is permitted to dispute Ms. Honardoost's claim, the debtor is advised that the dispute will not be resolved at the continued hearing on the confirmation of the plan. Local Bankruptcy Rule 3007-1 requires a minimum of 44 days' notice of a hearing on a claim objection if the objector wishes the hearing to be the final hearing. Therefore, any objection will not be resolved and the court may temporarily allow the claim for voting purposes. Fed. R. Bankr. P. 3018(a).

Third, Mahboob Tehranian has filed a proof of claim on November 7, 2014. Her proof of claim is in the amount of $1,398,000. POCs 6.

The plan does not provide for this proof of claim.

Moreover, Ms. Tehranian was never listed as a creditor in this case; her claim is not listed in Schedules D, E or F or the master address list. Dockets 1, 3, 106, 107. She also did not receive notice of this bankruptcy proceeding, even though this case has been pending for nearly one year now, since November 14, 2013. The proof of service for the notice of chapter 11 bankruptcy case does not list her as having been served with that notice. Dockets 7 & 10. Additionally, the master address list was never amended to include her as a creditor. The March 24, 2014 amendment of the master address list does not list Ms. Tehranian as a creditor. Docket 106. Nor is she listed in the October 28, 2014 amendment to the master address list. Docket 249.

While the debtor may dispute the claim of Ms. Tehranian, as in the case with Ms. Honardoost's proof of claim, the debtor must resolve that dispute via the filing and prosecution of an objection. Such objection will not be resolved at the November 24 confirmation hearing for the same reasons an objection to Ms. Honardoost's claim will not be resolved.

Instead, the court will determine only whether Ms. Tehranian is entitled to cast a late ballot and whether her claim should be temporarily allowed for voting purposes.

The motion will be denied.

2. 13-34541-A-11 6056 SYCAMORE TERRACE L.L.C.
14-2238
6056 SYCAMORE TERRACE, L.L.C. V. MEISSNER ET AL.

STATUS CONFERENCE
8-14-14 [1]

Tentative Ruling: None.

3. 13-21454-A-11 TRAINING TOWARD SELF RELIANCE
CAH-33

MOTION TO APPROVE DISCLOSURE STATEMENT
10-3-14 [291]

Final Ruling: The hearing on this motion was continued to December 9, 2014 at 10:00 a.m. Docket 303.

4. 12-33158-A-12 GREG HAWES
SAC-12

MOTION TO APPROVE COMPENSATION OF DEBTOR'S ATTORNEY
10-20-14 [233]

Final Ruling: This motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the creditors, the debtor, the chapter 12 trustee, the U.S. Trustee, and any other party 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 as consent 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.

The motion will be granted.

Scott Coben, attorney for the debtor in possession, has filed his second interim motion for approval of compensation. The order approving the movant's employment was entered on August 6, 2012. The movant seeks approval and payment of $13,675 in fees and $0.00 in expenses. The requested compensation is for services rendered during the period from July 15, 2013 through November 24, 2014. The fees represent 54.7 hours of work at an hourly rate of $250.

11 U.S.C. § 330(a)(1)(A)&(B) permits approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." The applicant's services included, without limitation: (1) preparing and prosecuting a motion to incur debt, (2) negotiating confirmation issues with the debtor's former spouse and Bank of America, (3) preparing and revising stipulation for consensual plan treatment, (4) prosecuting plan confirmation, (5) preparing revised plan and papers in support of plan confirmation and in response to oppositions or objections raised by creditors, (6) preparing for and attending court hearings on various motions, (7) negotiating waiver of plan default issues with the debtor's former spouse, and (8) preparing and filing compensation motions.

The court concludes that the compensation is for actual, necessary, and beneficial services rendered. The compensation will be approved.

To the extent applicable, the movant shall deduct from the allowed compensation any fees or costs that have been estimated but not incurred.

5. 14-21371-A-12 JEREMIAH/HOLLY HARPER — MOTION TO CONFIRM PLAN
SAC-16 — 10-14-14 [233]

Tentative Ruling: The motion will be conditionally granted.

The debtors are asking the court to confirm their third amended chapter 12 plan filed on October 14, 2014. The plan will be confirmed and the motion will be granted, subject to the conditions below.

(1) The granting of the debtors' related motion to avoid the lien of John Deere Financial, also being heard on this calendar.

(2) The debtors' disclosure of what were the assets of their trucking business while they were still operating it. The court has evidence indicating that the trucking business operates three trucks, yet there is only one such truck listed on the debtors' schedules B. Docket 197 at 5 (three-page attachment); Dockets 17 & 239.

(3) The debtors' explanation about what has happened with the assets of the trucking business, since the ceasing of operation.

6. 14-21371-A-12 JEREMIAH/HOLLY HARPER
SAC-17
VS. GREEN TREE SERVICING, L.L.C.

MOTION TO
VALUE COLLATERAL
10-23-14 [242]

Final Ruling: This motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent creditor, the chapter 12 trustee, the U.S. Trustee, and any other party 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 as consent 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.

The motion will be granted.

The debtors request an order valuing their real property in Wheatland, California at $53,500, in an effort to strip down the only mortgage on the property, for approximately $179,878, held by Green Tree Servicing. Docket 39.

11 U.S.C. § 1222(b)(2) allows a chapter 12 debtor to modify the rights of secured claim holders. Unlike chapters 11 and 13 of the Bankruptcy Code, chapter 12 does not contain an anti-modification provision. This means that a chapter 12 debtor may strip down claims secured by his principal residence.

Pursuant to 11 U.S.C. § 506(a)(1), a secured claim is a secured claim only to the extent of the creditor's interest in the estate's interest in the collateral. 11 U.S.C. § 506(a)(1) provides that:

"An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured 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."

"[The value of the collateral] shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest."

The debtors contend that the property has a value of $53,500 as of September 26, 2014, based on the opinion of a real estate appraiser. Docket 244 ¶¶ 5, 6. The property is subject to one mortgage held by Green Tree Servicing with a balance of at least approximately $179,878. Docket 239; see also Docket 246 ¶ 7.

The court has received no evidence refuting the debtors' valuation of the property.

BAC Home Loans Servicing, LP v. Abdelgadir (In re Abdelgadir), 455 B.R. 896, 902 (B.A.P. 9th Cir. 2011) (distinguishing between the time for fixing the amount of a claim and the time for valuing a claim and holding, on the other hand, that the appropriate time for determining whether the property is the debtor's principal residence is the petition date); Benafel v. One West Bank (In re Benafel), 461 B.R. 581, 587 (B.A.P. 9th Cir. 2011) (citing Abdelgadir with approval and recognizing that valuing a claim at plan confirmation is

correct); In re Gutierrez, 503 B.R. 458, 462-63 (Bankr. C.D. Cal. 2013); In re Schayes, 483 B.R. 209, 214-15 (Bankr. D. Ariz. 2012); see also Mariners Inv. Fund, LLC v. Delfierro (In re Delfierro), Case No. WW-11-1249-KiJuH, WL 1933316, at *1 (B.A.P. 9th Cir. May 29, 2012); Wages v. J.P. Morgan Chase Bank, N.A. (In re Wages), Case No. ID-12-1397-JuKiKu, WL 1133924, at *3 (B.A.P. 9th Cir. Mar. 7, 2014).

Green Tree Servicing's claim will be stripped down to $53,500, representing the value of the property. Green Tree Servicing's claim in excess of $53,500 will be an unsecured claim. The court makes no determination about the amount of Green Tree Servicing's unsecured claim. The motion will be granted only in connection with plan confirmation.

Valuations pursuant to 11 U.S.C. § 506(a) and Fed. R. Bankr. P. 3012 are contested matters and do not require the filing of an adversary proceeding. It is only when such a motion or objection is joined with a request to determine the extent, validity or priority of a security interest, or a request to avoid a lien that an adversary proceeding is required. Fed. R. Bankr. P. 7001(2). Therefore, by granting this motion the court is only determining the value of the respondent's collateral. The court is not determining the validity of a claim or avoiding a lien or security interest. The respondent's lien will remain of record until the plan is completed. See 11 U.S.C. § 349(b). Once the plan is completed, if the respondent will not reconvey/cancel its lien, the court then will entertain an adversary proceeding.

7. 14-21371-A-12 JEREMIAH/HOLLY HARPER — MOTION TO AVOID JUDICIAL LIEN
SAC-18
VS. JOHN DEERE FINANCIAL F.S.B. — 10-23-14 [249]

Tentative Ruling: The motion will be conditionally granted.

A judgment was entered against the debtors in favor of John Deere Financial for the sum of $216,050.96 on May 1, 2013. The abstract of judgment was recorded with Yuba County on May 21, 2013. That lien attached to the debtors' residential real property in Wheatland, California.

The motion will be conditionally granted pursuant to 11 U.S.C. § 522(f)(1)(A). Pursuant to the debtor's Amended Schedule A, the subject real property has an approximate value of $55,000 as of the date of the petition. Docket 239. The unavoidable liens total $179,878 on that same date, consisting of a single mortgage in favor of Green Tree Servicing. Docket 39. The debtor claimed an exemption pursuant to Cal. Civ. Proc. Code § 703.140(b)(5) in the amount of $1.00 in Amended Schedule C. Docket 239.

The respondent holds a judicial lien created by the recordation of an abstract of judgment in the chain of title of the subject real property. After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

The motion will be granted on the condition that no timely objections to the debtors' Amended Schedule C are filed. The Amended Schedule C was filed on October 20, 2014. Docket 239.

The court reminds the debtors' counsel that assertions about the balance of a mortgage as of the petition date must coincide with the debtors' statements in their schedules. Docket 239; see also Docket 252 ¶ 7.

8. 14-21673-A-12 GLORIA AVILA — MOTION TO DISMISS CASE 10-21-14 [32]
JPJ-1

Tentative Ruling: The motion will be granted and the case will be dismissed.

The chapter 12 trustee moves for dismissal because the debtor has failed to prosecute this case, causing unreasonable delay that is prejudicial to creditors.

The debtor opposes the motion, stating that she has filed an amended plan that is set for hearing on January 5, 2015.

11 U.S.C. § 1208(c) provides that "on request of a party in interest, and after notice and a hearing, the court may dismiss a case under this chapter for cause, including - (1) unreasonable delay, or gross mismanagement, by the debtor that is prejudicial to creditors."

The debtor has violated 11 U.S.C. § 1221, which mandates that "The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable."

This case was filed on February 21, 2014. The debtor filed a plan in the case for the first time on May 31, 2014, 99 days after the petition date. And, on May 28, 2014, the court denied the debtor's request for extension of the 90-day period under section 1221. Dockets 16 & 20.

11 U.S.C. § 1221 unequivocally requires the filing of a plan within 90 days of the petition date. The failure to do so is cause for dismissal. The motion will be granted and the case will be dismissed.

9. 14-24689-A-11 ROY SMALLY AND VIVI MITCHELL-SMALLY — MOTION TO APPROVE DISCLOSURE STATEMENT 10-3-14 [62]
CAH-4

Final Ruling: The hearing on this motion was continued to January 5, 2015 at 10:00 a.m. Docket 79.

10. 14-25893-A-11 ZOYA KOSOVSKA — MOTION FOR REMAND 10-15-14 [13]
14-2271
KOSOVSKA ET AL V. FEDERAL NATIONAL MORTGAGE ASSOCIATION

Tentative Ruling: The motion will be granted.

Defendant creditors Seterus, Inc. and Federal National Mortgage Association move for remand. Defendants also seek costs and fees from plaintiffs, Liliya Walsh and Zoya Kosovska, arising from the removal of the instant adversary proceeding to this court. Zoya Kosovska is the only debtor in the underlying bankruptcy case.

On September 15, 2014, plaintiffs removed the state court action against defendants pursuant to 28 U.S.C. § 1452(a), which provides that "a party may remove any claim or cause of action in a civil action . . . to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under Section 1334 of

this title."

28 U.S.C. § 1452 sets forth both permissive and mandatory bases for remand.

The applicability of mandatory remand under 28 U.S.C. § 1452(a) depends on whether this court has jurisdiction over the removed claims under 28 U.S.C. § 1334. See 28 U.S.C. § 1452(a).

28 U.S.C. § 1452(b) provides that the court "may" remand a removed action "on any equitable ground." Those grounds include judicial economy, comity and respect for the state court's decision-making capabilities, the effect of remand upon administration of the bankruptcy estate, the effect of bifurcating claims and parties and the possibility of inconsistent result, predominance of state law issues and non-debtor parties, and prejudice to other parties in the action. Western Helicopters, Inc. v. Hiller Aviation, Inc., 97 B.R. 1, 6 (E.D. Cal. 1988); see also Williams v. Shell Oil Co., 169 B.R. 684, 692-93 (S.D. Cal. 1994).

A motion to remand made by a party on any other basis except for subject matter jurisdiction must be within 30 days of the filing of the notice of the removal in federal court. See 28 U.S.C. § 1447(c).

On December 19, 2013, plaintiffs filed a complaint in Placer County Superior Court of California against defendants, including claims for violation of California Civil Code § 2924, slander of title and cancellation of instrument. Docket 1 and 13.

On June 06, 2014, plaintiff Zoya Kosovska filed the underlying chapter 11 bankruptcy case.

On August 21, 2014, the United States Trustee in the bankruptcy case filed a motion to dismiss, which was granted by the court on September 15, 2014.

Also on September 15, 2014, the plaintiffs removed the state court action to this court. Docket 1. The instant motion was filed on October 15, 2014.

First, this court does not have subject matter jurisdiction over claims not involving the bankruptcy estate. Here, the claims by plaintiff Liliya Walsh do not involve the bankruptcy estate. She is not a debtor in the underlying bankruptcy case and neither are defendants.

Second, all of plaintiffs' claims in this proceeding arise pursuant to state law. The claims include violation of California Civil Code § 2924, slander of title and cancellation of instrument.

Thus, none of the claims "arise under" title 11 because they do not "'involve a cause of action created or determined by a statutory provision of title 11.'" See Harris v. Wittman (In re Harris), 590 F.3d 730, 737 (9th Cir. 2009).

The claims do not "arise in" a case under title 11 either. "'[A]rising in' proceedings are those that are not based on any right expressly created by title 11, but nevertheless, would have no existence outside of the bankruptcy.'" Maitland v. Mitchell (In re Harris Pine Mills), 44 F.3d 1431, 1435 (9th Cir. 1995). A proceeding "arising in" a case under title 11 is one that "'by its nature, could arise *only* in the context of a bankruptcy case.'" Gruntz v. County of Los Angeles (In re Gruntz), 202 F.3d 1074, 1081 (9th Cir. 2000)(quoting Wood v. Wood (In re Wood), 825 F.2d 90, 97 (5th Cir. 1987))(emphasis added).

The claims do not "arise in" a case under title 11 because they arose outside the context of the bankruptcy case. They were brought in state court pursuant to state law, pre-petition.

Third, there is no "related to a case under title 11" jurisdiction either because the only bankruptcy case as to which this action could be related to, Ms. Kosovka's underlying chapter 11 case, was dismissed on September 22, 2014.

A proceeding is "related to a case under title 11" if its outcome could conceivably affect the administration of the estate. Lorence v. Does 1 through 50 (In re Diversified Contract Servs., Inc.), 167 B.R. 591, 595 (Bankr. N.D. Cal. 1994) (citing Fietz v. Great Western Savings (In Fietz), 852 F.2d 455, 457 (9th Cir. 1988)).

This court does not have "related to" jurisdiction as there is no longer a bankruptcy estate that could be affected by this proceeding.

This court does not have subject matter jurisdiction over any of the claims in this adversary proceeding. The action then must be remanded to the state court under 28 U.S.C. § 1452(a).

And, the court declines to exercise jurisdiction under Carraher v. Morgan Elec., Inc. (In re Carraher), 971 F.2d 327, 328 (9th Cir. 1992), which holds that bankruptcy courts are not automatically divested of subject matter jurisdiction over related cases when the underlying bankruptcy case has been dismissed. After dismissal of the underlying bankruptcy case, the bankruptcy court *may* still retain jurisdiction over a related proceeding, subject to considerations of judicial economy, fairness, convenience and comity.

"[I]n determining whether to retain a related case after dismissal of the underlying bankruptcy case, we, like other courts, turn for guidance to cases considering the authority of federal district courts to retain pendent state claims after the federal claims have been dismissed."

"The Supreme Court has held that where a federal district court dismisses federal claims, the court must consider economy, convenience, fairness and comity in deciding whether to retain jurisdiction over pendent state claims."

"The district court's weighing of these factors is discretionary."

Carraher at 328.

The court exercises its discretion and declines to retain jurisdiction under Carraher over the state law claims in this proceeding even after considering economy, convenience, fairness and comity under Carraher. None of these factors favor retaining jurisdiction over the state law claims. Substantial litigation has taken place in the state court proceeding during the nine months prior to removal, including, without limitation, litigation pertaining to: the filing of three complaints, temporary restraining order and preliminary injunction motions, extensive litigation over multiple demurrer motions, reconsideration and discovery motions, orders to show cause, and motion(s) to strike. The parties have also conducted discovery in the state court action. Dockets 6-11.

The state court then is much better equipped with resolving the state law claims.

Fourth, even assuming that the court had subject matter jurisdiction over the

claims brought by Ms. Kosovska, equitable remand under 28 U.S.C. § 1452(b) is proper.

Judicial economy and comity dictate that all claims - including the claims that do not involve the bankruptcy estate - be adjudicated together, as they arise from the same nucleus of facts. Adjudicating the claims that do not impact the bankruptcy estate separately from the claims that do not pertain to the estate, would result in piecemeal litigation.

Dividing the litigation in such fashion may also result in inconsistent outcomes and liability on account of the same claims. This would prejudice the defendants.

The court also has no evidence that the claims cannot be timely adjudicated in state court.

As mentioned above, the state court is much better equipped at adjudicating all claims in this action, given that it involves state law claims and given the substantial pre-removal litigation outlined above.

More, remand would have no effect on the administration of the debtor's estate as the underlying bankruptcy case has been dismissed. The debtor would not be prejudiced by a remand of the claims back to state court. Given the balance of the equities, the case will be remanded, in the alternative, under 28 U.S.C. § 1452(b). See also 11 U.S.C. § 1447(c).

Moreover, the removal was untimely, in violation of Fed. R. Bankr. P. 9027(a)(2), pertaining to "*Time for Filing; Civil Action Initiated Before Commencement of the Case Under the Code*" and providing that "If the claim or cause of action in a civil action is pending when a case under the Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under §362 of the Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief."

Here, the removal took place approximately nine months or 270 days after plaintiffs filed the state court action in Placer County Superior Court. It was filed on December 19, 2013, whereas the removal is dated September 15, 2014.

Lastly, "[a]n order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal." 28 U.S.C. § 1447(c).

Given the nearly nine months the state court case had been pending prior to removal, given the extensive litigation in state court prior to removal, given that the underlying bankruptcy case had been pending for less than four months prior to dismissal, given that the bankruptcy case was dismissed only after the U.S. Trustee filed a motion to dismiss, and given the dismissal of the bankruptcy case due to multiple related prior bankruptcy cases filed by Ms. Kosovska and her spouse and the lack of any likelihood of reorganization, the court will exercise its discretion to award fees and costs. Gotro v. R & B Realty Group, 69 F.3d 1485, 1487 (9th Cir. 1995) (clarifying that "[i]n [Moore v. Permanente Medical Group, Inc., 981 F.2d 443 (9th Cir.1992)] we concluded that Congress had abandoned the bad faith standard and given the district court wide discretion to award attorneys' fees"); Case No. 14-25893, Docket 74 at 1-

3.

The movants have requested $2,650 in attorney's fees and $0.00 in costs, representing 10 hours of work on the subject motion, at an hourly rate of $265.

While the court is willing to award the movants' fees for the four hours of preparing the subject motion ($1,060 ($265 x 4.0 hours)), the court will not award fees for the three hours of anticipated work for "reviewing any opposition and preparing a reply." Docket 13 at 5. No opposition has been filed to this motion, meaning that the movants will not be filing a reply. The court will not award fees for the full three hours of anticipated work for "preparing for and arguing this motion" either, given the absence of opposition to the motion. Docket 13 at 5. As the court has prepared this ruling prior to the November 24, 2014 hearing on the motion and the ruling is to grant the sought remand, the court will limit the fees for preparation for the November 24 hearing to one-half hour ($132.50 ($265 an hour x 0.5 hours)). The court will also award fees to the movants for the actual time spent in court at the November 24 hearing.

11. 14-25893-A-11 ZOYA KOSOVSKA — CONTINUED STATUS CONFERENCE
14-2271 — 9-15-14 [1]
KOSOVSKA ET AL V. FEDERAL
NATIONAL MORTGAGE ASSOCIATION

Tentative Ruling: None.