

1  
2  
3 UNITED STATES BANKRUPTCY COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5 SACRAMENTO DIVISION  
6  
7

8 In re: )  
9 ) Case No. 05-32087-B-13J  
10 PAUL COX, )  
11 Debtor. ) Docket Control No. SAC-2  
12 ) Date: September 19, 2006  
Time: 9:30 a.m.

13 On or after the calendar set forth above, the court issued  
14 the following ruling. The official record of the ruling is  
appended to the minutes of the hearing.

15 Because the ruling constitutes a "reasoned explanation" of  
16 the court's decision under the E-Government Act of 2002 (the  
17 "Act"), a copy of the ruling is hereby posted on the court's  
Internet site, [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov), in a text-searchable  
18 format, as required by the Act. However, this posting does not  
constitute the official record, which is always the ruling  
appended to the minutes of the hearing.

19 **DISPOSITION AFTER ORAL ARGUMENT**

20 This objection has been filed pursuant to LBR 3007-1(d)(1). The  
21 failure of any party in interest to file timely written opposition as  
22 required by this local rule is considered consent to the granting of  
23 the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995); LBR  
24 3007-1(d)(1). Therefore, the objection to claim No. 4 on the court's  
25 claims register, filed by Chevron Credit Bank, N.A., ("Claim") is  
26 resolved without oral argument.

27 The objection is sustained and the Claim is disallowed, except to  
28 the extent already paid by the trustee. The debtor questions the

1 validity and nature of this claim. A properly completed and filed  
2 proof of claim is prima facie evidence of the validity and amount of a  
3 claim [B.R. 3001(f)]. However, when an objection is made and that  
4 objection is supported by evidence sufficient to rebut the prima facie  
5 evidence of the proof of claim, then the burden is on the creditor to  
6 prove the claim.

7 Here, the debtor provides a declaration attesting that this debt  
8 is one on which he last made a payment "far more" than 4 years before  
9 the case was filed. The statute of limitations for commencing  
10 collection actions on debts of this type is four (4) years pursuant to  
11 California Code of Civil Procedure Section 337. A state statute of  
12 limitations constitutes "applicable law" under 11 U.S.C. § 502(b)(1).  
13 By failing to respond to the objection, the creditor has failed to  
14 carry its burden. Accordingly, the objection is sustained and the  
15 Claim is disallowed, except to the extent already paid by the trustee.

16 The court will issue a minute order.