

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, January 22, 2020
Place: Department B – Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS 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 AM

1. [16-13849](#)-B-12 **IN RE: DON FALLERT**
[DMG-11](#)

MOTION FOR COMPENSATION FOR D. MAX GARDNER, DEBTORS
ATTORNEY(S)
12-24-2019 [\[243\]](#)

D. GARDNER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition 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. 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.

This motion is GRANTED. Movant is awarded \$9,708.50 in fees and \$124.24 in costs.

2. [18-13677](#)-B-9 **IN RE: COALINGA REGIONAL MEDICAL CENTER, A
CALIFORNIA LOCAL HEALTH CARE DISTRICT**
[WJH-9](#)

CONTINUED OBJECTION TO CLAIM OF BECKMAN COULTER, INC., CLAIM
NUMBER 3
10-7-2019 [\[434\]](#)

COALINGA REGIONAL MEDICAL CENTER, A CALIFORNIA LOCAL
RILEY WALTER/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the objection. Doc. #499.

3. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[FW-1](#)

CONTINUED MOTION FOR ADMINISTRATIVE EXPENSES
8-1-2019 [\[1571\]](#)

SIEMENS MEDICAL SOLUTIONS USA, INC./MV
RILEY WALTER/ATTY. FOR DBT.
PETER FEAR/ATTY. FOR MV.
CONTINUED TO 1/22 PER ECF ORDER #1811

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to March 17, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #1811.

4. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-10](#)

CONTINUED OBJECTION TO CLAIM OF LEVINSON ARSHONSKY AND
KURTZ, LLP, CLAIM NUMBER 174
9-25-2019 [\[1657\]](#)

TULARE LOCAL HEALTHCARE
DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the objection. Doc. #1942.

5. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-13](#)

CONTINUED OMNIBUS OBJECTION TO CLAIMS
11-22-2019 [\[1718\]](#)

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The Moving Party
will submit a proposed order after hearing.

The objection to claim of Logixhealth is SUSTAINED.

Debtor Tulare Local Healthcare District ("Debtor") objects to the claim of Logixhealth, Inc. ("Creditor") because it was filed after the claims bar date of April 10, 2018. Doc. #1718, see doc. #371. Creditor filed claim number 245 on May 25, 2018 in the amount of \$127,696.04. Creditor's correct address is on the claim: "8 Oak Park Drive, Bedford, MA 01730." The claim was completed and filed by Creditor's attorney.

At the last hearing, January 9, 2020, the court noted that Debtor responded to Creditor's opposition (doc. #1753), but the opposition was not filed with the court prior to the court's notice of Debtor's response. The court continue the hearing on this claim objection to January 23, 2020. Creditor did file their opposition on January 9, 2020, the same day the hearing was held. Doc. #1817. Creditor appeared at the hearing and was not sure why the opposition had not been filed with the court.

Creditor's opposition stated it never received the bar date order and had no notice of the claims bar date. Doc. #1817. Creditor stated it became aware of Debtor's bankruptcy on May 14, 2018. Id. Shortly after becoming aware of the bankruptcy, but unaware of the claims bar date, Debtor filed its claim on May 25, 2018. Id. Creditor's opposition does not offer any reason as to why it would not have received notice of the bankruptcy or claims bar date or why its opposition to this objection was not timely filed with the court.

Debtor responded, stating, inter alia, that the notices were sent to the address listed on Creditor's website. Doc. #1753.

Creditor was added to the master address list through an amendment made on November 10, 2017. Doc. #190. The address for Creditor was given as "8 Oak Park Drive, Bedford, MA 01730." Creditor's address was listed on the proof of service for the order fixing the bar date for filing proofs of claim and the notice of the claims bar date. See doc. #391.

Federal Rule of Bankruptcy Procedure 9006(b)(1) states that courts may enlarge the time for a party in interest to file a proof of claim "on motion made after the expiration of the specified period . . . where the failure to act was the result of excusable neglect."

The Supreme Court in Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 395 (1993) held that "the determination [of what is "excusable neglect"] [is] an equitable one, taking account of all relevant circumstances surrounding the party's omission," including "the danger of prejudice to the debtor, the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith." The burden is on the Creditor to prove excusable neglect.

The Ninth Circuit Bankruptcy Appellate Panel has held that the "[p]roof of mailing creates a rebuttable presumption of its receipt." Berry v. United States Tr. (In re Sustaita), 438 B.R. 198 (B.A.P. 9th Cir. 2010) (citing Cuna Mut. Ins. Group v. Williams (In re Williams), 185 B.R. 598, 599 (9th Cir. BAP 1995) (citing In re Bucknum, 951 F.2d 204, 207 (9th Cir. 1991))). The presumption can only be overcome by clear and convincing evidence "that the mailing was not, in fact, accomplished." Bucknum, 951 F.2d at 206.

The court notes that Creditor did not file a motion seeking authorization to file a late claim. However, even if they had the court finds that Creditor has neither proved excusable neglect, nor rebutted the presumption that the mailing of the notice of the claims bar date was not properly mailed to its address.

First, Creditor did not include any evidence with the opposition.

Second, under the Pioneer factors, allowing the late filed claim would prejudice the Debtor. The chapter 9 plan is confirmed and allowing the claim may require amending the plan and would decrease the distribution to other creditors who filed timely claims. The court takes judicial notice of the fact that Creditor acted in good faith by filing its claim within two weeks of becoming aware of the bankruptcy case. But that alone does not overcome the danger of prejudice to the debtor.

Third, there is no evidence rebutting the presumption that the notice was mailed. The court notes that the address listed in Creditor's claim is the same address on the certificate of service for the notice of claims bar date and the order fixing the claims bar date. Doc. #391.

For the above reasons, the objection to Creditor's claim is SUSTAINED.

11:00 AM

1. [19-14802](#)-B-7 **IN RE: RAFAEL GUTIERREZ**

PRO SE REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT
CORPORATION
12-31-2019 [\[12\]](#)

OSCAR SWINTON/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied.

ORDER: The court will issue an order.

Debtor's counsel will inform debtor that no appearance is necessary.

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. In this case, the debtor's attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. §524(c) and is not enforceable.

1:30 PM

1. [19-14302](#)-B-7 **IN RE: SHAWN/JULIA WHITE**
[KEH-3](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-6-2020 [[31](#)]

BALBOA THRIFT & LOAN/MV
D. GARDNER/ATTY. FOR DBT.
KEITH HERRON/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted unless opposed at the hearing.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The Moving Party
shall submit a proposed order after hearing.

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. Unless opposition is presented at the hearing, the court intends to enter the debtors' and the trustee's defaults and enter the following ruling granting the motion for relief from stay. 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 an order if a further hearing is necessary.

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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2016 Hyundai Sonata SE Sedan. Doc. #35. The collateral has a value of \$13,262.00 and debtor owes \$17,520.71. *Id.*

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset and there is lack of insurance.

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).

2. [13-16538](#)-B-7 **IN RE: SABA ELTAREB**
[JRL-2](#)

MOTION TO AVOID LIEN OF UNIFUND CCR PARTNERS
1-7-2020 [\[26\]](#)

SABA ELTAREB/MV
JERRY LOWE/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

The notice did not contain the language required under LBR 9014-1(d)(3)(B)(iii). LBR 9014-1(d)(3)(B), which is about noticing requirements, requires movants to notify respondents that they can determine whether the matter has been resolved without oral argument or if the court has issued a tentative ruling by checking the Court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing.

3. [14-15354](#)-B-7 **IN RE: CLARENCE HARRIS, JR. AND SARA HEDGPETH-HARRIS**
[FW-5](#)

MOTION TO PAY
12-23-2019 [\[62\]](#)

PETER FEAR/MV
THOMAS ARMSTRONG/ATTY. FOR DBT.
PETER FEAR/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition 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. 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.

This motion is GRANTED. Movant asks the court for an order authorizing the chapter 7 trustee to pay state and federal income taxes on behalf of the chapter 7 estate. Doc. #62. No party has opposed this motion.

Therefore, movant is authorized to pay \$4,762.00 for taxes to the United States and \$1,102.00 for taxes to the State of California as administrative expenses.

4. [14-15354](#)-B-7 **IN RE: CLARENCE HARRIS, JR. AND SARA HEDGPETH-HARRIS**
[JES-2](#)

MOTION FOR COMPENSATION FOR JAMES SALVEN, ACCOUNTANT(S)
12-19-2019 [\[55\]](#)

JAMES SALVEN/MV
THOMAS ARMSTRONG/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition 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. 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 motion will be GRANTED. Trustee's accountant, James E. Salven, requests fees of \$2,650.00 and costs of \$430.66 for a total of \$3,080.66 for services rendered from July 23, 2019 through December 19, 2019.

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." Movant's services included, without limitation: (1) Preparation of employment and fee applications, (2) Analyzed case transactions to determine best fiscal year, (3) Analyzed case and claims to determine funds needed to pay 100%, and (4) Prepared tax returns and clearance letters. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$2,650.00 in fees and \$430.66 in costs.

5. [19-12754](#)-B-7 **IN RE: SUPER TRUCK LINES INC.**
[JRD-3](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
12-20-2019 [\[273\]](#)

BB&T COMMERCIAL EQUIPMENT CAPITAL CORP./MV
THOMAS HOGAN/ATTY. FOR DBT.
JONATHAN DOOLITTLE/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied as moot.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion relates to an executory contract or lease of personal property. The case was filed on June 27, 2019. The chapter 7 trustee filed notice of abandonment of the subject property, (2) 2016 Utility Airride Reefer Model 3000R trailers, on January 10, 2020 (Doc. #278) [KAS-5]. Therefore, 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 other relief is granted.

6. [19-14777](#)-B-7 **IN RE: MOSES WILLIAMS**
[DWE-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
12-24-2019 [\[19\]](#)

WILMINGTON TRUST, NA/MV
DANE EXNOWSKI/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition 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. 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 movant, Wilmington Trust, NA, seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) to resume an unlawful detainer action pending in the Superior Court of California, County of Los Angeles, pertaining to real property commonly known as 1441 S. Oakland Avenue in Pasadena, CA 91106. Doc. #21.

When a movant prays for relief from the automatic stay to initiate or continue non-bankruptcy court proceedings, a bankruptcy court must consider the "Curtis factors" in making its decision. In re Kronemyer, 405 B.R. 915, 921 (9th Cir. B.A.P. 2009). The relevant factors in this case include:

- (1) whether the relief will result in a partial or complete resolution of the issues;
- (2) the lack of any connection with or interference with the bankruptcy case;
- (3) whether the foreign proceeding involves the debtor as a fiduciary;
- (4) whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases;

- (5) whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation;
- (6) whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the goods or proceeds in question;
- (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties;
- (8) whether the judgment claim arising from the foreign action is subject to equitable subordination under section 510(c);
- (9) whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under section 522(f);
- (10) the interests of judicial economy and the expeditious and economical determination of litigation for the parties;
- (11) whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and
- (12) the impact of the stay on the parties and the "balance of hurt"

Relief from the stay may result in complete resolution of the issues, the matter in the state courts is unrelated to this bankruptcy and is not connected to the bankruptcy case. It is an unlawful detainer action, and trial was set for December 27, 2019. Doc. #22. The unlawful detainer will not prejudice the interests of any other interested parties, the action has progressed to the point where the parties are prepared for trial, and the "balance of hurt" weighs most on Movant. Movant is authorized to resume the unlawful detainer action in state court and enforce its rights to possess the subject property.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived due to the fact that a trial date was set for December 27, 2019. No other relief will be granted though movant's request for further relief is noted.

7. [18-14480](#)-B-7 **IN RE: RONALD/BARBARA PIERCE**
[RAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
12-12-2019 [\[45\]](#)

THE BANK OF NEW YORK MELLON CORPORATION/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SEAN FERRY/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' and the trustee's defaults will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a parcel of real property commonly known as 2406 South O Street, Bakersfield, California 93304. Doc. #47. The collateral has a value of \$90,200.00 and the amount owed is \$85,310.23. Doc. #48.

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.

If an award of attorney fees has been requested, it will be denied without prejudice. 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. In addition, any future request for an award of attorney's fees will be denied unless the movant can prove there is equity in the collateral. 11 U.S.C. §506(b).

A waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will not be granted. The movant has shown no exigency.

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).

8. [19-14692](#)-B-7 **IN RE: RODERIC/SANDRA PROCTER**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-30-2019 [\[24\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.
\$31.00 FILING FEE PAID 1/7/2020

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the amendment fee was paid on January 7, 2020.