UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, January 28, 2021
Place: Department A – Courtroom #11
Fresno, California

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

Pursuant to District Court General Order 618, no persons are permitted to appear in court unless authorized by order of the court until further notice. All appearances of parties and attorneys shall be telephonic through CourtCall. The contact information for CourtCall to arrange for a phone appearance is: (866) 582-6878.

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. 20-13804-A-13 **IN RE: EVERETTE DEVAN AND RENEE FLORES-DEVAN**
DJP-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-12-2021 [13]

EDUCATIONAL EMPLOYEES CREDIT UNION/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
DON POOL/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. 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 movant, Educational Employees Credit Union ("Movant"), seeks retroactive relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to personal property identified as a 2017 Kia Sportage SX Sport Utility 4D (the "Property"). Doc. #13. Movant is a secured creditor of Everette Charles DeVan and Renee Leticia Flores-DeVan (together, the "Debtors"), the chapter 13 debtors in this case.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

When, as here, the moving party seeks retroactive relief from the automatic stay, the court must balance the equities to determine whether extreme circumstances justify granting retroactive relief. Fjeldsted v. Lien (In re Fjeldsted), 293 B.R. 12, 15 (B.A.P. 9th Cir. 2003) (citing Nat'l Envtl. Waste Corp. v. City of Riverside (In re Nat'l Envtl. Waste Corp.), 129 F.3d 1052, 1055 (9th Cir. 1997)). "[T]he proper standard for determining 'cause' to annul the automatic stay retroactively is a 'balancing of the equities' test." Id. at 24 (citing Nat'l Envtl. Wase Corp., 129 F.3d at 1055). The Fjeldsted court suggested factors for a court's consideration in these circumstances, some of which include: (1) the number of the debtor's filings; (2) whether, in a repeat filing case, the circumstances indicate an intent to delay or hinder creditors; (3) the extent of prejudice to creditors, third parties, or a bona fide purchaser if the stay relief is not made retroactively; (4) the debtor's good

faith; (5) whether creditors knew of the stay but acted anyways;(6) the relative ease of restoring parties to the status quo ante; (7) how quickly creditors moved for annulment. Id. at 25.

After balancing the equities, the court finds that "cause" exists to lift the stay and that the circumstances justify granting retroactive relief. Debtors filed their chapter 13 bankruptcy petition on December 5, 2020. Debtors have a prior chapter 7 bankruptcy case fully administered and discharged in 2008. See No. 08-11702, Bankr. E.D. Cal. Movant is a secured creditor by virtue of a loan secured by the Property, by which Movant made a loan to Debtors for the purchase of the Property. Decl. of Amber Luna, Doc. #16. Prior to filing, Debtors defaulted under the terms of the loan by failing to make the required monthly installment payments. Decl., Doc. #16. Pursuant to the default provisions of the loan, Debtors' entire obligation became due and Movant was entitled to recourse to the Property. Decl., Doc. #16. On or about November 5, 2020, one month prior to filing the bankruptcy petition, Debtors turned over possession of the Property to Movant. Decl., Doc. #16. Movant sold the Property to a bona fide purchaser at a private sale on December 16, 2020. Decl., Doc. #16. Therefore, denying Movant's motion will prejudice creditors and a bona fide purchaser but will not prejudice Debtors.

Debtors listed Movant in their bankruptcy schedules and on their creditor matrix filed in this bankruptcy case. Schedule E/F, Doc. #1; Master Address List, Doc. #6. However, the BNC Certificates of Mailing of Notice and Notice of Chapter 13 Plan indicate that Movant was sent notice of this bankruptcy case by electronic transmission on December 19, 2020. Doc. ##11, 12. Prior to the sale on December 16, 2020, Movant used co-debtor Renee Flores-DeVan's social security number to search for any bankruptcy filings. Decl., Doc. #16. The search did not reveal Debtors' bankruptcy case, and Movant was unaware of the stay at the time of the sale. Decl., Doc. #16. Movant acted quickly after learning of the automatic stay and filed this motion for relief from stay on January 12, 2021. Doc. #13.

At the time of the sale, the total outstanding balance on Debtors' loan obligation was $26,445.93. Decl., Doc. #16. Movant received $14,317.25 from the sale of the Property, less auction fees. Decl., Doc. #16. Kelley Blue Book lists the "Fair Purchase Price" of the Property as $18,649.00. Decl., Doc. #16. Thus, Debtors had no equity in the Property. Doc. #13. Moreover, because Debtors turned over possession of the Property to Movant pre-petition, the Property is not necessary for an effective reorganization.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2). The automatic stay of § 362(a) is retroactively annulled as to Movant effective December 5, 2020. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because debtors surrendered the Property pre-petition.

2. 16-12526-A-13 **IN RE: ARMONDO/ELVIRA LONGORIA**
GEG-3

MOTION FOR COMPENSATION BY THE LAW OFFICE OF GATES LAW GROUP, APC FOR GLEN E. GATES, DEBTORS ATTORNEY(S)
12-21-2020 [41]

GLEN GATES/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 at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Gates Law Group, APC ("Movant"), counsel for Armondo Longoria and Elvira Longoria ("Debtors"), the debtors in this chapter 13 case, requests allowance of final compensation in the amount of $1,120.00 for services rendered July 2, 2018 through December 3, 2020. Doc. #41.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) reviewing a request for notice from a creditor; (2) meeting with Debtors; (3) reviewing claims notice; and (4) case administration. Doc. #43. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on an interim basis.

This motion is GRANTED. The court allows final compensation in the amount of $1,120.00 to be paid in a manner consistent with the terms of the confirmed plan.

3. 18-11832-A-13 **IN RE: MANUEL/ALICE FLORES**
TCS-1

MOTION TO MODIFY PLAN
12-21-2020 [41]

MANUEL FLORES/MV
TIMOTHY SPRINGER/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 at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

4. 18-15035-A-13 **IN RE: HENRY LOYA HERNANDEZ AND ALICE HERNANDEZ**
RPZ-2

MOTION FOR RELIEF FROM AUTOMATIC STAY
12-28-2020 [74]

WELLS FARGO BANK, N.A./MV
SCOTT LYONS/ATTY. FOR DBT.
ROBERT ZAHRADKA/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

5. 20-11944-A-13 **IN RE: CHAD/ALLISON GILLIES**
NES-2

MOTION TO MODIFY PLAN
12-28-2020 [37]

CHAD GILLIES/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The debtor filed a third modified plan on January 18, 2021 (NES-3, Doc. ##50-53), with a motion to confirm the modified plan set for hearing on February 25, 2021 at 9:30 a.m.

6. 19-14645-A-13 **IN RE: ROGELIO VALENCIA**

MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ, DEBTORS ATTORNEY(S)
12-30-2020 [49]

NEIL SCHWARTZ/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 at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Neil E. Schwartz ("Movant"), counsel for Rogelio Valencia ("Debtor"), the debtor in this chapter 13 case, requests allowance of interim compensation in the amount of $9,835.00 and reimbursement for expenses totaling $483.00 for services rendered October 30, 2019 through December 28, 2020. Doc. #49.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary

expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) preparing the voluntary petition, schedules, and other forms; (2) filings and motions related to the original plan; (3) filings and motions related to the first modified plan; (4) relief from stay proceedings; and (5) case administration. Doc. #51. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on an interim basis.

This motion is GRANTED. The court allows final compensation in the amount of $9,835.00 and reimbursement for expenses in the amount of $483.00. In light of Movant's retainer with Debtor, Movant is entitled to $7,818.00 to be paid in a manner consistent with the terms of the confirmed plan.

7. 19-13053-A-13 **IN RE: BLANCA MARTINEZ**
FW-3

MOTION TO MODIFY PLAN
12-7-2020 [49]

BLANCA MARTINEZ/MV
GABRIEL WADDELL/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 4, 2021 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to modify the chapter 13 plan. Tr.'s Opp'n, Doc. #57. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than February 11, 2021. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by February 18, 2021.

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 February 18, 2021. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

8. 20-13857-A-13 **IN RE: KENNETH HOOVER**
PBB-1

MOTION TO VALUE COLLATERAL OF VOLKSWAGEN CREDIT
12-22-2020 [14]

KENNETH HOOVER/MV
PETER BUNTING/ATTY. FOR DBT.

NO RULING.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice 9014-1(f)(1). By this motion, Kenneth Albert Hoover ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2016 Volkswagen Jetta GLI 2.0T ("Property") at $14,731.00, which is the collateral of VW Credit, Inc. ("Creditor"). Doc. #14.

While no written opposition has been filed to this motion Creditor did file a proof of claim on January 11, 2021, valuing the Property at $14,850.00, a value that is $119.00 higher than the amount set forth in the motion. Claim No. 5.

The matter will be heard to confirm that there is no dispute as to Debtor's value of the Property at $14,731.00.

9. 20-13164-A-13 **IN RE: BETSSY MANDUJANO**
MHM-2

MOTION TO DISMISS CASE
12-11-2020 [43]

MICHAEL MEYER/MV
HENRY NUNEZ/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to February 11, 2021, at 9:30 a.m.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The chapter 13 trustee asks the court to dismiss this case for unreasonable delay by Betssy Mandujano ("Debtor"), the chapter 13 debtor in this case, that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)) and because Debtor has failed to make all payments due under the plan (11 U.S.C. § 1307(c)(4)). Debtor is delinquent in the amount of $2,730.00. Doc. #45. Before this hearing, another two additional payments, each in the amount of $1,465.00, will also come due. Id.

While no written opposition has been filed to Trustee's motion, Debtor did file a motion to confirm a second amended chapter 13 plan on December 31, 2020 (Doc. #58) and set a hearing on that motion for February 11, 2021 (Doc. #59).

Because Debtor has filed and set for hearing an amended plan, the court is inclined to continue this motion to dismiss to be heard in conjunction with the motion to confirm Debtor's amended plan.

10. 19-10271-A-13 **IN RE: MONIKE CONTRERAS**
PBB-1

MOTION TO MODIFY PLAN
12-17-2020 [25]

MONIKE CONTRERAS/MV
PETER BUNTING/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 at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

11. 19-13376-A-13 **IN RE: OPAL RIDER**
SLL-3

MOTION FOR HARDSHIP DISCHARGE
12-21-2020 [100]

OPAL RIDER/MV
STEPHEN LABIAK/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 at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Opal L. Rider ("Debtor"), the deceased debtor in this chapter 13 bankruptcy, by and through Annette Jimenez, Debtor's surviving daughter and appointed representative (Doc. #97), moves the court for a hardship discharge pursuant to 11 U.S.C. §1328(b).

Bankruptcy Code section 1328(b) permits the court to grant a "hardship" discharge to a debtor who has not completed payments if certain requirements are met. The section states as follows:

> Subject to subsection (d), at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if —
>
> (1) the debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;
>
> (2) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and
>
> (3) modification of the plan under section 1329 of this title is not practicable.

11 U.S.C. § 1328(b). The grant or denial of a request for a hardship discharge is within the discretion of the bankruptcy court. Bandilli v. Boyajian (In re Bandilli), 231 B.R. 836, 838 (B.A.P. 1st Cir. 1999).

Debtor filed this chapter 13 case on August 6, 2019. Doc. #1. Debtor passed away on July 19, 2020. See Notice of Death of Debtor, Doc. #85. The first and third conditions under § 1328(b) are satisfied because, due to Debtor's death, Debtor is unable to complete plan payments and modification is not practicable. Additionally, the second condition under § 1328(b) is met because all of Debtor's assets were fully exempted, and the value distributed under Debtor's plan is greater than the 0% that unsecured creditors would have received from liquidation.

Accordingly, this motion is GRANTED.

12. 20-13687-A-13 **IN RE: ALMA INZUNZA**
MHM-1

MOTION TO DISMISS CASE
12-23-2020 [15]

MICHAEL MEYER/MV

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

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 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 a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors and for failure to file correct form for Chapter 13 Plan as provided by the Local Rule 3015-1(a) Official Local Form EDC 3-080 (rev.11/9/18) and General Order GO.18-03 Order Adopting Attached Chapter 13 Plan as Official Local Form EDC 3-080. Doc #15. Debtor did not oppose.

The record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)). The debtor failed file the correct form for Chapter 13 Plan as required by Local Rule 3015-1(a). Accordingly, the motion will be GRANTED, and the case dismissed.

13. 20-10691-A-13 **IN RE: JENNIFER SCHULTZ**
FW-2

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C.
FOR GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)
12-22-2020 [64]

GABRIEL WADDELL/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 at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Fear Waddell, P.C. ("Movant"), counsel for Jennifer Ellen Schultz ("Debtor"), the debtor in this chapter 13 case, requests allowance of interim compensation in the amount of $3,496.00 and reimbursement for expenses totaling $646.25 for services rendered February 2, 2020 through December 14, 2020. Doc. #64.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) preparing the voluntary petition, schedules, and other forms; (2) filings and motions related to the original plan; (3) filings and motions related to the first and second modified plans; (4) motion to dismiss proceedings; and (5) case administration. Doc. #66. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on an interim basis.

This motion is GRANTED. The court allows final compensation in the amount of $3,496.00 and reimbursement for expenses in the amount of $646.25.00 to be paid in a manner consistent with the terms of the confirmed plan.

14. 20-10691-A-13 **IN RE: JENNIFER SCHULTZ**
FW-3

MOTION TO MODIFY PLAN
12-10-2020 [56]

JENNIFER SCHULTZ/MV
GABRIEL WADDELL/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 at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

11:00 AM

1. 19-14729-A-13 **IN RE: JASON/JODI ANDERSON**
19-1131

MOTION IN LIMINE NO. THREE TO EXCLUDE TESTIMONY OF PLAINTIFFS RETAINED EXPERT WITNESS JAMES E. SALVEN, C.P.A
12-21-2020 [74]

ANDERSON ET AL V. NATIONAL ENTERPRISE SYSTEMS, INC.
ANTHONY VALENTI/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled

DISPOSITION: Denied.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

Defendant National Enterprise Systems, Inc. ("Defendant") moves in limine to exclude the testimony of Plaintiffs' retained expert witness James E. Salven, C.P.A., on the basis that Mr. Salven's testimony does not assist the trier of fact pursuant to Federal Rule of Evidence ("Rule") 702. Mot. in Limine No. 3, Doc. #74. The court notes that the form and/or content of the pleadings do not comply with Local Rule of Practice 9014-1(c)(2)-(3) because the motion does not include a docket control number. In the future, Defendant shall use a unique docket control number for each written motion or other request for relief filed in this adversary proceeding.

Jason John Anderson and Jodi Noel Anderson (together, "Plaintiffs") oppose Defendant's Rule 702 objection on the grounds that Mr. Salven's expert testimony applies his tax expertise to the facts of this case, which is necessary to demonstrate specific calculations of Plaintiffs' damages. Pls.' Opp'n, Doc. #78. Plaintiffs' opposition is premised on the assumption that an award of attorneys' fees under Bankruptcy Code § 362(k) for violation of the automatic stay should be increased to mitigate Plaintiffs' negative tax consequences should Plaintiffs succeed in this adversary proceeding. Doc. #78.

"Although the Federal Rules of Evidence do not explicitly authorize *in limine* rulings, the practice has developed pursuant to the [trial] court's inherent authority to manage the course of trials." Luce v. United States, 469 U.S. 38, n.4 (1984) (italics in original). Judges have broad discretion when ruling on motions in limine, but in order to exclude evidence on a motion in limine "the evidence must be inadmissible on all potential grounds." E.g., Mitchell v. Rosario, No. 2:09-cv-03012-RCJ, 2015 U.S. Dist. LEXIS 148381, at *5 (E.D. Cal. Oct. 30, 2015).

Rule 702 reads as follows:

> A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if: (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product

> of reliable principles and methods; and (d) the expert has reliably applied the principles and methods to the facts of the case.

Fed. R. Evid. 702. "[T]he trial judge has an inescapable obligation to determine whether the proffered expert testimony in a particular case is 'scientific' and whether the proffered expert's 'knowledge' will assist the trier of fact." Smith v. Pac. Bell Tel. Co., 662 F. Supp. 2d 1199, 1227 (E.D. Cal. 2009) (citing Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579, 589 (1993)). In other words, the expert testimony must be relevant and reliable, it must be grounded in the procedures of science, and the burden of proving admissibility is on the party offering the expert. Daubert, 509 U.S. at 589-92.

The court is inclined to GRANT Defendant's motion in limine and exclude the testimony of Plaintiffs' expert James E. Salven because Mr. Salven's testimony is not "scientific, technical, or other specialized knowledge that will help the trier of fact to understand the evidence or to determine a fact in issue." Rule 702.

Plaintiffs seek to call Mr. Salven to testify to the tax consequences of an award of attorneys' fees. Dep. of James E. Salven 15:9-18:12, Ex. A, Doc. #74; see also Pls.' Opp'n 2:8-18, Doc. #78. Mr. Salven is of the opinion that an award of attorneys' fees would be included in gross income and would be taxable. Id. Mr. Salven reached his conclusion by applying law to facts, but such an opinion is not helpful to the court's determination of a fact in issue because "matters of law are inappropriate for expert testimony." Hooper v. Lockheed Martin Corp., 688 F.3d 1037, 1052 (9th Cir. 2012); Salven Dep. 26:24-29:8, Ex. A, Doc. #74.

Additionally, the tax effects of an award of attorneys' fees are irrelevant because an award of attorneys' fees under Bankruptcy Code § 362(k) may not be increased to account for the negative tax consequences of the award to the attorneys' client.

Plaintiffs' complaint against Defendant arises out of 11 U.S.C. § 362(k), which provides that "an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages." 11 U.S.C. § 362(k)(1). "Section 362(k) seeks to make debtors whole when a creditor willfully violates an automatic stay. This requires creditors to pay debtors reasonable damages and attorneys' fees and costs incurred in remedying the violation." Easley v. Collection Serv. Of Nevada, 910 F.3d 1286, 1293 (9th Cir. 2018). "Only an award of fees reasonably incurred is mandated by the statute; courts awarding fees under § 362(k) thus retain the discretion to eliminate unnecessary or plainly excessive fees." In re Schwartz-Tallard, 803 F.3d 1095, 1101 (9th Cir. 2015).

"Consequently, even though fees and costs are an element of actual damages under § 362(k), the same principles that govern the award of professional compensation under § 330 also guide the allowance of fees and costs under § 362(k)." Orian v. Asaf (In re Orian), BAP No. CC-18-1092-SFL, 2018 Bankr. LEXIS 3734, at *21 (B.A.P. 9th Cir. Nov. 27, 2018). The reasonable value of services is typically determined by using the "lodestar" approach. E.g., id. Under the "lodestar" approach, the number of hours reasonably expended is multiplied by a reasonable hourly rate for the person providing the services. Boone v. Burk (In re Eliapo), 468 F.3d 592, 598 (9th Cir. 2006).

Any award of attorneys' fees that Plaintiffs may be entitled to recover will be calculated according to 11 U.S.C. § 330 and the "lodestar" method. Nowhere in this calculation is there an adjustment for Plaintiffs' tax consequences.

Therefore, the tax consequences for Plaintiffs of an award for attorneys' fees are irrelevant to this proceeding.

Accordingly, Defendant's Motion in Limine No. 3 to exclude the expert testimony of James E. Salven is GRANTED.

2. 19-14729-A-13 **IN RE: JASON/JODI ANDERSON**
19-1131

MOTION IN LIMINE NO. ONE TO EXCLUDE PLAINTIFFS MEDICAL RECORDS AND RELATED TESTIMONY AND TESTIMONY REGARDING THE CAUSE OF PLAINTIFFS EMOTIONAL DISTRESS
12-21-2020 [72]

ANDERSON ET AL V. NATIONAL ENTERPRISE SYSTEMS, INC.
ANTHONY VALENTI/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled

DISPOSITION: Denied without prejudice.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

Defendant National Enterprise Systems, Inc. ("Defendant") moves in limine to exclude the medical records of plaintiff Jodi Noel Anderson and all testimony related thereto. Mot. in Limine No. 1, Doc. #72. The court notes that the form and/or content of the pleadings do not comply with Local Rule of Practice 9014-1(c)(2)-(3) because the motion does not include a docket control number. In the future, Defendant shall use a unique docket control number for each written motion or other request for relief filed in this adversary proceeding.

Jason John Anderson and Jodi Noel Anderson (together, "Plaintiffs") oppose Defendant's motion. Pls.' Opp'n, Doc. #76. For the reasons discussed below, the merits of Defendant's motion, and of Plaintiffs' opposition, are not considered by the court at this time, and the motion is denied without prejudice.

"Although the Federal Rules of Evidence do not explicitly authorize *in limine* rulings, the practice has developed pursuant to the [trial] court's inherent authority to manage the course of trials." Luce v. United States, 469 U.S. 38, n.4 (1984) (italics in original). Judges have broad discretion when ruling on motions in limine, but in order to exclude evidence on a motion in limine "the evidence must be inadmissible on all potential grounds." E.g., Mitchell v. Rosario, No. 2:09-cv-03012-RCJ, 2015 U.S. Dist. LEXIS 148381, at *5 (E.D. Cal. Oct. 30, 2015). "Denial of a motion in limine does not necessarily mean that all evidence contemplated by the motion will be admitted at trial. Denial merely means that without the context of trial, the court is unable to determine whether the evidence in question should be excluded." Mitchell, 2015 U.S. Dist. LEXIS 148381, at *5 (citing Indiana Ins. Co. v. Gen. Elec. Co., 326 F. Supp. 2d 844, 846 (N.D. Ohio 2004)). A ruling on a motion in limine "is subject to change when the case unfolds." Luce, 469 U.S. at 41-42.

The court is inclined to deny this motion without prejudice because a determination of the admissibility of the disputed evidence is not possible. Federal Rule of Evidence 103 states that objections to the admission of

evidence must be made with specificity. Fed. R. Evid. 103(a)(1)(B); United States v. O'Brien, 601 F.2d 1067, 1071 (9th Cir. 1979) ("An objection must state the specific ground relied on if it is not apparent from the context.").

Plaintiffs' Pre-Trial Statement states that Plaintiffs may introduce at trial the "CONFIDENTIAL Medical Records of Jodi Anderson." Pls.' Pre-Trial Statement ¶ 9, Doc. #58. Although Plaintiffs do not specify which of Mrs. Anderson's medical records they intend to introduce, Defendant "believes Plaintiffs may intend to introduce Mrs. Anderson's medical records produced by Plaintiffs during discovery, including her medical records from Anrig Chiropractic and miCare Health Center [and] medical records related to Mrs. Anderson's prescription for the depression medication known as duloxetine." Def.'s Mot. 2:2-5, Doc. #72.

Here, Defendant raises specific evidentiary objections relating to authentication and hearsay. Doc. #72. Plaintiffs, in turn, oppose Defendant's motion asserting that proper authentication can occur at trial and that various hearsay exceptions apply. Doc. #76.

However, authentication requires the party offering the evidence to "produce evidence sufficient to support a finding that the item is what the proponent claims it is." Fed. R. Evid. 901(a). Additionally, hearsay is defined as a statement that "the declarant does not make while testifying at the current trial or hearing" and that is offered "in evidence to prove the truth of the matter asserted in the statement." Fed. R. Evid. 801(c). It follows that a necessary condition for determining the adequacy of authentication and the admissibility, or mere existence, of hearsay is that the document to be authenticated and the statement being made are known to the court. Without specifically identifying the documents and the statements made therein, the court cannot rule at this time regarding the exclusion of the unidentified medical records.

Accordingly, Defendant's Motion in Limine No. 1 to exclude Jodi Anderson's medical records is DENIED WITHOUT PREJUDICE.

3. 19-14729-A-13 **IN RE: JASON/JODI ANDERSON**
19-1131

MOTION IN LIMINE NO. TWO TO EXCLUDE EVIDENCE OF DEFENDANT'S SUBSEQUENT REVISIONS TO ITS MAIL HANDLING AND BANKRUPTCY SCRUB POLICIES AND PROCEDURES
12-21-2020 [73]

ANDERSON ET AL V. NATIONAL ENTERPRISE SYSTEMS, INC.
ANTHONY VALENTI/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied without prejudice.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

Defendant National Enterprise Systems, Inc. ("Defendant") moves in limine to exclude evidence of Defendant's revisions to its mail handling and bankruptcy

scrub policies and procedures pursuant to Federal Rule of Evidence ("Rule") 407. Mot. in Limine No. 2, Doc. #73. The court notes that the form and/or content of the pleadings do not comply with Local Rule of Practice 9014-1(c)(2)-(3) because the motion does not include a docket control number. In the future, Defendant shall use a unique docket control number for each written motion or other request for relief filed in this adversary proceeding.

Jason John Anderson and Jodi Noel Anderson (together, "Plaintiffs") oppose Defendant's Rule 407 objection on the grounds that Defendant's subsequent policy changes are admissible for impeachment purposes and to show the feasibility of policy changes. Pls.' Opp'n, Doc. #77.

"Although the Federal Rules of Evidence do not explicitly authorize *in limine* rulings, the practice has developed pursuant to the [trial] court's inherent authority to manage the course of trials." Luce v. United States, 469 U.S. 38, n.4 (1984) (italics in original). Judges have broad discretion when ruling on motions in limine, but in order to exclude evidence on a motion in limine "the evidence must be inadmissible on all potential grounds." E.g., Mitchell v. Rosario, No. 2:09-cv-03012-RCJ, 2015 U.S. Dist. LEXIS 148381, at *5 (E.D. Cal. Oct. 30, 2015). "Denial of a motion in limine does not necessarily mean that all evidence contemplated by the motion will be admitted at trial. Denial merely means that without the context of trial, the court is unable to determine whether the evidence in question should be excluded." Mitchell, 2015 U.S. Dist. LEXIS 148381, at *5 (citing Indiana Ins. Co. v. Gen. Elec. Co., 326 F. Supp. 2d 844, 846 (N.D. Ohio 2004)). A ruling on a motion in limine "is subject to change when the case unfolds." Luce, 469 U.S. at 41-42.

The court is inclined to deny Defendant's second motion in limine because the court, without the context of trial, is unable to determine whether the evidence in question should be excluded.

Rule 407, titled Subsequent Remedial Measures, reads as follows:

> When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove: negligence; culpable conduct; a defect in a product or its design; or a need for a warning or instruction. But the court may admit this evidence for another purpose, such as impeachment or — if disputed — proving ownership, control, or the feasibility of precautionary measures.

Fed. R. Evid. 407.

In Plaintiffs' opposition to this motion in limine, Plaintiffs argue that the phrase "invariable policy and procedure," used to describe Defendant's policy of processing and recording communications received by Defendant, can be used to impeach Defendant's witness. See Pls.' Opp'n, Doc. #77. Statements like the one relied on by Plaintiffs are found in the Declaration of Eric Thut filed in support of Defendant's motion for partial summary judgment. Doc. #34. Mr. Thut is a named witness for Defendant at trial according to Defendant's Pre-Trial Conference Statement. Doc. #64. While Plaintiffs' impeachment argument would likely fail should Mr. Thut repeat verbatim the statements put forth in his declaration, granting Defendant's motion in limine at this time would be improper. The actual statements of possible witnesses called to testify at trial are unascertainable by this court at this time, and the changes to Defendant's mail handling and bankruptcy scrub policies may, should the circumstance arise, be used to impeach.

Plaintiffs next argue that evidence of the changes to Defendant's mail handling and bankruptcy scrub policies are admissible to prove feasibility. Pls.' Opp'n, Doc. #77. Plaintiffs assert that feasibility is at issue because Defendant has argued that (i) Defendant acted in good faith and (ii) any wrongful acts of Defendant were not performed knowingly, purposely, with malicious purpose, recklessly, and so on. Doc. #77. At first blush, this argument seems to be explicitly barred by Rule 407 which prohibits the use of subsequent remedial measures to prove culpable conduct. See World Boxing Council v. Cosell, 715 F. Supp. 1259, 1267 (S.D.N.Y. 1989) (explaining that the modification of allegedly libelous language in a subsequent printing is inadmissible to prove malice on the part of the author). Even if Plaintiffs' argument is one of feasibility rather than culpable conduct, feasibility must be disputed for Rule 407 to apply. Fed. R. Evid. 407. Nothing in the papers before the court suggests that Defendant has argued that changes to the mail and scrub policies were unfeasible. Therefore, evidence of those remedial measures is not admissible pursuant to Rule 407 unless and until Defendant does controvert feasibility. Williams v. Sec. Nat'l Bank, 358 F. Supp. 2d 782, 796 (N.D. Iowa 2005).

Accordingly, Defendant's Motion in Limine No. 2 to exclude evidence of Defendant's subsequent revisions to its mail handling and bankruptcy scrub policies and procedures is DENIED WITHOUT PREJUDICE. Defendant is free to renew its objection to the introduction of Defendant's revisions to its mail handling and bankruptcy scrub policies and procedures at the appropriate time.

4. 02-10437-A-13 **IN RE: MARK STEINHAUER**
20-1064

STATUS CONFERENCE RE: COMPLAINT
11-24-2020 [1]

STEINHAUER ET AL V. HSBC FINANCE CORPORATION
GABRIEL WADDELL/ATTY. FOR PL.

NO RULING.

5. 18-14542-A-7 **IN RE: LARRY SELL**
19-1025

CONTINUED STATUS CONFERENCE RE: COMPLAINT
2-15-2019 [1]

THE LEAD CAPITAL, LLC V. SELL
DERRICK COLEMAN/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to April 29, 2021, at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the further joint status report filed on January 21, 2021, the status conference will be continued to April 29, 2021, at 11:00 a.m. Doc. #44.

6. 19-12047-A-7 **IN RE: ROBERT FLETCHER**
19-1097

CONTINUED PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
9-30-2019 [8]

FLETCHER V. FLETCHER ET AL
DAVID JENKINS/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to July 15, 2021 at 11:00 a.m.

NO ORDER REQUIRED.

The parties have stipulated to continue the pre-trial conference to July 15, 2021, at 11:00 a.m. The court has already issued an order on December 14, 2020. Doc. #116.

7. 20-12554-A-7 **IN RE: ARAXY MARKARIAN**
20-1063

STATUS CONFERENCE RE: COMPLAINT
11-23-2020 [1]

PACIFIC WESTERN BANK V. MARKARIAN
DAVID BRODY/ATTY. FOR PL.

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

DISPOSITION: Continued to March 11, 2021, at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the plaintiff's status report filed on January 21, 2021, the status conference will be continued to March 11, 2021, at 11:00 a.m. Doc. #13.

8. 20-10568-A-7 **IN RE: BHUPINDER SIHOTA**
20-1045

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
8-30-2020 [12]

SIHOTA ET AL V. SIHOTA
PETER SAUER/ATTY. FOR PL.

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on November 21, 2020. Doc. #36.

9. 17-12389-A-7 **IN RE: DON ROSE OIL CO., INC.**
17-1086

CONTINUED PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
9-5-2018 [131]

KODIAK MINING & MINERALS II LLC ET AL V. DON ROSE OIL CO., INC. ET AL
VONN CHRISTENSON/ATTY. FOR PL.
CONT'D TO 3/11/21 PER ECF ORDER #509

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

DISPOSITION: Continued to March 11, 2021 at 11:00 a.m.

NO ORDER REQUIRED.

On January 5, 2021, the court issued an order continuing the pre-trial conference to March 11, 2021 at 11:00 a.m. Doc. #509.