

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Thursday, February 15, 2018
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. If the parties stipulate to continue the hearing on the matter or agree to resolve the matter in a way inconsistent with the final ruling, then the court will consider vacating the final ruling only if the moving party notifies chambers before 4:00 p.m. (Pacific time) at least one business day before the hearing date: Department A-Kathy Torres (559)499-5860; Department B-Jennifer Dauer (559)499-5870. If a party has grounds to contest a final ruling under FRCP 60(a)(FRBP 9024) because of the court's error ["a clerical mistake (by the court) or a mistake arising from (the court's) oversight or omission"] the party shall notify chambers (contact information above) and any other party affected by the final ruling by 4:00 p.m. (Pacific time) one business day before the hearing.

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. [17-10327](#)-B-12 **IN RE: EDWARD/LISA UMADA**

CONTINUED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY
PETITION
1-31-2017 [[1](#)]

PETER FEAR

NO RULING.

2. [17-10327](#)-B-12 **IN RE: EDWARD/LISA UMADA**
[FW-10](#)

CONTINUED MOTION TO CONFIRM CHAPTER 12 PLAN
11-29-2017 [[178](#)]

EDWARD UMADA/MV
PETER FEAR
WITHDRAWAL OF MODIFIED PLAN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: The motion has been withdrawn.

3. [17-10327](#)-B-12 **IN RE: EDWARD/LISA UMADA**
[FW-13](#)

MOTION TO USE CASH COLLATERAL
2-1-2018 [[206](#)]

EDWARD UMADA/MV
PETER FEAR

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. Preparation of the order will be determine at the hearing.

This motion was filed and served pursuant to LRB 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.

This motion is GRANTED. Debtor is authorized to use cash collateral as described in the budget attached to this motion, and if necessary and at the sole discretion of debtor, debtor may reallocate up to 15% of the total amount allocated to any particular category to a different category without further court order.

4. [11-14556](#)-B-12 **IN RE: RICARDO/MARIA MALDONADO**
[MHM-1](#)

MOTION TO DISMISS CASE
1-17-2018 [[310](#)]

MICHAEL MEYER/MV
THOMAS GILLIS
MICHAEL MEYER/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

5. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[ABS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-15-2018 [[332](#)]

CANDICE ANDERSON/MV
RILEY WALTER
ADAM STIRRUP/ATTY. FOR MV.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Resolved by stipulation of the parties.

6. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[JLG-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-18-2018 [[342](#)]

BANK OF THE SIERRA/MV
RILEY WALTER
JESSICA GIANNETTA/ATTY. FOR MV.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Resolved by stipulation of the parties.

7. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WW-24](#)

MOTION TO BORROW AND/OR MOTION FOR ADEQUATE PROTECTION
1-18-2018 [[348](#)]

TULARE LOCAL HEALTHCARE
DISTRICT/MV
RILEY WALTER

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part and denied in part.

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

The motion is GRANTED IN PART and DENIED IN PART. The court
authorizes debtor to borrow up to \$69,087.00 from FIRST Insurance
Funding ("FIRST"), grant FIRST a first priority security interest in
the insurance policies and any additional premiums required under

the policies, including all return policies, dividend payments, and loss payments which reduce unearned premium.

In the event Debtor fails to make payments to FIRST, the automatic stay shall automatically lift to enable FIRST and/or third parties, including insurance companies providing the coverage under the policies, to take all necessary and appropriate actions to cancel the policies, collect the collateral, and apply such collateral to the indebtedness owed to FIRST by debtor under the agreement. In exercising those rights, FIRST and/or third parties shall comply with the notice and other relevant provisions of the agreement.

Movant has asked for a waiver of the 14-day stay pursuant to Federal Rule of Bankruptcy Procedure 6004(g). The court DENIES this request. Rule 6004(g) does not provide for such relief.

8. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WW-26](#)

MOTION TO APPROVE STIPULATION FOR RELIEF FROM THE AUTOMATIC
STAY
1-19-2018 [[353](#)]

TULARE LOCAL HEALTHCARE
DISTRICT/MV
RILEY WALTER

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 hearing.

This motion was filed and served pursuant to LRB 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 court GRANTS this motion and approves the stipulation between the debtor and plaintiffs collectively known as "Jiame Calderon and the three children of Jiame Calderon and Ana Calderon (deceased)."

9. [17-12998](#)-B-12 **IN RE: LJB FARMS, LLC**
[KDG-7](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF KLEIN,
DENATALE, GOLDNER, COOPER, ROSENLIB, & KIMBALL, LLP FOR
HAGOP T. BEDOYAN, DEBTORS ATTORNEY(S)
1-5-2018 [[144](#)]

JACOB EATON

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

DISPOSITION: Granted.

ORDER: No appearance is necessary. The Moving Party shall
submit a proposed order in conformance with the
ruling below.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). 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. Accordingly, the respondents' defaults will be entered.

The court awards counsel fees of \$38,262.50 and costs of \$1,392.53.

1:30 PM

1. [17-14502](#)-B-13 **IN RE: GERALD/PATRICIA SANDERS**
[MHM-2](#)

MOTION TO DISMISS CASE
1-12-2018 [[24](#)]

MICHAEL MEYER/MV
TIMOTHY SPRINGER

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 matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' default will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). 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.

There has been unreasonable delay by the debtors that is prejudicial to creditors. The record shows that the debtors have failed to provide the trustee with all the documentation required by 11 U.S.C. §521(a)(3) & (4). Accordingly, the case will be dismissed.

2. [17-14502](#)-B-13 **IN RE: GERALD/PATRICIA SANDERS**
[MHM-3](#)

MOTION TO DISMISS CASE
1-12-2018 [[28](#)]

MICHAEL MEYER/MV
TIMOTHY SPRINGER

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

The court is granting the trustee's Motion to Dismiss [MHM-2] above,

therefore this Motion to Dismiss will be denied as moot.

3. [17-14303](#)-B-13 **IN RE: DAVID MACIAS**
[MHM-2](#)

MOTION TO DISMISS CASE
1-12-2018 [[23](#)]

MICHAEL MEYER/MV
TIMOTHY SPRINGER
DISMISSED

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An order dismissing the case was entered on January 26, 2018,
(Docket No. 28). This motion will be denied as moot. No appearance
is necessary.

4. [17-13507](#)-B-13 **IN RE: JUAN/MARIA ROBLES**
[MHM-3](#)

MOTION TO DISMISS CASE
1-2-2018 [[43](#)]

MICHAEL MEYER/MV
THOMAS GILLIS
RESPONSIVE PLEADING

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 matter was fully noticed in compliance with the Local Rules of
Practice and there is no opposition. Accordingly, the respondents'
defaults will be entered. Federal Rule of Civil Procedure 55, made
applicable by Federal Rule of Bankruptcy Procedure 7055, governs
default matters and is applicable to contested matters under Federal
Rule of Bankruptcy Procedure 9014(c). 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 record shows that there is a material default in the chapter 13 plan payments that has not been cured. Based on the trustee's declaration, the plan is not feasible. Accordingly, the case will be dismissed.

The court takes note that the debtors filed a late response. The response contains no evidence and admits the grounds for the motion are appropriate (e.g. the debtors have missed payments). The court also takes note that the trustee's declaration refers to a confirmed plan. No plan has been confirmed in this case.

5. [17-14609](#)-B-13 **IN RE: MARK NOACK**
[MHM-2](#)

MOTION TO DISMISS CASE
1-11-2018 [[21](#)]

MARK NOACK/MV
TIMOTHY SPRINGER
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED.

The motion has been withdrawn by the Moving Party.

6. [17-14113](#)-B-13 **IN RE: LUIS/MARIA JIMENEZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-29-2018 [[41](#)]

MARK ZIMMERMAN
\$77.00 INSTALLMENT PAYMENT 2/2/18

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 installment fees now due have been paid.

The order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

7. [17-12717](#)-B-13 **IN RE: DALJIT SINGH**
[BCV-3](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-18-2018 [\[103\]](#)

CIT GROUP, INC./MV
HANK WALTH
BRIAN VANDERHOOF/ATTY. FOR MV.

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

DISPOSITION: Granted.

ORDER: No appearance is necessary. The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion for relief from the automatic stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, 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 movant, CIT Group, Inc., seeks relief from the automatic stay with respect to a 2013 Peterbilt 386 tractor. The movant has produced evidence that the vehicle has a value between \$20,025.00 and \$37,475.00 and its secured claim is approximately \$71,479.41. Docket 105.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit the movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

Cause exists to lift the stay because debtor has missed payments, has no equity in the collateral, and debtor, through counsel, agreed to stay relief.

Because the movant has not established that the value of its collateral exceeds the amount of its secured claim, the court awards no fees and costs in connection with the movant's secured claim as a result of the filing and prosecution of this motion. 11 U.S.C. § 506(b).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because it is depreciating in value.

The court reminds counsel that Local Bankruptcy Rule ("LBR") 4001-1(a)(3) requires the movant to file and serve as a separate document completed form EDC 3-468, *Relief from Stay Summary Sheet* and the Local Bankruptcy Rules require filing exhibits separately. LBR 9014-1(d)(4).

8. [18-10120](#)-B-13 **IN RE: GARY/JANET BOTHUN**
[DRJ-2](#)

MOTION TO EXTEND AUTOMATIC STAY
1-22-2018 [\[12\]](#)

GARY BOTHUN/MV
DAVID JENKINS

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.

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

LBR 9014-1(d)(1) states that every motion shall be comprised of a motion or other request for relief, notice, evidence, and a certificate of service.

LBR 9014-1(d)(3)(D) states that the evidence must establish the motion's factual allegations and demonstrate that the movant is entitled to the relief requested.

This motion does not contain any evidence supporting the factual contentions contained in the motion. Therefore this motion does not comply with the local rules and is DENIED WITHOUT PREJUDICE.

9. [17-14527](#)-B-13 **IN RE: GLORIA ALCALA**
[MHM-2](#)

MOTION TO DISMISS CASE
1-12-2018 [[32](#)]

MICHAEL MEYER/MV
HAYK GRIGORYAN
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED.

The motion has been withdrawn by the Moving Party.

10. [15-14228](#)-B-13 **IN RE: OSCAR GUTIERREZ**
[GEG-6](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF GATES LAW GROUP
FOR GLEN E. GATES, DEBTORS ATTORNEY(S)
1-11-2018 [[149](#)]

GLEN GATES

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

DISPOSITION: Granted.

ORDER: No appearance is necessary. The Moving Party shall
submit a proposed order in conformance with the
ruling below.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). 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. Accordingly, the respondents' defaults will be entered.

Counsel will be awarded \$14,325.00 in fees.

11. [14-14132](#)-B-13 **IN RE: FREDDY/ROSA JACQUEZ**
[MHM-2](#)

MOTION TO DISMISS CASE
1-18-2018 [\[68\]](#)

MICHAEL MEYER/MV
MARK ZIMMERMAN

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 matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). 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 record shows that the debtors have materially defaulted under the terms of their confirmed plan. Accordingly, the case will be dismissed.

12. [15-13333](#)-B-13 **IN RE: SELINA BARNETT**
[DRJ-3](#)

CONTINUED MOTION TO MODIFY PLAN
12-18-2017 [\[56\]](#)

SELINA BARNETT/MV
DAVID JENKINS

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

DISPOSITION: Denied.

ORDER: No appearance is necessary. The court will issue the order.

By prior order of the court, this motion is DENIED. The court's order dated January 27, 2018 required the debtor to file and serve a written response not later than February 3, 2018. Docket # 67. No such response was filed by February 3, 2018. In lieu of a written response, the debtor had the option to withdraw the amended

plan and file and serve a confirmable modified plan, and set for hearing, not later than February 8, 2018. *Id.* No such plan was filed, served, and set for hearing. The order also stated that if a plan or written response was not filed, the motion would be denied on the grounds stated in the opposition without a further hearing. *Id.*

Because debtor did not comply with the court's orders, this motion is DENIED on the grounds stated in the opposition, docket # 62.

13. [17-14637](#)-B-13 **IN RE: JIMMIE/VELMA PERRYMAN**
[AP-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SWR MANAGEMENT
12-26-2017 [\[11\]](#)

SWR MANAGEMENT/MV
SCOTT LYONS
JAMIE HANAWALT/ATTY. FOR MV.

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

DISPOSITION: Overruled without prejudice.

ORDER: No appearance is necessary. The court will issue the order.

This objection is OVERRULED WITHOUT PREJUDICE for failure to comply with the Local Bankruptcy Rule ("LBR") 9014-1(d)(3)(B)(iii).

New Local Rules of Practice in the Eastern District became effective on September 26, 2017. In particular, 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.

Additionally, the trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. Ruling on this objection is premature.

14. [17-14339](#)-B-13 **IN RE: SHAWN WILLIAMS**
[AP-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR
MOTION FOR RELIEF FROM CO-DEBTOR STAY
12-6-2017 [[29](#)]

WELLS FARGO BANK, N.A./MV
NIMA VOKSHORI
JAMIE HANAWALT/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: No appearance is necessary. The court will issue the
order.

This motion is DENIED AS MOOT. The court denied debtor's motion to impose/extend the automatic stay on December 6, 2017 (NSV-1, docket #36). Therefore there is no stay in effect. Because there is no stay in effect, this motion is moot.

Additionally, the court reminds counsel that Local Bankruptcy Rule 9004-2(c)(1) requires that exhibits, inter alia, filed in a motion "shall be filed as separate documents."

Here, the exhibits were included in the declaration of Jonathan Vaknin, docket #63, and not filed separately.

15. [17-14255](#)-B-13 **IN RE: DAVID BAER**
[MHM-1](#)

MOTION TO DISMISS CASE
1-12-2018 [[28](#)]

MICHAEL MEYER/MV
TIMOTHY SPRINGER

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED.

The motion has been withdrawn by the Moving Party.

16. [17-14157](#)-B-13 **IN RE: VICTOR ISLAS AND LORENA GONZALEZ**
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE
12-28-2017 [[40](#)]

MICHAEL MEYER/MV
THOMAS GILLIS
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED.

The motion has been withdrawn by the Moving Party.

17. [17-11059](#)-B-13 **IN RE: SHANNON/LESLIE BAKER**
[JHW-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-10-2018 [[103](#)]

TD AUTO FINANCE LLC/MV
SUSAN HEMB
JENNIFER WANG/ATTY. FOR MV.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Resolved by stipulation of the parties.

18. [17-11570](#)-B-13 **IN RE: GREGGORY KIRKPATRICK**
[MC-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
12-8-2017 [[119](#)]

CHRISTOPHER CALLISON/MV
MARTIN GAMULIN
MIKE CHAPPARS/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

19. [17-11570](#)-B-13 **IN RE: GREGGORY KIRKPATRICK**
[MHG-3](#)

CONTINUED OBJECTION TO CLAIM OF CHRISTOPHER SCOTT CALLISON,
CLAIM NUMBER 8
9-8-2017 [[64](#)]

GREGGORY KIRKPATRICK/MV
MARTIN GAMULIN
RESPONSIVE PLEADING

NO RULING.

20. [17-11570](#)-B-13 **IN RE: GREGGORY KIRKPATRICK**
[MHG-5](#)

MOTION TO CONFIRM PLAN
1-4-2018 [[137](#)]

GREGGORY KIRKPATRICK/MV
MARTIN GAMULIN
RESPONSIVE PLEADING

NO RULING.

21. [17-11570](#)-B-13 **IN RE: GREGGORY KIRKPATRICK**
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE
12-29-2017 [[130](#)]

MICHAEL MEYER/MV
MARTIN GAMULIN

NO RULING.

22. [17-10875](#)-B-13 **IN RE: GERALD STULLER AND BARBARA WIKINSON-STULLER**
[MJD-4](#)

MOTION TO MODIFY PLAN
12-28-2017 [[91](#)]

GERALD STULLER/MV
SCOTT SAGARIA
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.

Based on the trustee's opposition to this modification, the court will call this matter to allow the movant to explain to the court what sections 3.06, 3.07, and 3.08 of the plan mean. Absent withdrawal of the trustee's objection at the hearing, the motion will be DENIED WITHOUT PREJUDICE.

23. [17-14575](#)-B-13 **IN RE: PAUL/CARRIE COLVIN**
[MHM-2](#)

MOTION TO DISMISS CASE
1-12-2018 [[32](#)]

MICHAEL MEYER/MV
MARK ZIMMERMAN

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED.

The motion has been withdrawn by the Moving Party.

24. [17-10187](#)-B-13 **IN RE: PETER SOLORIO**
[YG-4](#)

MOTION TO CONFIRM PLAN
12-26-2017 [[117](#)]

PETER SOLORIO/MV
MARSHALL MOUSHIGIAN
DISMISSED

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

DISPOSITION: Dropped from calendar.

ORDER: An order dismissing the case has already been entered.

25. [17-14894](#)-B-13 **IN RE: ISABEL BETANCOURT**
[TOG-1](#)

MOTION TO VALUE COLLATERAL OF GOLDEN 1 CREDIT UNION
1-11-2018 [\[11\]](#)

ISABEL BETANCOURT/MV
THOMAS GILLIS

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

DISPOSITION: Granted.

ORDER: No appearance is necessary. The Moving Party shall submit a proposed order in conformance with the ruling below.

The motion will be granted without oral argument based on well-pled facts. This motion to value respondent's collateral was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent(s) default will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). 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 debtor is competent to testify as to the value of the 2015 Mitsubishi Outlander. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Washington Mutual Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir, 2004). The respondent's secured claim will be fixed at \$13,205.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

26. [17-14895](#)-B-13 **IN RE: ERNESTO SALINAS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-23-2018 [\[22\]](#)

DISMISSED

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

An order dismissing the case was entered on January 25, 2018, (Docket No. 23). The Order to Show Cause will be dropped as moot. No appearance is necessary.

27. [17-13798](#)-B-13 **IN RE: JASON/MANDY LAWTON**
[SAH-5](#)

CONTINUED MOTION TO CONFIRM PLAN
12-15-2017 [[64](#)]

JASON LAWTON/MV
SUSAN HEMB
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 29, 2018 at 1:30 p.m.

ORDER: No appearance is necessary. The court will issue the order.

The § 341 meeting has been continued to March 6, 2018 at 9:30 a.m. This matter is continued to March 29, 2018 at 1:30 p.m. to permit trustee to file a complete objection after the meeting of creditors has concluded.

28. [14-11928](#)-B-13 **IN RE: RICHARD KELLY**
[MAZ-4](#)

MOTION TO INCUR DEBT
2-1-2018 [[89](#)]

RICHARD KELLY/MV
MARK ZIMMERMAN
OST 2/2/18

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 will submit a proposed order after hearing.

This motion was filed and served pursuant to LRB 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.

This motion is GRANTED. The court has reviewed the movant's papers and the trustee's unsigned consent, and believes that the movant

will be able to incur this debt and maintain plan payments. The trustee may consent at the hearing or in signed consent filed before the hearing.