

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, February 24, 2022
Place: Department A – Courtroom #11
Fresno, California

Beginning the week of June 28, 2021, and in accordance with District Court General Order No. 631, the court resumed in-person courtroom proceedings in Fresno. Parties to a case may still appear by telephone, provided they comply with the court's telephonic appearance procedures, which can be found on the court's website.

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, and all parties will need to appear at the hearing unless otherwise ordered. 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.

1. [19-11515](#)-A-13 **IN RE: KARL KENNEL**
[GR-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
10-21-2021 [[81](#)]

CELTIC BANK CORPORATION/MV
SCOTT LYONS/ATTY. FOR DBT.
KATHRYN CATHERWOOD/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on February 17, 2022. Doc. #98.

2. [21-11017](#)-A-13 **IN RE: DAVID/DIANE EBEL**
[ADE-3](#)

MOTION TO CONFIRM PLAN
1-14-2022 [[78](#)]

DIANE EBEL/MV
ALAN EIGHMEY/ATTY. FOR DBT.
RESPONSIVE PLEADING

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)(1). The chapter 13 trustee timely opposed the motion, but withdrew the opposition on February 17, 2022. Doc. ##89, 91. 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.

3. [19-13420](#)-A-13 **IN RE: BENJAMIN FELAN**
[PBB-1](#)

MOTION TO MODIFY PLAN
1-19-2022 [\[24\]](#)

BENJAMIN FELAN/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.

4. [19-12228](#)-A-13 **IN RE: NICHOLAS/LESLIE MARTINEZ**
[DRJ-2](#)

MOTION FOR COMPENSATION FOR DAVID R. JENKINS, DEBTORS ATTORNEY(S)
1-25-2022 [\[42\]](#)

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 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.

David R. Jenkins ("Movant"), counsel for Nicholas R. Martinez and Leslie J. Martinez ("Debtors"), the debtors in this chapter 13 case, requests final allowance of compensation in the amount of \$4,000.00 for services rendered from April 25, 2019 through January 23, 2022. Doc. #42. Debtors' confirmed plan provides for \$4,000.00 in attorney's fees to be paid through the plan. Plan, Doc. #3. No prior fee applications have been submitted. Debtors consent to the amount requested in Movant's application. Ex. D, Doc. #44. Movant was substituted out as Debtors' counsel in this case on February 4, 2022. Doc. #48.

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). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). 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) pre-petition consulting and fact gathering; (2) investigating and analyzing Debtors' monthly income; (3) defending against trustee's motion to dismiss; (4) attending court hearing on trustee's motion to dismiss; and (5) preparing and prosecuting plan confirmation. Exs., Doc. #44. Although Debtors' bankruptcy petition was not filed until May 27, 2019, the court approves Movant's application for reasonable compensation for work in connection with the bankruptcy case. Movant and Debtors first met in April 2019, but Debtors' bankruptcy petition was not ready for filing until May 2019. Ex. B, Doc. #44. A review of Movant's time sheets shows the work performed from April 2019 to the petition date was reasonably necessary and connected to the bankruptcy case. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on a final basis compensation in the amount of \$4,000.00 to be paid in a manner consistent with the terms of the confirmed plan.

5. [19-10438](#)-A-13 **IN RE: JOSE/JENNIFER RODRIGUEZ**
[NES-4](#)

MOTION TO MODIFY PLAN
1-14-2022 [\[104\]](#)

JENNIFER RODRIGUEZ/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 31, 2022 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 debtors' motion to modify the Chapter 13 plan. Tr.'s Opp'n, Doc. #108. Unless this case is voluntarily converted to Chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later than March 10, 2022. 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 debtors' position. Trustee shall file and serve a reply, if any, by March 17, 2022.

If the debtors elect 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 March 17, 2022. If the debtors do 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.

6. [17-12655](#)-A-13 **IN RE: TERRY/JUDY KYNER**
[NES-2](#)

MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ, DEBTORS ATTORNEY(S)
1-24-2022 [\[35\]](#)

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 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 Terry Lynn Kyner and Judy Lynn Kyner ("Debtors"), the debtors in this chapter 13 case, requests final allowance of compensation and reimbursement for expenses in the amount of \$1,060.00 for services rendered from January 12, 2022 through January 21, 2022. Doc. #35. Debtors' confirmed plan provides for \$12,000.00 in attorney's fees to be paid through the plan. Plan, Doc. #5. One prior fee application has been approved authorizing interim compensation and reimbursement of expenses of \$5,925.50. Doc. #31. Debtors consent to the amount requested in Movant's application. Doc. #35.

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). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). 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 trustee's annual report; (2) preparing the fee application; and (3) preparing discharge paperwork. Exs. A, B, Doc. #37. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court finds all fees and expenses of Movant previously allowed on an interim basis are reasonable and necessary. The court allows on a final basis all fees and expenses previously allowed to Movant on an interim basis, in addition to compensation requested by this motion in the amount of \$1,060.00 to be paid in a manner consistent with the terms of the confirmed plan.

7. [19-12462](#)-A-13 **IN RE: ROBERT HAMPTON AND DEATRIA DAVIS**
[AP-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
12-22-2021 [\[111\]](#)

THE BANK OF NEW YORK MELLON/MV
PETER BUNTING/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

8. [19-12462](#)-A-13 **IN RE: ROBERT HAMPTON AND DEATRIA DAVIS**
[PBB-9](#)

MOTION TO MODIFY PLAN
1-19-2022 [\[124\]](#)

DEATRIA DAVIS/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.

9. [21-11874](#)-A-13 **IN RE: MICHAEL MCCLURE**
[MAZ-3](#)

MOTION TO CONFIRM PLAN
1-14-2022 [\[48\]](#)

MICHAEL MCCLURE/MV
MARK ZIMMERMAN/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)(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.

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.

10. [21-11790](#)-A-13 **IN RE: JESUS/NATALIA ESCAJEDA**
[NES-1](#)

MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ, DEBTORS ATTORNEY(S)
1-14-2022 [\[31\]](#)

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 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 Jesus Escajeda and Natalia Escajeda ("Debtors"), the debtors in this chapter 13 case, requests interim allowance of compensation and reimbursement for expenses in the amount of \$7,570.50 for services rendered from December 14, 2018 through January 14, 2022. Doc. #31. After applying a \$313 credit, Movant requests \$7,257.50 be payable through the plan. Doc. #33. Debtors' confirmed plan provides for \$15,000.00 in attorney's fees to be paid through the plan. Plan, Doc. #4. No prior fee applications have been submitted. Debtors consent to the amount requested in Movant's application. Doc. #31.

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). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the

bankruptcy case. 11 U.S.C. § 330(a)(4). 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 and prosecuting Debtors' chapter 13 plan; (2) reviewing trustee's motion to dismiss and preparing response; (3) communicating with chapter 13 trustee; (4) preparing the fee application; and (5) general case administration.

Exs. A, B, Doc. #33. Although Debtors' bankruptcy petition was not filed until July 20, 2021, the court approves Movant's application for reasonable compensation for work in connection with the bankruptcy case. Movant and Debtors first met in December 2018, but Movant's account statement shows no fees were charged Debtors at that time. Ex. B, Doc. #33. Movant and Debtors communicated again in 2020 to review and sign documents, but the bankruptcy petition and documents were not signed and ready for filing until July 2021. Ex. B, Doc. #33. A review of Movant's time sheets shows the work performed prior to the petition date was reasonably necessary and connected to the bankruptcy case. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation and reimbursement for expenses in the amount of \$7,570.50, of which \$7,257.50 is to be paid in a manner consistent with the terms of the confirmed plan.

11. [21-12296](#)-A-13 **IN RE: ISTVAN/MARGIT MAJOROS**
[PWG-2](#)

MOTION TO APPOINT NEXT FRIEND
2-4-2022 [\[63\]](#)

MARGIT MAJOROS/MV
PHILLIP GILLET/ATTY. FOR DBT.

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.

Istvan Majoros ("Movant"), the joint debtor and spouse of Margit Majoros ("Joint Debtor") in this chapter 13 case, requests the court name Movant as the representative and next friend of Joint Debtor and permit the continued administration of this chapter 13 case. Doc. ##63, 65. In support of the motion, Movant declares that Joint Debtor was diagnosed with dementia approximately four years ago and is presently unable to write checks, manage financial affairs, or comprehend legal documents. Doc. #65. Movant is Joint Debtor's spouse and a debtor in this chapter 13 case. Id. Although Movant has

not been appointed guardian by any state court, Movant declares that he is qualified to represent Joint Debtor's interests in the bankruptcy case, will charge no fees, has no criminal history, and is generally able to handle his wife's affairs. Doc. #65.

Upon the incompetency of a debtor in a chapter 13, Federal Rule of Bankruptcy Procedure 1016 provides that the case may be dismissed or may proceed and be concluded in the same manner, so far as possible, as though the incompetency had not occurred upon a showing that further administration is possible and in the best interest of the parties. However, no showing has been made establishing that further administration, rather than dismissal, is possible and is in the best interest of the parties. At the hearing, Movant shall be prepared to explain why further administration of the bankruptcy case is possible and is in the best interests of the parties.

Accordingly, pending Movant's showing that further administration of the bankruptcy case is possible and is in the best interests of the parties, Movant's application to be appointed representative and next friend of Joint Debtor for the further administration of this bankruptcy case will be GRANTED.

12. [21-12496](#)-A-13 **IN RE: VANESSA GARCIA AMPARANO**
[DMG-1](#)

MOTION TO CONFIRM PLAN
1-14-2022 [\[26\]](#)

VANESSA GARCIA AMPARANO/MV
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 at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(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.

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. [18-14920](#)-A-7 **IN RE: SOUTH LAKES DAIRY FARM, A CALIFORNIA
GENERAL PARTNERSHIP**
[20-1034](#)

CONTINUED PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
10-20-2020 [[46](#)]

SOUSA V. FRED AND AUDREY SCHAKEL AS TRUSTEES OF THE
RONALD CLIFFORD/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

2. [19-11628](#)-A-12 **IN RE: MIKAL JONES**
[19-1081](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-28-2019 [[1](#)]

DILDAY ET AL V. JONES
RILEY WALTER/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to June 2, 2022, at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to plaintiffs' status conference statement filed on February 1, 2022 (Doc. #50) and defendant's status report filed on February 17, 2022 (Doc. #52), the status conference will be continued to June 2, 2022, at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than May 26, 2022.

3. [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

NO RULING.

4. [17-13776](#)-A-7 **IN RE: JESSICA GREER**
[18-1017](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-23-2018 [\[1\]](#)

SALVEN V. CALIFORNIA DEPARTMENT OF FOOD &
SHARLENE ROBERTS-CAUDLE/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to May 12, 2022, at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the joint status report filed on February 17, 2022 (Doc. #94), the status conference will be continued to May 12, 2022, at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than May 5, 2022.