

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, February 26, 2020
Place: Department B – Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:30 AM

1. [19-14900](#)-B-13 **IN RE: ROSA RODRIGUEZ**
[DBJ-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-6-2020 [\[30\]](#)

SC MORTGAGE, LLC/MV
JANINE ESQUIVEL OJI/ATTY. FOR DBT.
DOUGLAS JACOBS/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. Doc. #63.

2. [19-14905](#)-B-13 **IN RE: GILBERT/CHRISTINE PADILLA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-29-2020 [\[29\]](#)

ERIC ESCAMILLA/ATTY. FOR DBT.
\$231.00 FINAL INSTALLMENT PAYMENT 2/7/20

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 were paid in full on February 7, 2020.

3. [18-10306](#)-B-13 **IN RE: ALEJANDRO CERVANTES**
[MHM-3](#)

MOTION TO DISMISS CASE
2-6-2020 [\[58\]](#)

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted unless withdrawn.

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 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.

This motion is GRANTED. Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause.

The chapter 13 trustee ("Trustee") asks the court to dismiss this case because debtor is delinquent in the amount of \$2,008.83. Doc. #58, 61. Before this hearing, another payment in the amount of \$1,209.50 will also come due.

This matter will be called to confirm whether debtor is current. If debtor is current on plan payments, the motion will be denied. If debtor is not current, the motion will be granted.

4. [19-10609](#)-B-13 **IN RE: ROBERT MARQUEZ**
[MHM-1](#)

OBJECTION TO CLAIM OF CAVALRY SPV I, LLC, CLAIM NUMBER 2
1-13-2020 [\[33\]](#)

MICHAEL MEYER/MV
PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Here, the movant has established that the statute of limitations in California bars a creditor's action to recover on a contract, obligation, or liability founded on an oral contract after two years and one founded on a written instrument after four years. See California Code of Civil Procedure §§ 312, 337(1), and 339. A claim that is unenforceable under state law is also not allowed under 11 U.S.C. § 502(b)(1) once objected to. In re GI Indust., Inc., 204 F.3d 1276, 1281 (9th Cir. 2000). Regardless of whether the contract was written or oral, the last transaction on the account according

to the evidence was in May 13, 2009, which is well past the two and four year mark in the statutes of limitations.

Therefore, claim no. 1 filed by Cavalry SPV 2, LLC is disallowed in its entirety.

5. [19-14712](#)-B-13 **IN RE: GEREMY LATTA**
[WDO-2](#)

MOTION TO CONFIRM PLAN
1-9-2020 [\[34\]](#)

GEREMY LATTA/MV
WILLIAM OLCOTT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to April 1, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtor's fully noticed motion to confirm a chapter 13 plan. 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 not later than March 18, 2020. The response shall specifically address each issue raised in the opposition 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 March 25, 2020.

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 March 25, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

6. [19-14425](#)-B-13 **IN RE: SILVIA JIMENEZ**
[MHM-2](#)

MOTION TO DISMISS CASE
1-22-2020 [\[34\]](#)

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

TENTATIVE RULING: The matter will proceed as scheduled.

DISPOSITION: Granted.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest, with the exception of the debtor, are entered. 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).

Chapter 13 trustee Michael H. Meyer ("Trustee") moves to dismiss this case under 11 U.S.C. §§ 1307(c)(1), 521(a)(1)(B)(iv) & (i)(1), and LBR 1007-1(c)(1). Doc. #34. Trustee contends that he has not received all the documents to which he is entitled, and which are necessary for the performance of his duties. Doc. #36. Trustee alleges that the documents he received were incomplete because the debtor failed to include paystubs from Sukh Samran Farms Inc. dated September 30, 2019, October 15, 2019, and paystubs from Paras Agriculture, Inc. for the month of September 2019. Id. Trustee further contends that the debtor failed to appear at the continued 341 meeting of creditors on January 21, 2020. Id.

The debtor opposes the motion, contending that the necessary and requested documents have been supplied because she did not work for the respective employers on the dates indicated. Doc. #63, 65. The debtor also admits to missing the 341 meeting of creditors on January 21, 2020 because "[she] mixed up the dates of [her] hearing on that date." Doc. #64. The debtor is aware of the continued hearing on March 3, 2020 and intends to appear. Id.

11 U.S.C. § 1307(c) provides that the court may dismiss a chapter 13 case for cause. Failure to provide documents required by the chapter 13 trustee is cause. See In re Robertson, 2010 WL 5462500 (Bankr. D.S.C. Dec. 29, 2010); In re Nichols, 2009 WL 2406172 (Bankr. E.D.N.C. Aug. 5, 2009).

11 U.S.C. § 521(a)(1)(B)(iv) requires that the debtor file copies of all payment advices or other evidence of payment from an employer received within 60 days before the date of filing and § 521(i)(1) proscribes that these documents be filed within 45 days after the date of filing the petition. LBR 1007-1(c)(1) augments this rule by requiring debtor to deposit copies of employer payment advices or other evidence of payments from an employer with the trustee not later than seven days before the date first set for the meeting of creditors.

This chapter 13 voluntary petition was filed on October 21, 2019, so the 45-day deadline of § 521(i)(1) lapsed on December 5, 2019. The first meeting of creditors was set for December 10, 2019, so under LBR 1007-1(c)(1), the debtor was required to deposit copies of employer payment advices or other evidence of payments from an employer with the trustee by December 3, 2019. The debtor provided the necessary documents to Trustee on December 11, 2019, which was untimely. Doc. #64.

The matter shall be called to allow Trustee to respond to debtor's comments.

7. [20-10431](#)-B-13 **IN RE: JESSICA KALINA**
[TCS-1](#)

MOTION TO EXTEND AUTOMATIC STAY
2-11-2020 [9]

JESSICA KALINA/MV
TIMOTHY SPRINGER/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 court will issue the order.

This Motion to Extend the Automatic Stay was properly set for hearing on the notice required by Local Rule of Practice ("LBR") 9014-1(f)(2). Consequently, the creditors, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

If the debtor has had a bankruptcy case pending within the preceding one-year period, but was dismissed, then under 11 U.S.C. § 362(c)(3)(A), the automatic stay under subsection (a) of this section with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease, shall terminate with respect to the debtor on the 30th day after the filing of the later case.

Debtor had one case pending within the preceding one-year period that was dismissed, case no. 15-14860. That case was filed on December 21, 2015 and was dismissed on November 16, 2019 for failure to make plan payments. This case was filed on February 5, 2020 and the automatic stay will expire on March 6, 2020.

11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor or a party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are highly probable. Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence [the non-moving party] offered in opposition.'" Emmert v. Taggart (In re Taggart), 548 B.R. 275, 288, n.11 (9th Cir. BAP 2016) (citations omitted) (overruled on other grounds by Taggart v. Lorenzen, No. 18-489, 2019 U.S. LEXIS 3890 (June 3, 2019)).

In this case the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith because the prior case was dismissed because debtor failed to perform the terms of a plan confirmed by the court. 11 U.S.C. § 362(c)(3)(C)(i)(II)(cc).

However, based on the moving papers and the record, and in the absence of opposition, the court is persuaded that the presumption has been rebutted, the debtors' petition was filed in good faith, and it intends to grant the motion to extend the automatic stay as to all creditors.

Debtor fell behind on plan payments because she was attempting to catch up on the arrearages on her primary residence. Doc. #11. She has a chronic illness and her mother became ill. *Id.* Debtor states that her circumstances have changed because she was able to lower her arrearages from paying them in the previous bankruptcy case for almost four years, she is current on her bills, and she states that her parents (who live with her) "are willing to contribute all of their income from social security and their pension" to help her successfully complete a chapter 13 plan. *Id.*

The motion will be granted and the automatic stay extended for all purposes as to all parties who received notice, unless terminated by further order of this court. 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.

8. [19-14232](#)-B-13 **IN RE: ISIDRO GARCIA AND BRENDA HERNANDEZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
2-6-2020 [\[40\]](#)

TIMOTHY SPRINGER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the OSC.

The Debtors have paid \$300.00 of the \$310.00 filing fee. A balance of \$10.00 remains.

9. [19-14933](#)-B-13 **IN RE: ARNOLDO MALDONADO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-30-2020 [\[25\]](#)

THOMAS GILLIS/ATTY. FOR DBT.
\$77.00 INSTALLMENT PAYMENT 2/5/20

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 were paid on February 5, 2020.

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.

10. [19-14933](#)-B-13 **IN RE: ARNOLDO MALDONADO**
[MHM-1](#)

MOTION TO DISMISS CASE
1-3-2020 [\[21\]](#)

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The court will issue the order.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause.

Here, the trustee has requested dismissal for unreasonable delay by the debtor that is prejudicial to creditors for failing to appear at the § 341 meeting and failing to set a plan for a confirmation hearing and noticing creditors. Doc. #21. Debtor did not oppose.

The court finds that dismissal would be in the best interests of creditors and the estate.

For the above reasons, this motion is GRANTED.

11. [19-14935](#)-B-13 **IN RE: MARIA SOTO**
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H. MEYER
1-3-2020 [\[20\]](#)

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

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

This objection is SUSTAINED. By prior order of the court (doc. #26), debtor had until either February 12, 2020 to file and serve a written response to the chapter 13 trustee's objection to confirmation, or until February 19, 2020 to file, serve, and set for hearing a confirmable modified plan or the objection would be sustained on the grounds therein. Debtor has neither responded to the objection nor filed a modified plan. Therefore pursuant to the court's previous order, this objection is SUSTAINED.

12. [19-15037](#)-B-13 **IN RE: DENISE SOTO**
[EPE-1](#)

MOTION TO CONFIRM PLAN
1-14-2020 [\[26\]](#)

DENISE SOTO/MV
ERIC ESCAMILLA/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

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

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

LBR 9004-2(a)(6), (b)(5), (b)(6), (e) and LBR 9014-1(c), (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require the DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN.

A Motion to Extend Deadline to File Schedules or Provide Required Information was previously filed on December 12, 2019 (doc. #13) and granted on December 13, 2019. Doc. #17. The DCN for that motion was EPE-1. This motion also has a DCN of EPE-1 and therefore does not

comply with the local rules. Each separate matter filed with the court must have a different DCN.

13. [19-14938](#)-B-13 **IN RE: ABEL ACEVEDO AND DENISE CASTILLO**
[TOG-2](#)

CONTINUED MOTION TO CONFIRM PLAN
12-18-2019 [\[24\]](#)

ABEL ACEVEDO/MV
THOMAS GILLIS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Trustee's objection is sustained.

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

This objection is SUSTAINED. By prior order of the court (doc. #40), debtor had until either February 12, 2020 to file and serve a written response to the chapter 13 trustee's objection to confirmation, or until February 19, 2020 to file, serve, and set for hearing a confirmable modified plan or the objection would be sustained on the grounds therein. Debtor has neither responded to the objection nor filed a modified plan. Therefore pursuant to the court's previous order, this objection is SUSTAINED.

14. [19-10752](#)-B-13 **IN RE: STEVEN CHAVEZ**
[SFR-5](#)

CONTINUED MOTION TO MODIFY PLAN
12-17-2019 [\[117\]](#)

STEVEN CHAVEZ/MV
SHARLENE ROBERTS-CAUDLE/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion. Doc. #127.

15. [19-13554](#)-B-13 **IN RE: GEORGE FONSECA**
[TAM-1](#)

MOTION TO CONFIRM PLAN
1-9-2020 [\[43\]](#)

GEORGE FONSECA/MV
THOMAS MOORE/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to April 1, 2020 at 9:30 a.m. The court
 sets May, 13 2020 as a bar date by which a chapter
 13 plan must be confirmed or the case will be
 dismissed.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtor's fully noticed motion to confirm a chapter 13 plan. 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 not later than March 18, 2020. The response shall specifically address each issue raised in the opposition 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 March 25, 2020.

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 March 25, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

Pursuant to § 1324(b), the court will set May 13, 2020 as a bar date by which a chapter 13 plan must be confirmed or the case will be dismissed on Trustee's declaration.

16. [19-14955](#)-B-13 **IN RE: ALBERTO/NORA URZUA**
[TOG-2](#)

CONTINUED MOTION TO CONFIRM PLAN
12-18-2019 [[26](#)]

ALBERTO URZUA/MV
THOMAS GILLIS/ATTY. FOR DBT.
RESPONSIVE PLEADING, CASE DISMISSED 2/14/20

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 case was dismissed on February 14, 2020. Doc. #45.

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

MOTION TO SUBSTITUTE ATTORNEY
1-31-2020 [[107](#)]

VICTOR ISLAS/MV
THOMAS GILLIS/ATTY. FOR DBT.
ECF ORDER #109

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

DISPOSITION: Dropped from calendar.

ORDER: The attorneys and client shall submit an order to the court in compliance with Local Rule of Practice 2017-1(h).

18. [18-14060](#)-B-13 **IN RE: SCOTTIE/CHRISTINA NABORS**
[FW-2](#)

MOTION TO MODIFY PLAN
1-14-2020 [\[49\]](#)

SCOTTIE NABORS/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 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

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

19. [17-10661](#)-B-13 **IN RE: WILLIAM/STEPHANIE CROCKETT**
[FW-1](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C.
FOR GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)
1-24-2020 [\[17\]](#)

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. Movant is awarded \$3,808.50 in fees and \$322.80 in costs.

20. [19-14666](#)-B-13 **IN RE: JAMES CULVER**
[TCS-1](#)

CONTINUED MOTION TO CONFIRM PLAN
11-27-2019 [\[16\]](#)

JAMES CULVER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
OPPOSITION BY TRUSTEE WITHDRAWN

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 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The chapter 13 trustee withdrew his opposition on February 4, 2020. Doc. #30. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

21. [19-14470](#)-B-13 **IN RE: JOSE SANCHEZ AND CRISTINA TORREZ**
[TOG-2](#)

CONTINUED MOTION TO CONFIRM PLAN
12-12-2019 [\[27\]](#)

JOSE SANCHEZ/MV
THOMAS GILLIS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

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

This motion is DENIED WITHOUT PREJUDICE. By prior order of the court (doc. #46), debtor had until either February 12, 2020 to file and serve a written response to the chapter 13 trustee's objection to confirmation, or until February 19, 2020 to file, serve, and set for hearing a confirmable modified plan or the objection would be sustained on the grounds therein. Debtor has neither responded to the objection nor filed a modified plan. Therefore pursuant to the court's previous order, this motion is DENIED WITHOUT PREJUDICE.

22. [18-13076](#)-B-13 **IN RE: JASON/IRENE FORBIS**
[TCS-3](#)

MOTION FOR CONSENT TO ENTER INTO LOAN MODIFICATION AGREEMENT
1-27-2020 [\[66\]](#)

JASON FORBIS/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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be

taken as true (except those relating to amount of damages).
Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. Debtors seek authorization from the court to enter into a loan modification with Wells Fargo. Doc. #66. The terms of the loan modification will result in a loan for 480 months at an interest rate of 3.875%, with a monthly payment of \$2,421.25. Id. Debtors are current on their plan payments. No party has opposed this motion. Debtors are authorized, but not required, to enter into the loan modification with Wells Fargo. Debtors shall continue paying their plan payments until plan modification is necessary, if ever.

23. [18-13481](#)-B-13 **IN RE: JAVIER VELIZ**
[PBB-5](#)

MOTION TO MODIFY PLAN
1-13-2020 [\[116\]](#)

JAVIER VELIZ/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 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages).
Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

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

24. [19-10994](#)-B-13 **IN RE: RAFAEL REYES AND GRACIELA GAMBOA**
[FW-3](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C.
DEBTORS ATTORNEY(S)
1-29-2020 [\[36\]](#)

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. Movant is awarded \$2,859.50 in fees and \$375.40 in costs.

11:00 AM

1. [11-63503](#)-B-7 **IN RE: FRANK/ALICIA ITALIANE**
[12-1053](#)

CONTINUED STATUS CONFERENCE RE: FIRST AMENDED COMPLAINT
10-18-2012 [[21](#)]

JEFFREY CATANZARITE FAMILY
LIMITED PARTNERSHIP ET V. LANE
HAMID RAFATJOO/ATTY. FOR PL.

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

DISPOSITION: Dropped from calendar.

ORDER: The court will issue the order.

The parties have stipulated to continue the status conference to
April 1, 2020 at 11:00 a.m. The court will issue the order.

2. [19-14444](#)-B-7 **IN RE: HAROLD/KIMBERLY COOPER**
[19-1136](#)

STATUS CONFERENCE RE: COMPLAINT
12-19-2019 [[1](#)]

COOPER V. CREDITORS BUREAU USA
TIMOTHY SPRINGER/ATTY. FOR PL.
DISMISSED 1/16/20

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: An order dismissing the case has already been
entered. Doc. #9.

3. [18-14160](#)-B-7 **IN RE: BRYAN ROCHE**
[19-1013](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT
1-17-2019 [\[1\]](#)

VANDENBERGHE V. ROCHE
DAREN SCHLECTER/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to April 29, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The parties have made a date for mediation. They have stipulated to continue the pre-trial conference to April 22, 2020 at 1:30 p.m. However that is not a date nor time the court has hearings scheduled. The matter is continued to April 29, 2020 at 11:00 a.m. The court will issue the order.

4. [17-11570](#)-B-13 **IN RE: GREGGORY KIRKPATRICK**
[19-1100](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
9-24-2019 [\[1\]](#)

KIRKPATRICK V. CALLISON ET AL
MARTIN GAMULIN/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

5. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1123](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
12-19-2019 [\[11\]](#)

TULARE LOCAL HEALTHCARE
DISTRICT V. MEDLINE
MICHAEL WILHELM/ATTY. FOR PL.
CONTINUED TO 3/11/20 PER ECF ORDER #23, RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 11, 2020 at 11:00 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #23.

6. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1138](#)

STATUS CONFERENCE RE: COMPLAINT
12-26-2019 [[1](#)]

TULARE LOCAL HEALTHCARE
DISTRICT V. TETRA FINANCIAL
MICHAEL WILHELM/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED. Doc. #11.

1:30 PM

1. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-14](#)

OMNIBUS OBJECTION TO CLAIMS
1-7-2020 [\[1766\]](#)

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to four claims on the grounds that they are not entitled to priority status as only 11 U.S.C. § 507(a)(2) is incorporated into Chapter 9 and none of the subject creditors filed any requests for allowance of

administrative expenses by the deadline set out in the Plan. Doc. #1766, 1812.

Pursuant to the plan of reorganization, all requests for payment of any administrative expense claims must have been filed and served on the Debtor no later than 60 days following the Effective Date, which was October 17, 2019. Doc. #1766. The deadline therefore passed on December 16, 2019 and no such requests were filed by the creditors identified on exhibit A. Doc. #1812. No claimant has opposed this objection.

Therefore, the four claims listed in exhibit A are disallowed as to their alleged priority status and allowed only as general unsecured claims.

2. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-15](#)

OMNIBUS OBJECTION TO CLAIMS
1-7-2020 [\[1770\]](#)

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to six claims on the grounds that they were filed after the claims bar date and no motion allowing a late filed claim has been successfully litigated by any of the claimants. Doc. #1770, 1772.

The claims bar date was April 10, 2018. The subject claims were all filed after that date. No claimant has filed opposition to this objection.

Therefore, the six claims listed in exhibit A are disallowed entirely.

3. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-16](#)

OBJECTION TO CLAIM OF DEBRA HOLDRIDGE, CLAIM NUMBER 72
1-8-2020 [\[1776\]](#)

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

TENTATIVE RULING: The matter will proceed as scheduled.

DISPOSITION: Sustained.

ORDER: Preparation determined at the hearing.

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. 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. The Debtor may have done so here, but it is unclear.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claim no. 72 because the claim appears to represent an asserted interest only and does not specify any amount owed and has not been amended to specify any actual amount. Doc. #1776, 1778. Claimant has not filed opposition to this objection. The court notes that Ms. Holdrige appeared on the Master Address List, but it is not clear whether the claim was disputed by the District before the claim and objection was filed. See, Varela v. Dynamic Brokers, Inc. (In re Dynamic Brokers, Inc.), 293 B.R. 489 (B.A.P. 9th Cir. 2003).

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

OBJECTION TO CLAIM OF JOU LEE, M.D., CLAIM NUMBER 120
1-8-2020 [\[1780\]](#)

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

TENTATIVE RULING: The matter will proceed as scheduled.

DISPOSITION: Sustained.

ORDER: Preparation determined at the hearing.

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. 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. The Debtor may have done so here, but it is unclear.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the

claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claim no. 120 because the claim appears to represent an asserted interest only and does not specify any amount owed and has not been amended to specify any actual amount. Doc. #1780, 1782. Claimant has not filed opposition to this objection. Claimant's name is on the Master Address List but it is unclear if the Debtor disputed the claim before the claim and objection was filed. See Varela v. Dynamic Brokers, Inc. (In re Dynamic Brokers, Inc.), 293 B.R. 489 (B.A.P. 9th Cir. 2003).

5. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-18](#)

OBJECTION TO CLAIM OF TULARE HOSPITALIST GROUP, CLAIM NUMBER 231
1-8-2020 [\[1784\]](#)

TULARE LOCAL HEALTHCARE
DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 3/31/20 PER ECF ORDER #2002

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

DISPOSITION: Continued to March 31, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #2002.

6. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-19](#)

OBJECTION TO CLAIM OF GUPTA-KUMAR MEDICAL PRACTICE, CLAIM NUMBER
232
1-8-2020 [\[1789\]](#)

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

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

DISPOSITION: Continued to March 31, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #2006.

7. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-20](#)

OBJECTION TO CLAIM OF WELLS FARGO VENDOR FINANCIAL, CLAIM NUMBER
162 AND/OR OBJECTION TO CLAIM OF WELLS FARGO VENDOR FINANCIAL,
CLAIM NUMBER 163
1-8-2020 [\[1794\]](#)

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 4/14/20 PER ECF ORDER #1982

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

DISPOSITION: Continued to April 14, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #1991.

8. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-21](#)

OBJECTION TO CLAIM OF DVA HEALTHCARE RENAL CARE, INC., CLAIM
NUMBER 219
1-8-2020 [\[1799\]](#)

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

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the objection. Doc. #1999.

9. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-22](#)

OBJECTION TO CLAIM OF NTHRIVE, INC., CLAIM NUMBER 189
1-8-2020 [\[1804\]](#)

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

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the objection. Doc. #1978.

10. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-23](#)

OBJECTION TO CLAIM OF HOSPITAL COUNCIL OF NORTHERN AND CENTRAL
CALIFORNIA, CLAIM NUMBER 151
1-10-2020 [\[1824\]](#)

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claim no. 151 because the claim is inconsistent with the Debtor's books and records, the Debtor has no liability for the amount and claim asserted, and said claim should be disallowed in its entirety. Doc. #1824. Claimant has not filed opposition to this objection.

Therefore, claim no. 151 is disallowed in its entirety.

11. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-24](#)

OBJECTION TO CLAIM OF CALIFORNIA HOSPITAL ASSOCIATION, CLAIM
NUMBER 152
1-10-2020 [\[1829\]](#)

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claim no. 152 because the claim is inconsistent with the Debtor's books and records, the Debtor has no liability for the amount and claim asserted, and said claim should be disallowed in its entirety. Doc. #1829. Claimant has not filed opposition to this objection.

Therefore, claim no. 152 is disallowed in its entirety.

12. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-25](#)

OBJECTION TO CLAIM OF INPATIENT HOSPITAL GROUP, INC., CLAIM
NUMBER 230
1-10-2020 [\[1834\]](#)

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 3/31/20 PER ECF ORDER #2001

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

DISPOSITION: Continued to March 31, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #2001.

13. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-26](#)

OBJECTION TO CLAIM OF CITI BANK, N.A., CLAIM NUMBER 12
1-10-2020 [\[1839\]](#)

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claim no. 12 because the claim is inconsistent with the Debtor's books and records, the Debtor has no liability for the amount and claim asserted, and said claim should be disallowed in its entirety. Doc. #1839. Claimant has not filed opposition to this objection.

Therefore, claim no. 12 is disallowed in its entirety.

14. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-27](#)

OBJECTION TO CLAIM OF TOGROL SALJOUGHY, M.D., CLAIM NUMBER 84
1-10-2020 [[1844](#)]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: This matter will proceed as a scheduling
conference.

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

The hearing on this motion will be called as scheduled and will proceed as a scheduling conference.

This matter is now deemed to be a contested matter. Pursuant to Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall be prepared for the court to set an early evidentiary hearing.

Based on the record, the factual issues appear to include: whether claimant is entitled to the claim amount of \$25,000.00.

15. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-28](#)

OBJECTION TO CLAIM OF US. TELEPACIFIC CORP., CLAIM NUMBER 228
1-10-2020 [\[1849\]](#)

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claim no. 228 because the claim is inconsistent with the Debtor's books and records, the Debtor has no liability for the amount and claim asserted, and said claim should be disallowed in its entirety. Doc. #1849. Claimant has not filed opposition to this objection.

Therefore, claim no. 228 is disallowed in its entirety.

16. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-29](#)

OBJECTION TO CLAIM OF KNIGHT MEDICAL SALES & CONSULTING, LLC,
CLAIM NUMBER 69
1-13-2020 [[1871](#)]

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claim no. 69 because the claim is inconsistent with the Debtor's books and records, the Debtor has no liability for the amount and claim asserted, and said claim should be disallowed in its entirety. Doc. #1871. Claimant has not filed opposition to this objection.

Therefore, claim no. 69 is disallowed in its entirety.

17. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-30](#)

OBJECTION TO CLAIM OF ON THE WALL, INC., CLAIM NUMBER 76
1-9-2020 [\[1818\]](#)

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claim no. 76 because the claim appears to be a duplicate of claim no. 59 filed by the same creditor on December 28, 2017. Doc. #1818. Claim no. 76 was not filed as an amended claim but a separate claim by the same creditor on account of the same services. The amount of claim no. 59 is \$12,250.00, which is \$50.00 less than claim no. 76. Claimant has not filed opposition to this objection.

Therefore, claim no. 76 is disallowed in its entirety.

18. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-31](#)

OBJECTION TO CLAIM OF OLGA SALJOUGHY, F.N.P., CLAIM NUMBER 105
1-13-2020 [[1876](#)]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: This matter will proceed as a scheduling
conference.

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

The hearing on this motion will be called as scheduled and will
proceed as a scheduling conference.

This matter is now deemed to be a contested matter. Pursuant to
Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of
discovery apply to contested matters. The parties shall be prepared
for the court to set an early evidentiary hearing.

Based on the record, the factual issues appear to include: whether
claimant is entitled to the claim amount of \$10,086.79; whether
claimant was an employee of Healthcare Conglomerate Associates, LLC.

19. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-32](#)

OBJECTION TO CLAIM OF JOHNSON & JOHNSON HEALTH CARE SYSTEMS,
INC., CLAIM NUMBER 165
1-13-2020 [[1881](#)]

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 3/31/20 PER ECF ORDER #1995

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

DISPOSITION: Continued to March 31, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #1995.

20. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-33](#)

OBJECTION TO CLAIM OF MED ONE CAPITAL FUNDING, LLC, CLAIM NUMBER
203

1-13-2020 [\[1886\]](#)

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 3/31/20 PER ECF ORDER #1996

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

DISPOSITION: Continued to March 31, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #1996.

21. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-34](#)

OBJECTION TO CLAIM OF BANK OF THE SIERRA, CLAIM NUMBER 196
1-13-2020 [\[1891\]](#)

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: This matter will proceed as a scheduling
conference.

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

The hearing on this motion will be called as scheduled and will
proceed as a scheduling conference.

This matter is now deemed to be a contested matter. Pursuant to
Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of
discovery apply to contested matters. The parties shall be prepared
for the court to set an early evidentiary hearing.

Based on the record, the factual issues appear to include: the
amount owed to claimant.

The court notes debtor's response stating that a mutual resolution
may be agreed upon before this hearing. Doc. #2007.

22. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-35](#)

OBJECTION TO CLAIM OF JUANITA CABRERA, CLAIM NUMBER 19
1-13-2020 [[1906](#)]

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

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the objection. Doc. #1968.

23. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-36](#)

OBJECTION TO CLAIM OF RUTHERFORD CO., INC., CLAIM NUMBER 191
1-13-2020 [[1896](#)]

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 3/31/20 PER ECF ORDER #1973

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

DISPOSITION: Continued to March 31, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #1973.

24. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-37](#)

OBJECTION TO CLAIM OF GRAHAM PREWETT, INC., CLAIM NUMBER 73
1-13-2020 [[1901](#)]

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 4/14/20 PER ECF ORDER #1967

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

DISPOSITION: Continued to April 14, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #1967.

25. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-38](#)

OMNIBUS OBJECTION TO CLAIMS
1-13-2020 [\[1911\]](#)

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

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor Tulare Local Healthcare District ("Debtor") objects to claims 221, 223, and 224, which stem from pending state court litigation and attorney's fees, because all matters with Rebecca Zulim, M.D. and the related litigation have been resolved and Debtor has no liability for the amounts and claims asserted. Doc. #1911. Claimants have not filed opposition to this objection.

Therefore, claims 221, 223, and 224 are disallowed in their entirety.

26. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-39](#)

OBJECTION TO CLAIM OF CHANNELFORD ASSOCIATES, INC., CLAIM
NUMBER 93
1-13-2020 [[1916](#)]

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 3/31/20 PER ECF ORDER #1981, RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 31, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #1981.

27. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-40](#)

OBJECTION TO CLAIM OF SOUTHERN CALIFORNIA EDISON, CLAIM NUMBER
16
1-13-2020 [[1921](#)]

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.
CONTINUED TO 3/31/20 PER ECF ORDER #1992

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

DISPOSITION: Continued to March 31, 2020 at 9:30 a.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #1992.