

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Wednesday, March 11, 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. [19-14302](#)-B-13     **IN RE: SHAWN/JULIA WHITE**  
[MHM-1](#)

MOTION TO DISMISS CASE  
2-12-2020    [\[54\]](#)

MICHAEL MEYER/MV  
D. GARDNER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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 file a chapter 13 plan and form 122C-1. Doc. #54. Debtor filed non-opposition. Doc. #58.

The court finds that dismissal would be in the best interests of creditors and the estate. Debtor's non-opposition states that "it

has been determined that Debtors cannot become current on the filing of past tax returns at this time in order to proceed in Chapter 13." Doc. #58.

For the above reasons, this motion is GRANTED.

2. [19-15406](#)-B-13     **IN RE: ANOFRE/MARIA OROSCO**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
2-12-2020    [\[17\]](#)

ERIC ESCAMILLA/ATTY. FOR DBT.

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

DISPOSITION:        Continued to April 15, 2020 at 9:30 a.m.

ORDER:                The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' plan. 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 not later than April 1, 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 debtors' position. Trustee shall file and serve a reply, if any, by April 8, 2020.

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 April 8, 2020. If the debtors do 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.

3. [19-15406](#)-B-13     **IN RE: ANOFRE/MARIA OROSCO**  
[MHM-2](#)

MOTION TO DISMISS CASE  
2-12-2020    [\[20\]](#)

MICHAEL MEYER/MV  
ERIC ESCAMILLA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Dropped from calendar.

NO ORDER REQUIRED:    Movant withdrew the motion. Doc. #31.

4. [19-13708](#)-B-13     **IN RE: GENARO/ALMA ARCHAN**  
[MAZ-1](#)

MOTION TO VALUE COLLATERAL OF KINGS FEDERAL CREDIT UNION  
2-6-2020    [\[21\]](#)

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

The motion is GRANTED. 11 U.S.C. § 1325(a)(\*) (the hanging paragraph) gives a debtor the ability to value a motor vehicle acquired for the personal use of the debtor at its current amount, as opposed to the amount due on the loan, when the loan was a purchase money security interest secured by the vehicle and the debt was not incurred within the 910-day period preceding the date of the filing.

Debtor asks the court for an order valuing a 2015 Chevrolet Sonic ("Vehicle") at \$5,215.00. Doc. #21. Creditor Kings Federal Credit Union's ("Creditor") claim states the amount owed to be \$9,916.23. Claim #27. Debtor's declaration states that the replacement value (as defined in 11 U.S.C. § 506(a)(2)) is \$5,215.00. Doc. #23. Debtor incurred the debt in October, 2015. Id. That date is more than 910 days before debtor filed this case.

The debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Creditor's secured claim will be fixed at \$5,215.00. The proposed order shall specifically identify the collateral, and if applicable, the proof

of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

5. [19-14713](#)-B-13     **IN RE: DARWIN MAMARADLO**  
[WDO-2](#)

MOTION TO CONFIRM PLAN  
1-29-2020    [\[43\]](#)

DARWIN MAMARADLO/MV  
WILLIAM OLCOTT/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.

6. [19-15117](#)-B-13     **IN RE: RAYMOND CASUGA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
2-12-2020    [\[34\]](#)

DAVID JENKINS/ATTY. FOR DBT.  
\$77.00 INSTALLMENT PAYMENT 2/14/20

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

DISPOSITION:        The OSC will be vacated.

ORDER:                The court will issue an order.

The installment payment was paid on February 14, 2020.

7. [19-15122](#)-B-13     **IN RE: DAVID/ANTOINETTE MORALES**  
[ALG-2](#)

OBJECTION TO CONFIRMATION OF PLAN BY FEDERAL NATIONAL MORTGAGE  
ASSOCIATION  
2-12-2020    [\[32\]](#)

FEDERAL NATIONAL MORTGAGE ASSOCIATION/MV  
MARK ZIMMERMAN/ATTY. FOR DBT.  
ARNOLD GRAFF/ATTY. FOR MV.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:        Sustained unless the condition below occurs.

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 objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. 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.

Creditor Federal National Mortgage Association ("Creditor") objects to plan confirmation because the plan does not account for the entire amount of the pre-petition arrearages that debtor owes to creditor and that the plan does not promptly cure Creditor's pre-petition arrears as required by 11 U.S.C. § 1322(b)(5), nor is the plan feasible. Doc. #32, claim #8. Section 3.02 of the plan provides that it is the proof of claim, not the plan itself, that determines the amount that will be repaid under the plan. Doc. #11. Creditor's proof of claim, filed January 23, 2020, states a claimed arrearage of \$47,488.70. This claim is classified in class 1 - paid by the chapter 13 trustee. Plan section

3.07(b) (2) states that if a Class 1 creditor's proof of claim demands a higher or lower post-petition monthly payment, the plan payment shall be adjusted accordingly.

Debtors' plan understates the amount of arrears. The plan states arrears of \$11,950.35. Doc. #11. Creditor's claim states arrears of \$47,488.70. Though plan section 3.02 provides that the proof of claim, and not the plan itself, that determines the amount that will be repaid, section 3.07(b) (2) requires that the payment be adjusted accordingly for a class 1 claim.

It is possible, though unlikely, that the arrearages can be satisfied under Plan Section 5.02(c), but the court currently has no evidence of this. The parties may present such evidence at the hearing and the court may continue the hearing or otherwise rule.

8. [19-14425](#)-B-13      **IN RE: SILVIA JIMENEZ**  
[MJH-1](#)

MOTION TO CONFIRM PLAN  
2-5-2020    [\[51\]](#)

SILVIA JIMENEZ/MV  
THOMAS GILLIS/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 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. Doc. #78. 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. [19-13835](#)-B-13     **IN RE: JOSE VITOLAS**  
[JBC-2](#)

MOTION TO CONFIRM PLAN  
1-29-2020    [\[51\]](#)

JOSE VITOLAS/MV  
JAMES CANALEZ/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Denied without prejudice. The court sets May 28, 2020 as the date by which a Chapter 13 Plan must be confirmed or the case will be dismissed.

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 Shorten Time was previously filed on September 18, 2019 (doc. #16) and granted on September 19, 2019. Doc. #21. The DCN for that motion was JBC-2. This motion also has a DCN of JBC-2 and therefore does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

Under § 1324(b), the court sets May 28, 2020 as the date by which a Chapter 13 Plan must be confirmed or the case will be dismissed without further hearing. The Trustee may file a declaration that the bar date has not been met and the court will dismiss the case.



10. [19-13835](#)-B-13     **IN RE: JOSE VITOLAS**  
[JBC-3](#)

MOTION TO VALUE COLLATERAL OF BANK OF AMERICA, N.A. AND/OR  
MOTION TO AVOID LIEN OF BANK OF AMERICA, N.A.  
1-29-2020    [\[56\]](#)

JOSE VITOLAS/MV  
JAMES CANALEZ/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 objection 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. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor may proceed to obtain relief from this lien upon completion of the necessary requirements under applicable law. If the chapter 13 plan has not been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.

*This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.*

11. [19-13835](#)-B-13     **IN RE: JOSE VITOLAS**  
[MHM-3](#)

CONTINUED MOTION TO DISMISS CASE  
1-13-2020    [\[46\]](#)

MICHAEL MEYER/MV  
JAMES CANALEZ/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:        The matter will proceed as scheduled.

DISPOSITION:               Continued to May 28, 2020 at 9:30 a.m. which  
is the bar date for plan confirmation which  
was set by the court in matter #9 above.

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

This matter is continued to May 28, 2020 at 9:30 a.m., the bar date  
by which a plan must be confirmed. The court will call the matter to  
consider the debtor's and the Trustee's comments about this proposed  
disposition.

12. [19-14636](#)-B-13     **IN RE: REED/KIMBERLY BARBER**  
[MHM-2](#)

MOTION TO DISMISS CASE  
2-6-2020    [\[29\]](#)

MICHAEL MEYER/MV  
NEIL SCHWARTZ/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 confirm a chapter 13 plan. Doc. #29. Debtor did not oppose.

The court finds that dismissal would be in the best interests of creditors and the estate. The case was filed on November 1, 2019 and no plan has yet been confirmed.

For the above reasons, this motion is GRANTED.

13. [19-13554](#)-B-13     **IN RE: GEORGE FONSECA**  
[MHM-3](#)

MOTION TO DISMISS CASE  
2-10-2020    [\[51\]](#)

MICHAEL MEYER/MV  
THOMAS MOORE/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 confirm a chapter 13 plan and failing to make all payments due under the plan. Doc. #29. Debtor did not oppose.

The court finds that dismissal would be in the best interests of creditors and the estate. The case was filed on August 19, 2019 and no plan has yet been confirmed. Debtor is also delinquent in the amount of \$3,200.00 and another monthly payment of \$3,100.00 will come due on February 25, 2020. Doc. #53.

For the above reasons, this motion is GRANTED.

14. [17-14157](#)-B-13     **IN RE: VICTOR ISLAS AND LORENA GONZALEZ**  
[TCS-2](#)

MOTION TO MODIFY PLAN  
1-31-2020    [\[99\]](#)

VICTOR ISLAS/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.  
PLAN WITHDRAWN

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the motion. Doc. #126.

15. [19-11859](#)-B-13     **IN RE: JOSHUA BOVARD**  
[FW-2](#)

MOTION FOR COMPENSATION FOR GABRIEL J. WADDELL, DEBTORS ATTORNEY  
1-31-2020    [\[43\]](#)

PETER FEAR/ATTY. FOR DBT.

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

DISPOSITION:                    Granted.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned

parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED. Debtor's bankruptcy counsel, Fear Waddell, P.C., requests fees of \$13,134.50 and costs of \$458.39 for a total of \$13,592.89 for services rendered from July 22, 2016 through December 31, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Prepared for and attended the § 341 meeting of creditors, (2) Communicated with debtor regarding claim administration, and (3) Amended and confirmed an amended plan. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$13,134.50 in fees and \$458.39 in costs.

16. [19-15366](#)-B-13     **IN RE: ESTHER SERRANO**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
2-12-2020    [\[18\]](#)

MARK HANNON/ATTY. FOR DBT.

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

DISPOSITION:     Continued to April 15, 2020 at 9:30 a.m.

ORDER:             The court will issue an order.

The chapter 13 trustee ("Trustee") has not yet concluded the § 341 meeting of creditors. The meeting has been continued to March 31, 2020 at 11:00 a.m.

17. [19-15366](#)-B-13     **IN RE: ESTHER SERRANO**  
[MHM-2](#)

MOTION TO DISMISS CASE  
2-12-2020    [\[21\]](#)

MICHAEL MEYER/MV  
MARK HANNON/ATTY. FOR DBT.

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the motion. Doc. #29.

18. [19-14574](#)-B-13     **IN RE: JOSE MORALES**  
[MJH-1](#)

MOTION TO CONFIRM PLAN  
2-5-2020    [\[42\]](#)

JOSE MORALES/MV  
THOMAS GILLIS/ATTY. FOR DBT.

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 Moving Party shall submit a proposed order in conformance with the ruling below unless the court otherwise rules at the hearing.

Though there is no opposition to confirmation of the plan, there is no substitution of attorney that the court has approved on the docket. The proposed counsel, Mark Hannon, did submit a substitution on or about February 5, 2020 which the court did not approve by order on or about February 19, 2020. Local Rule of Practice ("LBR") 2017-1 provides in part that by having his name on an initial document, Mr. Hannon is considered the attorney of record. This matter will be called to clarify Mr. Hannon's representation of this client before the plan will be confirmed.

This motion was set for hearing on 35 days' notice as required by 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.

11:00 AM

1. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[20-1001](#)

STATUS CONFERENCE RE: COMPLAINT  
1-6-2020    [[1](#)]

SUGARMAN V. CRAWFORD ET AL  
JOHN MACCONAGHY/ATTY. FOR PL.  
CONTINUED TO 4/15/20 PER ECF STIPULATION AND ORDER #10

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

DISPOSITION:                    Continued to April 15, 2020 at 10:00 a.m.

NO ORDER REQUIRED:            The court already issued an order. Doc. #10.

2. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[19-1105](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
10-4-2019    [[7](#)]

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

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

DISPOSITION:                    Dropped from calendar.

ORDER:                            The plaintiff voluntarily dismissed the matter. Doc.  
#30.

3. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[19-1108](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
10-7-2019    [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. MARTINEZ, MD  
MICHAEL WILHELM/ATTY. FOR PL.

NO RULING.



4. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[19-1109](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
10-7-2019    [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. TELNET-RX, INC.  
MICHAEL WILHELM/ATTY. FOR PL.  
DISMISSED 2/14/20

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. #21.

5. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[19-1113](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
10-14-2019    [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. KOLLEN, MD  
MICHAEL WILHELM/ATTY. FOR PL.

NO RULING.

6. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[19-1114](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
10-14-2019    [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. OSTROM, DO  
MICHAEL WILHELM/ATTY. FOR PL.

NO RULING.

7. [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.  
RESPONSIVE PLEADING

NO RULING.

8. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[19-1138](#)

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

TULARE LOCAL HEALTHCARE  
DISTRICT V. TETRA FINANCIAL MICHAEL WILHELM/ATTY. FOR PL.  
DISMISSED 02/20/2020;

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. #13.

9. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[20-1002](#)

STATUS CONFERENCE RE: COMPLAINT  
1-14-2020    [[1](#)]

TULARE LOCAL HEALTHCARE DISTRICT V. BAKER & HOSTETLER  
RILEY WALTER/ATTY. FOR PL.

NO RULING.