

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: THURSDAY

DATE: APRIL 2, 2020

CALENDAR: 1:30 P.M. CHAPTERS 13 AND 12 CASES

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.

1. [18-15100](#)-A-13 **IN RE: ANGELINA LOPEZ**
[NES-4](#)

MOTION TO MODIFY PLAN
2-4-2020 [[105](#)]

ANGELINA LOPEZ/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

2. [20-10100](#)-A-12 **IN RE: TRANQUILITY PISTACHIO, LLC**
[FRB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY , AND/OR,
MOTION/APPLICATION FOR RELIEF FROM CO-DEBTOR STAY
3-5-2020 [[65](#)]

FARM CREDIT SERVICES OF
AMERICA, PCA/MV
NOEL KNIGHT/ATTY. FOR DBT.
MICHAEL GOMEZ/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

3. [19-13701](#)-A-13 **IN RE: PAUL/KATHERINE MCCURRY**
[DMG-2](#)

CONTINUED MOTION TO CONFIRM PLAN
1-15-2020 [[46](#)]

PAUL MCCURRY/MV
D. GARDNER/ATTY. FOR DBT.

No Ruling

4. [19-13701](#)-A-13 **IN RE: PAUL/KATHERINE MCCURRY**
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE
11-26-2019 [[23](#)]

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

No Ruling

5. [20-10201](#)-A-13 **IN RE: COREY/HENRY ALLEN RALSTON**
[KMM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MONEY SOURCE INC.
3-17-2020 [[27](#)]

MONEY SOURCE INC./MV
SCOTT LYONS/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

No Ruling

6. [20-10201](#)-A-13 **IN RE: COREY/HENRY ALLEN RALSTON**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
3-13-2020 [[24](#)]

SCOTT LYONS/ATTY. FOR DBT.

No Ruling

7. [20-10301](#)-A-13 **IN RE: HELIBERTO ELIZONDO**
[EAT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LAKEVIEW LOAN
SERVICING, LLC
3-11-2020 [[24](#)]

LAKEVIEW LOAN SERVICING,
LLC/MV
GARY SAUNDERS/ATTY. FOR DBT.
CASSANDRA RICHEY/ATTY. FOR MV.

No Ruling

8. [20-10301](#)-A-13 **IN RE: HELIBERTO ELIZONDO**
[JHK-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TD AUTO FINANCE LLC
2-24-2020 [[20](#)]

TD AUTO FINANCE LLC/MV
GARY SAUNDERS/ATTY. FOR DBT.
JOHN KIM/ATTY. FOR MV.

Tentative Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

Here the debtor incorrectly lists Creditor as Class 1. The debtor's daughter, a third party, is driving the vehicle and making payments (Schedule C, ECF 1). Creditor should have been listed as Class 4.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

TD Auto Finance, LLC's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

9. [20-10301](#)-A-13 **IN RE: HELIBERTO ELIZONDO**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
3-13-2020 [[27](#)]

GARY SAUNDERS/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

The plan payment is insufficient under 11 U.S.C. § 1322(a) to pay the monthly dividends and is short \$1,112.16 per month. The plan also proposes to pay TD Auto Finance as a Class 1 creditor to pay \$0.00.

Debtor testified at the 341 hearing on March 11, 2020 that he has not filed his 2019 tax returns. The 341 meeting was continued to April 21, 2020 for Debtors to file the returns and provide copies to the Trustee. The plan does not yet comply with 11 U.S.C. § 1325(a)(9).

11 U.S.C. § 1322(d) requires that the plan funds within 60 months. The plan as proposed will take over 206 months to fund.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

10. [20-10206](#)-A-13 **IN RE: DIEGO/RAQUELA ROMO**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
3-13-2020 [[16](#)]

THOMAS MOORE/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

This plan is not feasible under 11 U.S.C. §1325(a)(6). The plan payment is \$2,255.00 per month. According to Schedules I and J, Debtors have net monthly income of \$466.75 per month. ECF 1.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

11. [19-13807](#)-A-13 **IN RE: ROD/ANGELIQUE REED**
[MHM-2](#)

MOTION TO DISMISS CASE
2-26-2020 [[29](#)]

MICHAEL MEYER/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

12. [19-13807](#)-A-13 **IN RE: ROD/ANGELIQUE REED**
[RSW-1](#)

MOTION TO CONFIRM PLAN
3-3-2020 [[33](#)]

ROD REED/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

Disposition: Denied as moot

Order: Civil minute order

THE CHAPTER 13 PLAN HAS BEEN SUPERSEDED

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan and supersedes the prior plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any motion to confirm a prior plan. Because a modified plan has superseded the plan to be confirmed by this motion, the court will deny the motion as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the motion to confirm is denied as moot.

13. [19-12308](#)-A-13 **IN RE: ELI/ELENITA MALICSI**
[APN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-28-2020 [\[43\]](#)

TOYOTA MOTOR CREDIT
CORPORATION/MV
STEPHEN LABIAK/ATTY. FOR DBT.
AUSTIN NAGEL/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

14. [20-10318](#)-A-13 **IN RE: JOSE GONZALEZ AND ITALIA DE LOZA**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
3-13-2020 [\[15\]](#)

MARK HANNON/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition
required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

This plan does not comply with 11 U.S.C. § 1325(a)(1). The debtor has failed to provide the trustee with a required tax return (for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed) no later than 7 days before the date first set for the first meeting of creditors. 11 U.S.C. § 521(e)(2)(A)-(B). The plan is therefore incomplete or inaccurate.

The debtor has failed to appear at a § 341 meeting of creditors. See 11 U.S.C. §§ 341, 343. The meeting will be continued to May 12, 2020.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

15. [19-15123](#)-A-13 **IN RE: THIESEN HERNANDEZ**
[MHM-2](#)

MOTION TO DISMISS CASE
2-19-2020 [[41](#)]

MICHAEL MEYER/MV
SCOTT LYONS/ATTY. FOR DBT.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4). The debtor did not file a complete and accurate Schedule J.

For the reasons stated in the motion, cause exists to dismiss the case. *Id.* § 1307(c)(1).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted for unreasonable delay by the debtor that is prejudicial to creditors. The court hereby dismisses this case.

16. [19-15029](#)-A-13 **IN RE: ERIC/LIZA LEE**
[NES-1](#)

MOTION TO CONFIRM PLAN
2-20-2020 [[26](#)]

ERIC LEE/MV
NEIL SCHWARTZ/ATTY. FOR DBT.

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Denied

Order: Civil minute order

The motion requests confirmation of the chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1325, 1329; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

NON-COMPLIANCE WITH LOCAL RULES

Local Rule 3015-1(c) requires the use of this district's form chapter 13 plan. This district's form chapter 13 plan, Form EDC 3-080, has undergone revisions over the years. The most recent revision is the form that debtors are required to use.

In this case, the debtor has not filed an amended chapter 13 plan nor amended schedules. Filing said documents as exhibits to the Motion to Confirm Plan does not comply with 3015-1(c). The court will deny the motion on this ground.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

The debtor's motion to confirm the proposed chapter 13 plan in this case has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied.

17. [19-15138](#)-A-13 **IN RE: JULIO/VIOLENA CELAYA**
[MHM-1](#)

MOTION TO DISMISS CASE
2-19-2020 [[22](#)]

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

Final Ruling

The motion having been withdrawn, the matter is dropped as moot.

18. [19-15138](#)-A-13 **IN RE: JULIO/VIOLENA CELAYA**
[PBB-1](#)

MOTION TO VALUE COLLATERAL OF CTF ASSEST MANAGEMENT, LLC
2-21-2020 [[30](#)]

JULIO CELAYA/MV
PETER BUNTING/ATTY. FOR DBT.

No Ruling

19. [19-15138](#)-A-13 **IN RE: JULIO/VIOLENA CELAYA**
[RDW-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CTF ASSET
MANAGEMENT, LLC
2-3-2020 [[15](#)]

CTF ASSET MANAGEMENT, LLC/MV
PETER BUNTING/ATTY. FOR DBT.
REILLY WILKINSON/ATTY. FOR MV.

No Ruling

20. [19-14739](#)-A-13 **IN RE: MARIA RODRIGUEZ**
ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
3-16-2020 [[26](#)]

MARK ZIMMERMAN/ATTY. FOR DBT.
\$77.00 FINAL INSTALLMENT PAYMENT 3/17/20

Final Ruling

The final installment having been paid, the order to show cause is
discharged. The case will remain pending.

21. [19-15040](#)-A-13 **IN RE: CHRISTINE VILLARREAL**
[SLL-1](#)

MOTION FOR COMPENSATION FOR STEPHEN L. LABIAK, DEBTORS
ATTORNEY(S)
3-3-2020 [[16](#)]

STEPHEN LABIAK/ATTY. FOR DBT.

Final Ruling

Application: Allowance of Interim Compensation and Expense
Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 13 case, Stephen Labiak has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$6,830.00 and reimbursement of expenses in the amount of \$56.05.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a debtor's attorney in a Chapter 13 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1), (4)(B). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Stephen Labiak's application for allowance of interim compensation and reimbursement of expenses has been presented to the court.

Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$6,830.00 and reimbursement of expenses in the amount of \$56.05. The aggregate allowed amount equals \$6,886.05. As of the date of the application, the applicant held a retainer in the amount of \$0.00. The amount of \$6,886.05 shall be allowed as an administrative expense to be paid through the plan, and the remainder of the allowed amounts, if any, shall be paid from the retainer held by the applicant. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the trustee is authorized to pay the fees allowed by this order from the available funds of the plan in a manner consistent with the terms of the confirmed plan.

22. [20-10945](#)-A-12 **IN RE: AJITPAL SINGH AND JATINDERJEET SIHOTA**

STATUS CONFERENCE RE: VOLUNTARY PETITION
3-12-2020 [[1](#)]

DAVID JENKINS/ATTY. FOR DBT.

No Ruling

23. [19-15146](#)-A-13 **IN RE: ROSE RUBINO**
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
1-29-2020 [[13](#)]

TIMOTHY SPRINGER/ATTY. FOR DBT.

No Ruling

24. [19-15353](#)-A-13 **IN RE: JUAN/MABEL LOPEZ**
[MHM-2](#)

MOTION TO DISMISS CASE
2-25-2020 [\[28\]](#)

MICHAEL MEYER/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The trustee moves to dismiss this chapter 13 case. For the reasons stated in the motion, cause exists under § 1307(c)(1) to dismiss the case. The debtor has failed to confirm a plan within a reasonable time. The case has been pending for approximately 3 months, yet a plan has not been confirmed. This constitutes unreasonable delay by the debtor that is prejudicial to creditors.

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4). The debtor has not filed a complete and accurate Schedule H and Statement of Financial Affairs.

The court will dismiss the case.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court hereby dismisses this case.

25. [20-10860](#)-A-13 **IN RE: ISABEL SANCHEZ**
[TCS-1](#)

MOTION TO EXTEND AUTOMATIC STAY
3-9-2020 [[8](#)]

ISABEL SANCHEZ/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

No Ruling

26. [19-14161](#)-A-13 **IN RE: GARY GOODMAN**
[MHM-3](#)

MOTION TO DISMISS CASE
2-26-2020 [[34](#)]

MICHAEL MEYER/MV
PHILLIP GILLET/ATTY. FOR DBT.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The trustee moves to dismiss this chapter 13 case. For the reasons stated in the motion, cause exists under § 1307(c)(1) to dismiss the case. The debtor has failed to confirm a plan within a reasonable time. The case has been pending for approximately 6 months, yet a plan has not been confirmed. This constitutes unreasonable delay by the debtor that is prejudicial to creditors. The court will dismiss the case.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court hereby dismisses this case.

27. [20-10569](#)-A-12 **IN RE: BHAJAN SINGH AND BALVINDER KAUR**

STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-18-2020 [[1](#)]

DAVID JENKINS/ATTY. FOR DBT.

No Ruling

28. [20-10569](#)-A-12 **IN RE: BHAJAN SINGH AND BALVINDER KAUR**
[DRJ-1](#)

FINAL HEARING RE: MOTION TO USE CASH COLLATERAL
3-2-2020 [[24](#)]

BHAJAN SINGH/MV
DAVID JENKINS/ATTY. FOR DBT.

No Ruling

29. [20-10570](#)-A-12 **IN RE: AJITPAL SINGH AND JATINDERJEET SIHOTA**

STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-18-2020 [[1](#)]

DAVID JENKINS/ATTY. FOR DBT.
DISMISSED 3/10/20

Final Ruling

The Adversary case having been dismissed, the Status Conference is concluded.

30. [19-14374](#)-A-13 **IN RE: VICTOR GONZALEZ AND FELICITAS DE CARRILLO**
[MHM-2](#)

MOTION TO DISMISS CASE
2-26-2020 [\[42\]](#)

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

No Ruling

31. [19-14377](#)-A-13 **IN RE: ERIC/MARIE MENDEZ**
[MHM-1](#)

MOTION TO DISMISS CASE
2-26-2020 [\[46\]](#)

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

No Ruling

32. [19-13983](#)-A-13 **IN RE: KIMBERLY ROTH**
[RAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-24-2020 [\[27\]](#)

U.S. BANK NATIONAL
ASSOCIATION/MV
PETER BUNTING/ATTY. FOR DBT.
SEAN FERRY/ATTY. FOR MV.

Tentative Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Denied as moot

Order: Civil minute order

Federal courts have no authority to decide moot questions. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 67-68, 72 (1997). "Mootness has been described as the doctrine of standing set in a time frame: The requisite personal interest that must exist at the commencement of the litigation (standing) must continue throughout its existence (mootness)." *Id.* at 68 n.22 (quoting *U.S. Parole Comm'n v. Geraghty*, 445 U.S. 388, 397 (1980)) (internal quotation marks omitted).

The confirmed chapter 13 plan in this case provides for the movant's claim in Class 4. Class 4 secured claims are long-term claims that

mature after the completion of the plan's term. They are not modified by the plan, and they are not in default as of the filing of the petition. They are paid directly by the debtor or a third party. Section 3.11(a) of the plan provides: Upon confirmation of the plan, the automatic stay of 11 U.S.C. § 362(a) and the co-debtor stay of 11 U.S.C. § 1301(a) are . . . modified to allow the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract"

Because the plan has been confirmed, the automatic stay has already been modified to allow the moving party to exercise its rights against its collateral. No effective relief can be awarded. The movant's personal interest in obtaining relief from the stay no longer exists because the stay no longer affects its collateral. The motion will be denied as moot.

33. [20-10286](#)-A-13 **IN RE: DONALD/JEANNIE SA**
[DWE-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CITY CAPITAL MARKETS
CORPORATION
3-17-2020 [[22](#)]

CITY CAPITAL MARKETS
CORPORATION/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
DANE EXNOWSKI/ATTY. FOR MV.

No Ruling

34. [20-10286](#)-A-13 **IN RE: DONALD/JEANNIE SA**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
3-13-2020 [[19](#)]

TIMOTHY SPRINGER/ATTY. FOR DBT.

No Ruling

35. [20-10488](#)-A-13 **IN RE: EDWIN/MARIZEN PROTACIO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
3-17-2020 [\[16\]](#)

DAVID JENKINS/ATTY. FOR DBT.

Final Ruling

The installment having been paid, the order to show cause is discharged. The case will remain pending.

36. [20-10097](#)-A-13 **IN RE: EARL/YOLONDIA ALLEN**
[MHM-1](#)

MOTION TO DISMISS CASE
2-25-2020 [\[22\]](#)

MICHAEL MEYER/MV

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4). Debtor failed to provide all pages of the most recent Federal Tax Return filed by the debtors. Debtors have not filed complete and accurate schedules, statements and plan.

The debtor has failed to provide the trustee with a required 2019 tax return (for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed) no later than 7 days before the date first set for the first meeting of creditors. 11 U.S.C. § 521(e)(2)(A)-(B).

The debtor has failed to appear at a § 341 meeting of creditors. See 11 U.S.C. §§ 341, 343.

The debtor has failed to confirm a plan within a reasonable time. The case has been pending for approximately 2.5 months, yet a plan has not been confirmed. This constitutes unreasonable delay by the debtor that is prejudicial to creditors.

For the reasons stated in the motion, cause exists to dismiss the case. *Id.* § 1307(c)(1).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted for unreasonable delay by the debtor that is prejudicial to creditors. The court hereby dismisses this case.

37. [20-11028-A-13](#) **IN RE: STEVEN/SARAH WILLIAMS**
[SL-1](#)

MOTION TO EXTEND AUTOMATIC STAY
3-19-2020 [[9](#)]

STEVEN WILLIAMS/MV
SCOTT LYONS/ATTY. FOR DBT.

No Ruling

38. [19-12679-A-13](#) **IN RE: NAEEM/SAIMA QARNI**
[NEA-4](#)

CONTINUED MOTION TO CONFIRM PLAN
12-18-2019 [[194](#)]

NAEEM QARNI/MV
NICHOLAS ANIOTZBEHERE/ATTY. FOR DBT.

No Ruling