

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Thursday, April 13, 2017
Place: Department B – Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare an order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS 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 A.M.

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| 1. 17-10327 -B-12 EDWARD/LISA UMADA
FW-2
EDWARD UMADA/MV
PETER FEAR/Atty. for dbt. | MOTION TO USE CASH COLLATERAL
3-30-17 [35] |
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This matter will proceed as scheduled.

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| 2. 17-11028 -B-11 PACE DIVERSIFIED
BBR-1 CORPORATION
PACE DIVERSIFIED
CORPORATION/MV
T. BELDEN/Atty. for dbt. | MOTION TO EMPLOY T. SCOTT
BELDEN AS ATTORNEY(S)
3-23-17 [4] |
|---|---|

This matter was 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.

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| 3. 17-11028 -B-11 PACE DIVERSIFIED
BBR-3 CORPORATION
PACE DIVERSIFIED
CORPORATION/MV

T. BELDEN/Atty. for dbt. | AMENDED MOTION TO USE CASH
COLLATERAL , AMENDED MOTION FOR
A FINAL HEARING ON USE OF CASH
COLLATERAL
4-3-17 [45] |
|---|--|

This matter was set on shortened time and will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant a motion to approve the stipulation. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

The moving party shall submit an appropriate proposed order with the stipulation attached.

4. [15-10039](#)-B-12 ANGELA PIMENTEL
DRJ-5

CONTINUED MOTION FOR
COMPENSATION FOR DAVID R.
JENKINS, DEBTORS ATTORNEY(S)
2-13-17 [[128](#)]

DAVID JENKINS/Atty. for dbt.

This matter was continued to permit the applicant to file the debtor's consent to the application for fees. That consent having been filed, the application will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there was no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

5. [15-10039](#)-B-12 ANGELA PIMENTEL
[16-1086](#)
PIMENTEL V. KENNEDY
DAVID JENKINS/Atty. for pl.
MAGGIE
STARR/CAEB/09/USCOURTS,

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
8-25-16 [[1](#)]

Unless a notice of settlement has been filed before the hearing, this matter will proceed as scheduled.

6. [17-10443](#)-B-11 ASHO ASSOCIATES, INC.
TTF-1
ASHO ASSOCIATES, INC./MV
TODD TUROCI/Atty. for dbt.

MOTION TO EMPLOY TODD L. TUROCI
AS ATTORNEY
3-17-17 [[9](#)]

This application for employment will be denied without prejudice. No appearance is necessary.

As the court noted on the record at the April 6, 2017, status conference, the application does not comply with LBR 2014-1. (See 28 U.S.C.A. §455.) The lack of any connection with the judges in the Central District of California is not relevant to this application in a case pending in the Eastern District of California.

In addition, the application requests retroactive employment to February 10, 2017, however this motion was not filed until March 17, 2017, over 30 days after this case was filed. No explanation or excuse for the delay is included in the evidence supporting the motion.

1:30 P.M.

1. [16-14301](#)-B-13 JOSE GONZALES
JDW-1
JOSE GONZALES/MV
JOEL WINTER/Atty. for dbt.

MOTION TO CONFIRM PLAN
2-24-17 [[34](#)]

The motion will be granted without oral argument based on well-pled facts. No appearance is necessary. The movant shall submit a proposed order as specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules of Practice; there is no opposition and the respondents' default will be entered. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

The court does not address the merits of the tardy objection by Freedom Mortgage Corporation who holds a claim listed in class 4 of the debtor's plan. Both Freedom Mortgage Corporation and its attorney were timely served with the debtor's motion to confirm the chapter 13 plan and the plan.

The objection, in addition to being late, does not comply with LBR 9014-1(e) (3).

The court notes that the provisions of the plan provide that, upon confirmation, the automatic stay is modified as to claims listed in class 4 to permit exercise of creditor's non-bankruptcy law remedies.

2. [17-10310](#)-B-13 TERRI BREST-TAYLOR
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
3-21-17 [[18](#)]

Unless the trustee's motion is withdrawn prior to the hearing, this matter will proceed as scheduled. If the debtor has not resolved or cured the defects as detailed in the trustee's motion, then the court intends to dismiss the case at the hearing.

The court will reserve jurisdiction as to adversary proceeding no. 17-1009.

The record shows there is unreasonable delay by the debtor that is prejudicial to creditors, including, the debtor's failure to appear at the scheduled 341 Meeting of Creditors, failure to provide the Trustee with the required documentation, failure to file all schedules and statements, and failure to file a Chapter 13 Plan.

3. [17-10710](#)-B-13 DOROTHY MAISON
CJY-1
DOROTHY MAISON/MV
CHRISTIAN YOUNGER/Atty. for dbt.

MOTION TO AVOID LIEN OF
DISCOVER BANK
3-15-17 [[12](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done. It appears from the evidence submitted and the record that the debtor is entitled to avoid this lien that impairs an exemption to which they would otherwise have been entitled.

4. [16-14414](#)-B-13 GERARDO REYES
TOG-2
GERARDO REYES/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
2-7-17 [[34](#)]

This matter will proceed as scheduled.

5. [17-10318](#)-B-13 ALBERT/DEE ANNA KNAUER
RCO-1
LAKEVIEW LOAN SERVICING,
LLC/MV
TIMOTHY SPRINGER/Atty. for dbt.
JASON KOLBE/Atty. for mv.
RESPONSIVE PLEADING

OBJECTION TO CONFIRMATION OF
PLAN BY LAKEVIEW LOAN
SERVICING, LLC
3-23-17 [[23](#)]

The objection will be denied without prejudice. The court will issue an order. No appearance is necessary.

The proof of service fails to comply with LBR 9014-1(e) (3) .

In addition, the form and/or content of the notice do not comply with LBR 9014-1(d) (3) .

Also, the notice and/or pleadings do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Sections IV and V.

In addition, the trustee has not yet concluded the meeting of creditors which has been adjourned to April 26, 2017, and, by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan.

6. [12-14722](#)-B-13 SHANNAN/MARIE SANDOVAL
BCS-4

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF SHEIN LAW GROUP,
PC FOR BENJAMIN C. SHEIN,
DEBTORS ATTORNEY(S)
3-9-17 [[57](#)]

BENJAMIN SHEIN/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done.

7. [16-11925](#)-B-13 LUDGERO ALVES
GSD-1
PACCAR FINANCIAL CORP./MV
SCOTT SAGARIA/Atty. for dbt.
GLEN DRESSER/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-28-17 [[55](#)]

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the debtor's and the trustee's defaults and grant the motion for relief from stay.

The automatic stay will be terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The record shows that cause exists to terminate the automatic stay.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is uninsured and is a depreciating asset.

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 movant shall submit a proposed order after hearing that specifically describes the property or action to which the order relates.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

8. [16-12425](#)-B-13 GENEVIEVE SANTOS
ALG-1
GENEVIEVE SANTOS/MV
JANINE ESQUIVEL/Atty. for dbt.
WITHDRAWN

MOTION TO MODIFY PLAN
3-9-17 [[41](#)]

This motion has been withdrawn. No appearance is necessary.

9. [17-10133](#)-B-13 VICTOR/MARIA FIGUEROA
MHM-1
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
3-9-17 [[28](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

10. [17-10236](#)-B-13 PAUL/KATHLEEN LANGSTON
JLG-1
VICTORIA GEESMAN/MV
PETER FEAR/Atty. for dbt.
JOHN GEESMAN/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY VICTORIA GEESMAN
3-20-17 [[24](#)]

This matter will be continued to May 24, 2017, at 1:30 p.m. The court will issue an order. No appearance is necessary.

The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. At the continued hearing, if the § 341 has been concluded and this objection has not been withdrawn, the court will call the matter and set an evidentiary hearing.

11. [17-10044](#)-B-13 ERICA CANTU
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE
3-2-17 [[15](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue an order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here. The record shows there has been unreasonable delay by the debtor that is prejudicial to creditors, including, failure to appear at the scheduled 341 Meeting of Creditors.

12. [13-15149](#)-B-13 DENVER/BRENDA LATHAM
DMG-2
DENVER LATHAM/MV
D. GARDNER/Atty. for dbt.

CONTINUED MOTION TO MODIFY PLAN
2-22-17 [[46](#)]

This motion was continued to permit the debtor to file evidence that the requirements of confirmation pursuant to §1325(a) had been met. Although the debtor filed a supplemental declaration, it did not show that the requirements of § 1325(a)(9) had been met. Accordingly, the motion will be continued to April 27, 2017, at 1:30 p.m. No appearance is necessary. The court will enter an order.

13. [16-13950](#)-B-13 SUSAN COX
MHM-3
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
3-6-17 [[62](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue an order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here. The record shows there has been a material default in plan payments which has not been cured.

14. [17-10150](#)-B-13 SUSANA GONZALEZ
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE
3-3-17 [[22](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

15. [11-12856](#)-B-13 JACK/AMELIA WISEMAN
AP-1
WELLS FARGO BANK, N.A./MV
SCOTT LYONS/Atty. for dbt.
JAMIE HANAWALT/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
1-3-17 [[64](#)]

This matter has been resolved by stipulation of the parties. When the "Stipulation and Order" are properly submitted then the court will enter the order. No appearance is necessary.

16. [12-10458](#)-B-13 RICHARD/SHIRLEY CALK
JDR-5
SHIRLEY CALK/MV

NOTICE OF DEATH OF DEBTOR
RICHARD LEE CALK, MOTION FOR
SUBSTITUTION OF JOINT DEBTOR
SHIRLEY JEAN CALK AS
REPRESENTATIVE TO DECEASED
DEBTOR, FOR CONTINUED
ADMINISTRATION OF CASE, FOR
LEAVE TO FILE DECLARATION UNDER
11 U.S.C. SECTION 1328
3-14-17 [[69](#)]

JEFFREY ROWE/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. The court finds that further administration is in the best interest of the parties under FRBP 1016. Accordingly, the respondents' defaults will be entered. The co-debtor will be authorized to substitute her self as the representative for the debtor.

17. [12-16958](#)-B-13 BENJAMIN BRUFFETT
TCS-6
BENJAMIN BRUFFETT/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO INCUR DEBT
3-23-17 [[115](#)]

This matter 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.

18. [12-12161](#)-B-13 ALVARO/MARIA CORTES
MHM-2
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
3-7-17 [[60](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

19. [17-10466](#)-B-13 RUBY LOMAS
SL-1
RUBY LOMAS/MV
SCOTT LYONS/Atty. for dbt.

CONTINUED MOTION TO EXTEND
AUTOMATIC STAY
2-23-17 [[9](#)]

This matter will proceed as scheduled.

20. [13-13769](#)-B-13 RICARDO/MARY GARCIA
ALG-5
RICARDO GARCIA/MV
JANINE ESQUIVEL/Atty. for dbt.
WITHDRAWN, CASE RE-CLOSED
3/17/17

MOTION FOR ENTRY OF DISCHARGE
3-2-17 [[83](#)]

The motion has been withdrawn. No appearance is necessary.

21. [15-11172](#)-B-13 FELIPE/AURORA ALVARADO
TOG-5
FELIPE ALVARADO/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO MODIFY PLAN
2-27-17 [[113](#)]

The motion will be granted without oral argument based on well-pled facts. No appearance is necessary. The movant shall submit a proposed order as specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules of Practice; there is no opposition and the respondents' default will be entered. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

22. [14-11175](#)-B-13 DANNY/SARA BAEZA
KMM-5
DANNY BAEZA/MV
KARNEY MEKHITARIAN/Atty. for dbt.

CONTINUED MOTION TO MODIFY PLAN
2-2-17 [[93](#)]

This motion was continued to permit the debtors to file evidence that the elements of §1329(b)(1) and §1325(a) for confirmation have been met. Because the evidence was not filed, by March 30, 2017, the motion will be denied without prejudice. The court will enter an order. No appearance is necessary.

23. [16-14675](#)-B-13 LAURO/TAMMY GONZALEZ MOTION TO CONFIRM PLAN
PBB-2 3-1-17 [[25](#)]
LAURO GONZALEZ/MV
PETER BUNTING/Atty. for dbt.

The motion will be granted without oral argument based on well-pled facts. No appearance is necessary. The movant shall submit a proposed order as specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules of Practice; there is no opposition and the respondents' default will be entered. 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. [17-10076](#)-B-13 ALVINO GARCIA MOTION TO DISMISS CASE
MHM-1 3-3-17 [[35](#)]
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.
RESPONSIVE PLEADING

Unless the motion is withdrawn before the hearing, this matter will proceed as scheduled. If the motion is withdrawn, then no appearance will be necessary.

25. [16-12984](#)-B-13 REFUGIO GUTIERREZ MOTION TO DISMISS CASE
MHM-1 3-6-17 [[58](#)]
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
DISMISSED

This case has already been dismissed. No appearance is necessary.

26. [17-10187](#)-B-13 PETER SOLORIO
MHM-1
MICHAEL MEYER/MV
LAUREN RODE/Atty. for dbt.

MOTION TO DISMISS CASE
3-3-17 [[22](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue an order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here. The record shows there has been unreasonable delay by the debtor that is prejudicial to creditors, including failing to provide the trustee with required documentation and to file complete and accurate schedules.

27. [16-10294](#)-B-13 LINA CONTRERAS
WAR-1
LINA CONTRERAS/MV
WILLIAM ROMAINE/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
11-30-16 [[87](#)]

The motion to confirm a plan will be denied and the case will be dismissed. The court will enter an order. No appearance is necessary.

This motion was continued to permit the debtor to file a response to the trustee's opposition to conformation. Because a response was not filed by March 30, 2017, the motion to confirm the chapter 13 plan will be denied.

In the order continuing this motion, the court set April 13, 2017, as a bar date by which time a plan had to be confirmed or the case would be dismissed. Accordingly, the case will be dismissed.

28. [13-15897](#)-B-13 KERMIT/GERALDINE
BCS-4 ALEXANDER

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF SHEIN LAW GROUP,
PC FOR BENJAMIN C. SHEIN,
DEBTORS ATTORNEY(S)
3-9-17 [[64](#)]

BENJAMIN SHEIN/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.