

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, June 12, 2019
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. [19-11503](#)-B-7 **IN RE: ROBEL AGUIRRE-PEREZ**
[GB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR RELIEF
FROM CO-DEBTOR STAY
5-8-2019 [\[15\]](#)

CERTIS PN 1, LLC/MV
ROSALINA NUNEZ
L. JAQUEZ/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The moving papers were not filed in compliance with LBR 9014-1(d)(4). The notice of hearing was attached to the 362 Information Sheet and not filed separately. Doc. #16. Therefore, the Motion is DENIED WITHOUT PREJUDICE.

2. [19-10504](#)-B-7 **IN RE: SAMANTHA HENDRICKS**
[NFS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-24-2019 [\[33\]](#)

CONSUMER PORTFOLIO SERVICES, INC./MV
GLEN GATES
MARK KRAUSE/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted unless opposed at the hearing.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. The debtor filed non-opposition on May 29, 2019. Doc. #40. Unless the trustee

presents opposition at the hearing, the court intends to enter the trustee's default and enter the following ruling granting the motion for relief from stay. 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 automatic stay is 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 proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2015 Toyota Prius. Doc. #35. The collateral has a value of \$13,500.00 and debtor owes \$19,340.12. *Id.*

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

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).

3. [19-11513](#)-B-7 **IN RE: PAMELA RICH**
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-7-2019 [\[22\]](#)

PENNYMAC LOAN SERVICES, LLC/MV
WENDY LOCKE/ATTY. FOR MV.

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 for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor's and the trustee's defaults will be entered. The automatic stay is 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 proposed order shall specifically describe the property or action to which the order relates. The collateral is a parcel of real property commonly known as 2105 South Church Street, Visalia,

California 93277. Doc. #27. The collateral has a value of \$191,859.93 and the amount owed is \$188,805.30. Doc. #25.

If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5.

If an award of attorney fees has been requested, it will be denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. §506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. In addition, any future request for an award of attorney's fees will be denied unless the movant can prove there is equity in the collateral. 11 U.S.C. §506(b).

The request of the Moving Party, at its option, to provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement as allowed by state law will be denied. The court is granting stay relief to movant to exercise its rights and remedies under applicable nonbankruptcy law. No more, no less.

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).

4. [19-12013](#)-B-7 **IN RE: JUDITH GOODMAN**
[RWR-2](#)

MOTION TO EMPLOY JEFFREY S. BAIRD AS AUCTIONEER, AUTHORIZING SALE
OF PROPERTY AT PUBLIC AUCTION AND AUTHORIZING PAYMENT OF
AUCTIONEER FEES AND EXPENSES
5-29-2019 [\[13\]](#)

JAMES SALVEN/MV
DAVID JENKINS
OST 5/30/19

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The Moving Party
will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3) and an order shortening time (doc. #16) 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. 11 U.S.C. § 328(a) permits employment of "professional persons" on "reasonable terms and conditions" including "contingent fee basis."

The chapter 7 trustee ("Trustee") is authorized to employ Baird Auctions & Appraisals ("Auctioneer") as auctioneer to sell property of the estate consisting of five or more 9,000 pound automobile lifts, air compressors, Porta Cooler fans, smog machine, chem-free washer, and other tools and equipment ("Equipment") at a public auction, which is set for June 15, 2019. The auction will be held at debtor's former auto shop, Goodmon's Auto Repair located at 6638 N. Blackstone Avenue in Fresno, California 93710. Doc. #13.

Trustee proposes to compensate Auctioneer on a percentage collected basis. The percentage is 15% of the gross proceeds from the sale. Id.

The court finds the proposed arrangement reasonable in this instance. If the arrangement proves improvident, the court may allow different compensation under 11 U.S.C. § 328(a).

Trustee is authorized to employ and pay Auctioneer for his services as outlined above, and the proposed sale at auction of the Equipment is approved.

5. [18-13516](#)-B-7 **IN RE: PETERANGELO/DEMITRA VALLIS**
[SRC-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR
RELIEF FROM CO-DEBTOR STAY
4-17-2019 [\[33\]](#)

RAFAEL RODRIGUEZ/RICHGROVE
PRODUCE/MV
HAGOP BEDOYAN
SHARLENE ROBERTS-CAUDLE/ATTY. FOR MV.
DISCHARGED 12/10/18

<u>FINAL RULING:</u>	There will be no hearing on this matter.
<u>DISPOSITION:</u>	Dropped from calendar.
<u>NO ORDER REQUIRED:</u>	Resolved by stipulation of the parties. Doc. #50.

6. [19-10635](#)-B-7 **IN RE: JAMES/CARLA REID**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
5-16-2019 [\[23\]](#)

MARK ZIMMERMAN
\$31.00 AMENDMENT FILING FEE PAID 5/22/19

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 amendment fee now due was paid on May 22, 2019. Therefore, the OSC will be vacated.

7. [18-14740](#)-B-7 **IN RE: LORI ANNA WRIGHT**
[JCW-1](#)

MOTION TO APPROVE STIPULATION TO ABANDON REAL PROPERTY
4-26-2019 [\[19\]](#)

WELLS FARGO BANK, N.A./MV
SCOTT LYONS
JENNIFER WONG/ATTY. FOR MV.

TENTATIVE RULING: The hearing will proceed as scheduled.

DISPOSITION: Granted in part.

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 IN PART. The stipulation between the chapter 7 trustee and Wells Fargo Bank, N.A. (doc. #20) is approved in part.

The stipulation affects real property located at 1156 East Malone Street in Hanford, CA 93230. The stipulation includes provisions that the property is deemed to be abandoned by the trustee and the estate. But abandonment can only be after notice and a hearing. 11 U.S.C. § 554 (a) (b); Federal Rule of Bankruptcy Procedure 6007. The rule requires notice to more than those receiving notice of this hearing. Doc. #22. No party has requested this court "otherwise order" the extent of service on those required to be served under Fed. R. Bankr. P. 6007.

The stipulation will be approved but the order shall not include any language "deeming" the property abandoned by approval of the stipulation. A notice of abandonment will be required, or movant should file a motion compelling abandonment and properly serve the motion.

8. [17-11346](#)-B-7 **IN RE: DANIEL CANCHOLA**
[RWR-4](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT
WITH PETER L FEAR
5-8-2019 [\[55\]](#)

JAMES SALVEN/MV
JERRY LOWE
RUSSELL REYNOLDS/ATTY. FOR MV.

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

DISPOSITION: Continued to July 3, 2019 at 9:30 a.m.

ORDER: The court will issue an order.

Pursuant to the parties' request (doc. #69), this matter is continued to July 3, 2019 at 9:30 a.m. Further, the deadline to oppose the motion is extended. Opposition must be in writing and served on the chapter 7 trustee, Russell W. Reynolds, and any other party requesting special notice, and filed with the court on or before June 19, 2019.

9. [17-11346](#)-B-7 **IN RE: DANIEL CANCHOLA**
[RWR-5](#)

MOTION TO EMPLOY DAVID M. MOECK AS SPECIAL COUNSEL
5-8-2019 [\[62\]](#)

JAMES SALVEN/MV
JERRY LOWE
RUSSELL REYNOLDS/ATTY. FOR MV.

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

DISPOSITION: Continued to July 3, 2019 at 9:30 a.m.

ORDER: The court will issue an order.

Pursuant to the parties' request (doc. #69), this matter is continued to July 3, 2019 at 9:30 a.m. Further, the deadline to oppose the motion is extended. Opposition must be in writing and served on the chapter 7 trustee, Russell W. Reynolds, and any other party requesting special notice, and filed with the court on or before June 19, 2019.

10. [19-11246](#)-B-7 **IN RE: SILVIA MAYORGA**
[PFT-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR
AT SEC. 341(A) MEETING OF CREDITORS
4-30-2019 [\[10\]](#)

WILLIAM OLCOTT

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

DISPOSITION: Conditionally denied.

ORDER: The court will issue the order.

The chapter 7 trustee's motion to dismiss is CONDITIONALLY DENIED.

The debtor shall attend the meeting of creditors rescheduled for June 24, 2019 at 12:00 p.m. If the debtor fails to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor's discharge or file motions for abuse, other than presumed abuse, under § 707, is extended to 60 days after the conclusion of the meeting of creditors.

11. [19-11164](#)-B-7 **IN RE: MARIA JACOBACHUCA**
[PFT-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR
AT SEC. 341(A) MEETING OF CREDITORS
4-30-2019 [\[12\]](#)

JAMES CANALEZ

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

DISPOSITION: Conditionally denied.

ORDER: The court will issue the order.

The chapter 7 trustee's motion to dismiss is CONDITIONALLY DENIED.

The debtor shall attend the meeting of creditors rescheduled for
June 24, 2019 at 10:00 a.m. If the debtor fails to do so, the
chapter 7 trustee may file a declaration with a proposed order and
the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter
7 trustee and the U.S. Trustee to object to the debtor's discharge
or file motions for abuse, other than presumed abuse, under § 707,
is extended to 60 days after the conclusion of the meeting of
creditors.

12. [17-11365](#)-B-7 **IN RE: MARIO GUERRA**
[RWR-4](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT
WITH JAMES E. SALVEN
5-8-2019 [\[73\]](#)

PETER FEAR/MV
JERRY LOWE
RUSSELL REYNOLDS/ATTY. FOR MV.

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

DISPOSITION: Continued to July 3, 2019 at 9:30 a.m.

ORDER: The court will issue an order.

Pursuant to the parties' request (doc. #80), this matter is
continued to July 3, 2019 at 9:30 a.m. Further, the deadline to
oppose the motion is extended. Opposition must be in writing and
served on the chapter 7 trustee, Russell W. Reynolds, and any other
party requesting special notice, and filed with the court on or
before June 19, 2019.

13. [17-11365](#)-B-7 **IN RE: MARIO GUERRA**
[RWR-5](#)

MOTION TO EMPLOY DAVID M. MOECK, ESQ. AS SPECIAL COUNSEL
5-8-2019 [\[67\]](#)

PETER FEAR/MV
JERRY LOWE
RUSSELL REYNOLDS/ATTY. FOR MV.

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

DISPOSITION: Continued to July 3, 2019 at 9:30 a.m.

ORDER: The court will issue an order.

Pursuant to the parties' request (doc. #81), this matter is continued to July 3, 2019 at 9:30 a.m. Further, the deadline to oppose the motion is extended. Opposition must be in writing and served on the chapter 7 trustee, Russell W. Reynolds, and any other party requesting special notice, and filed with the court on or before June 19, 2019.

14. [19-12174](#)-B-7 **IN RE: ADRIAN PEREZ**
[MZ-1](#)

MOTION TO DISMISS DUPLICATE CASE
5-28-2019 [\[12\]](#)

ADRIAN PEREZ/MV
MARK ZIMMERMAN

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 enter the order unless otherwise ordered at the 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.

The motion is GRANTED. Case no. 2019-12174B-7 shall be dismissed.

15. [19-12175](#)-B-7 **IN RE: CARL/JANIE OLIVER**
[MZ-1](#)

MOTION TO DISMISS DUPLICATE CASE
5-28-2019 [\[12\]](#)

CARL OLIVER/MV
MARK ZIMMERMAN

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 enter the order unless otherwise ordered at the 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.

The motion is GRANTED. Case no. 2019-12175B-7 shall be dismissed.

16. [19-11481](#)-B-7 **IN RE: ANGELICA RAMOS**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE
4-12-2019 [\[6\]](#)

ANGELICA RAMOS/MV

NO RULING.

The schedules and the application for the waiver show that debtor is above the guidelines for a waiver, if the two adults residing with debtor are not included as dependents. Debtor must appear and explain to the court why a waiver is necessary und the debtor's circumstances.

17. [18-14689](#)-B-7 **IN RE: JAVIER GONZALEZ**
[FW-3](#)

CONTINUED MOTION FOR TURNOVER OF PROPERTY
4-15-2019 [\[22\]](#)

JAMES SALVEN/MV
THOMAS GILLIS
PETER FEAR/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

18. [19-10411](#)-B-7 **IN RE: HEATHER/STEPHEN CLAY**

NOTICE OF HEARING AND OPPOSITION RE: TRUSTEE'S MOTION TO
DISMISS FOR FAILURE TO APPEAR AT SEC. 341(A) MEETING OF
CREDITORS
4-30-2019 [\[21\]](#)

DISMISSED 06/03/2019

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. #24.

11:00 AM

1. [19-11123](#)-B-7 **IN RE: MARIA SANTOS**

REAFFIRMATION AGREEMENT WITH JPMORGAN CHASE BANK, N.A.
5-9-2019 [\[14\]](#)

TIMOTHY SPRINGER

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Debtor's counsel will inform debtor that no appearance is necessary.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Although the debtor's attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtor would be able to make the payments.

2. [19-11545](#)-B-7 **IN RE: MARIA MORALES**

PRO SE REAFFIRMATION AGREEMENT WITH TD AUTO FINANCE LLC
5-21-2019 [\[17\]](#)

NO RULING.

3. [19-11286](#)-B-7 **IN RE: ROBERTO/MARIA RAMIREZ**

REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT CORPORATION
5-14-2019 [\[15\]](#)

TIMOTHY SPRINGER

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Debtors' counsel will inform debtors that no appearance is necessary.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue

hardship which has not been rebutted in the reaffirmation agreement. Although the debtors' attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtors would be able to make the payments.

1:30 PM

1. [18-14338](#)-B-7 **IN RE: STEPHANIE HOLM**
[19-1017](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
1-31-2019 [\[1\]](#)

HOLM V. CITIBANK, N.A.
KELLY BRESSO/ATTY. FOR PL.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: The status conference is vacated. The motion for entry of default judgment is granted. See matter #2 below, KSB-1.

2. [18-14338](#)-B-7 **IN RE: STEPHANIE HOLM**
[19-1017](#) [KSB-1](#)

MOTION FOR ENTRY OF DEFAULT JUDGMENT
4-5-2019 [\[12\]](#)

HOLM V. CITIBANK, N.A.
KELLY BRESSO/ATTY. FOR MV.

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. Judgment is entered in Plaintiff Stephanie Holm's favor that the abstract of judgment recorded on January 19, 2018 is void and unenforceable pursuant to 11 U.S.C. § 524(a). Each party shall bear its own costs.

3. [18-14338](#)-B-7 **IN RE: STEPHANIE HOLM**
[19-1019](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
1-31-2019 [\[1\]](#)

HOLM V. CITIBANK, N.A.
KELLY BRESSO/ATTY. FOR PL.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: The status conference is vacated. The motion for entry of default judgment is granted. See matter #4 below, KSB-3.

4. [18-14338](#)-B-7 **IN RE: STEPHANIE HOLM**
[19-1019](#) [KSB-3](#)

MOTION FOR ENTRY OF DEFAULT JUDGMENT
4-5-2019 [\[12\]](#)

HOLM V. CITIBANK, N.A.
KELLY BRESSO/ATTY. FOR MV.

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. Judgment is entered in Plaintiff Stephanie Holm's favor that the abstract of judgment recorded on August 11, 2017 is void and unenforceable pursuant to 11 U.S.C. § 524(a). Each party shall bear its own costs.