

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Thursday, June 16, 2016
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 a civil minute 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.

1. [16-10643](#)-B-12 MARK FORREST

CONTINUED STATUS CONFERENCE RE:
CHAPTER 12 VOLUNTARY PETITION
3-2-16 [[1](#)]

HAGOP BEDOYAN/Atty. for dbt.

Based on debtor's counsel's motion, KDG-3, the status conference will be continued to July 21, 2016, at 9:30 a.m. No appearance is necessary.

2. [16-10643](#)-B-12 MARK FORREST
KDG-3

MOTION BY HAGOP T. BEDOYAN TO
WITHDRAW AS ATTORNEY
5-23-16 [[32](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter will proceed as scheduled. If no one appears in opposition the court intends to grant the motion. The movant shall prepare and submit a proposed order after hearing. The order granting this motion shall include the address of the debtor so further notices can be sent to the debtor.

Debtor's counsel has discovered a conflict of interest that precludes further representation of the debtor in this chapter 12 case. Since it appears the conflict cannot be resolved, counsel requests leave to withdraw as counsel of record.

The court reserves jurisdiction to consider fee disgorgement or other adjustments should it be necessary.

3. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS,
DHR-2 INC.
OFFICIAL COMMITTEE OF
UNSECURED CREDITORS/MV
LEONARD WELSH/Atty. for dbt.
DANIEL REISS/Atty. for mv.

MOTION FOR EXAMINATION AND FOR
PRODUCTION OF DOCUMENTS
5-18-16 [[291](#)]

The motion will be granted without oral argument based upon well-pled facts. No appearance is necessary. The Creditors' Committee seeks an order pursuant to FRBP 2004 for an examination and production of documents. The Creditors' Committee shall submit a proposed order which will be without prejudice to any motion for a protective order which the examinee(s) may bring before the court.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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 FRBP 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. There is cause to grant the motion. No opposition has been filed and it appears that the examination is reasonable. Should there be a dispute as to what should or should not be produced those matters will need to be brought before the court pursuant to FRCP 45 (FRBP 9016).

4. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS,
LKW-29 INC.
B&L EQUIPMENT RENTALS, INC./MV

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH ONEBEACON AND
HUB
5-23-16 [[313](#)]

LEONARD WELSH/Atty. for dbt.

This matter will be called as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' default 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 Local Bankruptcy Rule 9014-1(f)(2). The debtor shall submit a proposed order after the hearing.

In this motion the debtor seeks approval of a compromise under FRBP 9019. The compromise proposes to resolve claims of the debtor relating to a coverage dispute with its insurer and an insurance broker. Unless an interested party opposes this motion, it appears the factors enumerated by the Ninth Circuit in *A & C Properties*, 784 F.2d 1377, 1380-81 (9th Cir., 1986) are satisfied. The evidence supports a determination that the compromise was negotiated in good faith. The debtor-in-possession points to uncertainty and expense as two factors favoring settlement approval. The court has not been presented with any evidence that this settlement is not fair and equitable.

5. [09-11998](#)-B-11 KIRK/CYNTHIA COVERSTON
FW-8
KIRK COVERSTON/MV
PETER FEAR/Atty. for dbt.

MOTION FOR ENTRY OF DISCHARGE
5-16-16 [[193](#)]

The motion will be granted without oral argument based upon well-pled facts. The debtor shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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 FRBP 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 that the requirements of § 1141(d)(5)(A) and (C) for entry of a discharge in an individual chapter 11 case have been met. The clerk shall enter the discharge and enter a final decree closing the chapter 11 case within 10 days of entry of the order.

1:30 P.M.

1. [11-17001](#)-B-13 CATHY WILCOX
MHM-2
CATHY WILCOX/MV
GLEN GATES/Atty. for dbt.

MOTION TO DISMISS CASE
4-20-16 [[72](#)]

This matter will proceed as scheduled. Unless the trustee disputes the debtor's claims or withdraws the motion, the court intends to deny the motion to dismiss without prejudice as it appears the plan payments have been completed.

The debtor's opposition was filed late and not in conformance with LBR 9014-1(d)(2). Rather than strike the opposition, the court will entertain a separately noticed motion for sanctions, for the late-filed opposition, by the trustee. Because it appears the plan has been completed, or about to be completed, striking the opposition would serve no purpose.

2. [15-10801](#)-B-13 GERARD CABRERA
MHM-1
MICHAEL MEYER/MV
F. GIST/Atty. for dbt.

MOTION TO DISMISS CASE
4-21-16 [[22](#)]

The motion will be granted. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules. The debtor filed a notice of non-opposition. There is no opposition from any other respondents and their default will be entered.

The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the case will be dismissed for cause shown.

3. [16-11003](#)-B-13 ALFREDO GUTIERREZ AND
MHM-1 CLAUDIA BECERRA
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
5-16-16 [[19](#)]

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

4. [16-10505](#)-B-13 ROCIO STINER
MHM-2
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
DISMISSED

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
5-6-16 [[36](#)]

This matter will be dropped without disposition. The case was dismissed June 3, 2016.

5. [16-10409](#)-B-13 ROBERTO LUNA
MHM-2
MICHAEL MEYER/MV
SHARRON WILLIAMS GELOBTER/Atty. for dbt.
DISMISSED

MOTION TO DISMISS CASE
4-27-16 [[34](#)]

This matter will be dropped without disposition. The case was dismissed May 24, 2016.

6. [16-11009](#)-B-13 JAVIER GARCIA
MHM-1
MICHAEL MEYER/MV
ROBERT CERVANTES/Atty. for dbt.

MOTION TO DISMISS CASE
5-17-16 [[24](#)]

The motion will be granted. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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 that there has been unreasonable delay by the Debtor that is prejudicial to creditors, including: failing to appear at the scheduled 341 Meeting of Creditors; failing to provide the Trustee with required documentation including the Class 1 Mortgage Checklist with payment coupon or last statement; 2015 State and Federal Tax Return; proof of all income, i.e., pay advices; profit and loss statements; rental income; unemployment compensation; social security income; disability; and retirement for the six months prior to filing. In addition, the Debtor has failed to set a plan for hearing with notice to creditors. Accordingly, the case will be dismissed.

7. [14-11310](#)-B-13 MICHAEL GARDNER
MHM-1
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
4-21-16 [[84](#)]

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

8. [11-63722](#)-B-13 JORGE/SHIRLEY DIAZ
SSW-1
MMCA/MV
PETER FEAR/Atty. for dbt.
SCOTT WELTMAN/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-19-16 [[61](#)]

The motion will be granted. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules and the debtor filed a notice of non-opposition. 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 proposed order shall specifically describe the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rules of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. 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.

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). No appearance is necessary.

9. [12-15030](#)-B-13 GLENN/SHANA MORRIS
RHB-2
GLENN MORRIS/MV
RICHARD BAMBL/Atty. for dbt.

MOTION TO INCUR DEBT
6-1-16 [[65](#)]

This matter will proceed as scheduled. Unless there is an appearance in opposition, and if the court is satisfied with the answers to the questions below, the court intends to grant the motion.

1. Is the chapter 13 plan still feasible? Debtors' schedules I and J filed four years ago showed no installment payments.
2. Do the debtors plan to file a modified plan?
3. Do the debtors plan to file amended schedules I and J?

10. [14-14132](#)-B-13 FREDDY/ROSA JACQUEZ
MAZ-3
FREDDY JACQUEZ/MV
MARK ZIMMERMAN/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
4-14-16 [[45](#)]

This matter was fully noticed and the trustee filed a timely opposition. The default of all other respondents will be entered. Unless the objection to confirmation is withdrawn, this matter will be continued to July 7, 2016, at 9:00 a.m., on the Bakersfield calendar. Telephonic appearances will be permitted. The court will enter a civil minute order.

The trustee's objection is based on the insufficiency of the evidence submitted in support of the modification which did not address:

1. The income reduction;
2. The permanence of the reduction;
3. Whether the income reduction affected both debtors.

In the debtors' reply, filed one day late on June 10, 2016, the debtors' counsel submitted a declaration and documentation addressing these issues. The declaration is largely hearsay and, for that reason, largely inadmissible. A scant foundation has been presented for the payroll information.

The trustee has requested some time to review the documentation. The continuance accommodates that request.

11. [16-10934](#)-B-13 DORETHA BROWN

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-27-16 [[24](#)]

DISMISSED

The case has already been dismissed and the OSC will be vacated.

12. [15-14735](#)-B-13 JAYCE/LISA LEWIS
MHM-3
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE
5-17-16 [[57](#)]

The motion will be granted. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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 FRBP 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 that there is a material default in the chapter 13 plan payments that has not been cured.

Accordingly, the case will be dismissed for cause shown.

13. [16-11339](#)-B-13 JOSE FARIAS

THOMAS GILLIS/Atty. for dbt.

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-25-16 [[18](#)]

This matter will proceed as scheduled. If the May 20, 2016 installment payment has not been paid by the time of the hearing the case will be dismissed.

14. [16-11040](#)-B-13 JORGE VALLEJO AND ANA
MHM-1 SALCEDO
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
5-17-16 [[29](#)]

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

15. [16-11040](#)-B-13 JORGE VALLEJO AND ANA
TOG-1 SALCEDO
JORGE VALLEJO/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
4-27-16 [[24](#)]

The motion will be granted. No appearance is necessary. The Movant shall submit a proposed order.

This motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee's opposition has been withdrawn. There was no other opposition and those respondents' defaults 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.

16. [12-19942](#)-B-13 BRIAN YENNE
HDN-1
BRIAN YENNE/MV
HENRY NUNEZ/Atty. for dbt.

CONTINUED MOTION TO INCUR DEBT
5-12-16 [[44](#)]

This motion will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to grant the motion if the proposed order, prepared by movant and submitted after the hearing, has been approved by the chapter 13 trustee.

The debtor has been in this case for 3-1/2 years and is moving to Missouri. The motion requests authority to enter into a purchase money loan for the new residence. The evidence (the debtor's declaration) shows:

1. This is a single family residence purchase money loan;
2. The new residence is the only collateral for the loan; and
3. The monthly payment is less than the debtor is paying for rent now.

If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f) (2).

17. [16-11043](#)-B-13 MARK/RISE MARTIN
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE
5-16-16 [[37](#)]

Because the debtors' response, permitted by court order on the debtors' application, was late, the trustee did not have time to file a reply. If the trustee's motion is not withdrawn first, this matter will be continued to July 21, 2016, at 1:30 p.m.

18. [16-11144](#)-B-13 CARLOS NAVARRETTE
APN-1
WELLS FARGO BANK, N.A./MV

TIMOTHY SPRINGER/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY WELLS
FARGO BANK, N.A.
5-10-16 [[24](#)]

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

This matter is now deemed to be a contested matter. Pursuant to Federal Rules of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall immediately commence formal discovery, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing.

19. [12-19946](#)-B-13 TERRY/JODEL KING
MHM-1
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE
4-21-16 [[23](#)]

The motion will be granted. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules 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 FRBP 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 that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the case will be dismissed for cause shown.

20. [15-12352](#)-B-13 PATRICIA CHAMBERS
MHM-2
MICHAEL MEYER/MV
DIANA CAVANAUGH/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
4-21-16 [[64](#)]

Based on the debtor's response and the court's review of the record, this matter will be continued to July 21, 2016, at 1:30 p.m., to be heard with the debtor's motion to modify the chapter 13 plan. The court will enter a civil minute order.

The court notes that, while the modified plan, filed June 13, 2016, appears to address the basis of the trustee's motion, continuing this motion will provide the trustee with the time needed for review of the plan.

21. [16-10653](#)-B-13 GEORGE/LYDIA MATHIS
HDN-2
GEORGE MATHIS/MV
HENRY NUNEZ/Atty. for dbt.

MOTION TO CONFIRM PLAN
4-27-16 [[26](#)]

The motion will be granted. 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, 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. [16-10653](#)-B-13 GEORGE/LYDIA MATHIS
MHM-1
MICHAEL MEYER/MV
HENRY NUNEZ/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
4-22-16 [[22](#)]

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

23. [16-11253](#)-B-13 MINH NGUYEN
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
5-25-16 [[25](#)]

This matter will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to grant the motion. If opposition is presented then the motion will be continued for further hearing. The court notes that the continued meeting of creditors is set for June 28, 2016.

24. [16-10957](#)-B-13 BRIDGET MEZA
MHM-1
MICHAEL MEYER/MV
BRIAN HADDIX/Atty. for dbt.

MOTION TO OBJECT TO THE NO LOOK
FEE IN THE PLAN
5-13-16 [[22](#)]

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

This matter is now deemed to be a contested matter. Pursuant to Federal Rules of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall immediately commence formal discovery, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing.

Local Rule of Bankruptcy Procedure 2016-1(a) provides that, upon objection to the "no-look" fee, the court shall determine compensation in accordance with §329, 330, and FRBP 2002, 2016, and 2017.

Based upon the court's review of the moving papers and responses, it appears that the trustee's contention that the "no-look" fee is not justified is based on the record and the facts in the case which tend to show there will be no meaningful dividend to creditors and little or no reorganization of the debtor. The debtor appeared unrepresented at her continued §341 meeting where the trustee's intent in continuing the meeting was only to discuss the case with the debtor's counsel.

Counsel responds that the trustee's objection to the no-look fee is "punitive" and not well-reasoned. According to debtor's counsel's opposition and the trustee's reply, the debtor's counsel's offer to reduce his attorney fee by half was declined.

It appears that there are factual disputes that need resolution, including:

1. The amount of time counsel spent on the case;
2. The nature of counsel's expected continued involvement throughout the case;
3. Whether there were alternatives to chapter 13 relief for this debtor;
4. Other issues that the parties may identify.

25. [16-11167](#)-B-13 MICHAEL/ASHLEY ESPINOSA
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE
5-16-16 [[22](#)]

The motion will be granted. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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 FRBP 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 that there has been unreasonable delay by the Debtors that is prejudicial to creditors, including: failing to provide the Trustee with required documentation including, proof of all income, i.e., pay advices for the six months prior to filing, declarations and supporting documents for deductions for special circumstances and/or changes in income or expenses for lines 43 and 46 of the means test. Accordingly, the case will be dismissed for cause shown.

26. [16-10468](#)-B-13 FRED/ANNA VALDEZ

SCOTT LYONS/Atty. for dbt.

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-24-16 [[46](#)]

This matter will proceed as scheduled. If the May 19, 2016 installment has not been paid by the time of the hearing the case will be dismissed.

27. [13-13769](#)-B-13 RICARDO/MARY GARCIA
ALG-2
RICARDO GARCIA/MV
JANINE ESQUIVEL/Atty. for dbt.

MOTION TO MODIFY PLAN
4-19-16 [[38](#)]

The motion will be granted. 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, 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.

28. [14-12269](#)-B-13 DONALD/MARGIE MCKAY
LKW-5

MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTORS
ATTORNEY(S)
5-26-16 [[76](#)]

LEONARD WELSH/Atty. for dbt.

This matter will be called as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' default 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 Local Bankruptcy Rule 9014-1(f)(2). The applicant shall submit a proposed order.

29. [12-17275](#)-B-13 SUKHWINDER/JASWINDER
BCS-4 PADDA
SUKHWINDER PADDA/MV
BENJAMIN SHEIN/Atty. for dbt.

MOTION TO MODIFY PLAN
5-11-16 [[57](#)]

The motion will be granted. 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, 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.

30. [12-17275](#)-B-13 SUKHWINDER/JASWINDER
BCS-5 PADDA

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF SHEIN LAW GROUP,
PC FOR BENJAMIN C. SHEIN,
DEBTORS ATTORNEY(S)
5-11-16 [[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. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' 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 FRBP 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.

31. [15-12681](#)-B-13 MICHAEL/YVONNE MIRIGIAN MOTION TO AVOID LIEN OF LOUISE
DRJ-2 CRAIG
MICHAEL MIRIGIAN/MV 5-23-16 [[23](#)]
DAVID JENKINS/Atty. for dbt.

This matter will be continued to July 21, 2016, at 1:30 p.m., to permit the debtors to file additional supporting evidence as follows:

1. Proof that Michael D. Ott, Esq., is the appropriate person to receive service on behalf of Louise Craig (deceased);
2. Satisfactory evidence that the debtors possessed an interest in the subject property to which the judgment lien could have attached at the time the judgment lien was recorded. *Farrey v. Sanderfoot*, 111 S.Ct. 667 (1991).
3. A copy of the subject abstract of judgment.

The court will prepare a minute order. No appearance is necessary.

32. [14-13987](#)-B-13 PHILLIP MORELAND MOTION TO DISMISS CASE
MHM-2 4-21-16 [[45](#)]
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING

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

33. [12-10696](#)-B-13 STEPHEN/VICTORIA BELIAEFF CONTINUED MOTION TO MODIFY PLAN
SAH-5 4-5-16 [[129](#)]
STEPHEN BELIAEFF/MV
SUSAN HEMB/Atty. for dbt.
RESPONSIVE PLEADING

This motion to modify a chapter 13 plan was fully noticed in compliance with the Local Rules. Only the trustee filed an opposition, and the defaults of all other respondents will be entered.

Unless opposition is presented at the hearing below at #34, SAH-6, the court intends to grant that motion to value the debtors' personal property. Based on that disposition, the motion to modify the chapter 13 plan will be granted.

However, if the motion to value collateral, SAH-6, is continued, then this confirmation hearing will also be continued to track with that motion.

The movant, in consultation with the chapter 13 trustee, shall submit a conforming proposed order after hearing that includes the docket control number of the motion and it shall reference the plan by the date it was filed.

34. [12-10696](#)-B-13 STEPHEN/VICTORIA BELIAEFF MOTION TO VALUE COLLATERAL OF
SAH-6 C.A.H.P. CREDIT UNION
STEPHEN BELIAEFF/MV 5-27-16 [[145](#)]
SUSAN HEMB/Atty. for dbt.

This matter will be called as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondent's default 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 Local Bankruptcy Rule 9014-1(f) (2). The court will issue a minute order.

35. [16-10098](#)-B-13 BEVERLY BARNARD MOTION FOR COMPENSATION FOR
JES-1 JAMES E. SALVEN, CHAPTER 7
JAMES SALVEN/MV TRUSTEE(S)
4-25-16 [[42](#)]

PETER BUNTING/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

The motion will be continued to July 7, 2016, at 9:00 a.m. The court will prepare a minute order. No appearance is necessary. The form of the proof of service does not comply with Local Bankruptcy Rule 9014-1(d) (2) and/or 9004-1 and needs to be amended (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (5)).

If the amended proof of service is filed before the continued hearing, the matter will be predisposed.