

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Sacramento, California

July 6, 2017, at 11:00 a.m.

1. [13-24610-E-13](#) **DAX/TINA CHAVEZ**
[17-2076](#) **RMP-1**
CHAVEZ ET AL V. GREGORY
FUNDING LLC ET AL

**MOTION TO DISMISS ADVERSARY
PROCEEDING**
5-22-17 [7]

Final Ruling: No appearance at the July 6, 2017 hearing is required.

Local Rule 9014-1(f)(1) Motion.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Plaintiff, Plaintiff's Attorney, Chapter 13 Trustee, and Office of the United States Trustee on May 22, 2017. By the court's calculation, 45 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss Adversary Proceeding has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1) and Federal Rule of Bankruptcy Procedure 4004(a). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). The defaults of the non-responding parties and other parties in interest are entered.

**The hearing on the Motion to Dismiss Adversary Proceeding is continued to
11:00 a.m. on July 27, 2017.**

JULY 9, 2017 HEARING

Upon review of the Motion, issues of federal jurisdiction as they pertain to "related to matters," the Response filed by Plaintiff-Debtor, and the non-consent to the issuance of orders and judgment pursuant to 28 U.S.C. § 157(c)(2), the court continues the hearing to fully address and the procedures for non-core proceedings pursuant to 28 U.S.C. § 157(c)(1) and the request for discretionary and mandatory abstention pursuant to 28 U.S.C. § 1334(c)(1) and (c)(2).

July 6, 2017, at 11:00 a.m.

2. [11-41822](#)-E-13 MICHAEL/CAROLYN RANGEL **MOTION TO DISMISS ADVERSARY
PROCEEDING**
 [17-2067](#)
 RANGEL ET AL V. CHASE HOME
 FINANCE, LLC ET AL 5-22-17 [\[8\]](#)

Final Ruling: No appearance at the July 6, 2017 hearing is required.

On June 22, 2017, the court issued an Order dismissing the Motion to Dismiss Adversary Proceeding without prejudice as moot. Dckt. 33.

The Motion having previously been dismissed (Order, Dckt. 33), the Matter is removed from the Calendar.