

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable René Lastreto**  
**Hearing Date: Thursday, July 28, 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. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS,  
LKW-1 INC.  
B&L EQUIPMENT RENTALS, INC./MV

LEONARD WELSH/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION FOR ORDER  
APPROVING STIPULATION RE:  
DEBTOR'S USE OF CASH COLLATERAL  
AND ADEQUATE PROTECTION  
12-11-15 [[16](#)]

**This matter will proceed as scheduled.**

1:30 P.M.

1.	<a href="#">15-14405</a> -B-13	PRITPAL CHAHAL	MOTION TO MODIFY PLAN
	JRL-1		6-22-16 [ <a href="#">55</a> ]
	PRITPAL CHAHAL/MV		
	JERRY LOWE/Atty. for dbt.		
	DISMISSED		

**This matter will be dropped from calendar. The case has already been dismissed. No appearance is necessary.**

2.	<a href="#">15-14606</a> -B-13	ALEX/PRISCILLA PANG	MOTION TO MODIFY PLAN
	JRL-1		6-22-16 [ <a href="#">30</a> ]
	ALEX PANG/MV		
	JERRY LOWE/Atty. for dbt.		
	RESPONSIVE PLEADING		

**This motion will be set for a continued and final hearing on September 15, 2016, at 1:30 p.m. The court will prepare and enter a civil minute order. No appearance is necessary.**

**The trustee has filed a detailed objection to the debtors' fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7 or dismissed or the trustee's opposition to confirmation has been withdrawn, the debtors shall file and serve a written response not later than September 1, 2016. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than September 8, 2016. If the debtors do not timely file a modified plan or a written response, the motion to confirm the plan will be denied on the grounds stated in the opposition without a further hearing.**

3.	<a href="#">15-14606</a> -B-13	ALEX/PRISCILLA PANG	CONTINUED MOTION TO DISMISS
	MHM-1		CASE
	MICHAEL MEYER/MV		5-11-16 [ <a href="#">20</a> ]
	JERRY LOWE/Atty. for dbt.		
	RESPONSIVE PLEADING		

**This matter will proceed as scheduled to determine whether the trustee will consent to continuing the motion to September 15, 2016, to be heard with the debtors' motion to confirm a modified plan, at calendar # 2 (JRL-1).**

4. [16-11610](#)-B-13 SOLOMON OLIVAS

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
7-11-16 [[39](#)]

MARK ZIMMERMAN/Atty. for dbt.

**The OSC will be vacated as moot. The case was dismissed July 22, 2016. No appearance is necessary.**

5. [15-11025](#)-B-13 LEE NESS  
TCS-2

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF TIMOTHY C.  
SPRINGER FOR TIMOTHY C.  
SPRINGER, DEBTORS ATTORNEY(S)  
6-30-16 [[19](#)]

TIMOTHY SPRINGER/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' defaults 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. Although the applicant has included charges for "estimated fees," which is not permitted, the applicant has already reduced the fees requested by an amount in excess of those "estimated fees."

6. [15-11432](#)-B-13 CHRISTINA GARCIA  
MHM-2  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS  
CASE  
5-11-16 [[59](#)]

**This matter will be continued to August 25, 2016, at 1:30 p.m., to be heard with the motion to modify the chapter 13 plan. No appearance is necessary. The court will enter a civil minute order.**

7. [15-11432](#)-B-13 CHRISTINA GARCIA  
TCS-4  
CHRISTINA GARCIA/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN  
6-21-16 [[65](#)]

This motion will be set for a continued and final hearing on August 25, 2016, at 1:30 p.m. The court will prepare and enter a civil minute order. No appearance is necessary.

The trustee has filed a detailed objection to the debtor's fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7 or dismissed or the trustee's opposition to confirmation has been withdrawn, the debtor shall file and serve a written response not later than August 11, 2016. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than August 18, 2016. If the debtor does not timely file a modified plan or a written response, the motion to confirm the plan will be denied on the grounds stated in the opposition without a further hearing.

8. [15-11944](#)-B-13 HECTOR/MARISELA MIRANDA  
HDN-1  
HECTOR MIRANDA/MV  
HENRY NUNEZ/Atty. for dbt.

OBJECTION TO CLAIM OF JOSE  
CASTILLO ROBLES, CLAIM NUMBER 4  
6-8-16 [[37](#)]

The objection will be overruled without prejudice. The court will enter a civil minute order. No appearance is necessary.

The moving papers were not served on the claimant at the address listed in the Proof of Claim. The zip code is wrong.

9. [12-17145](#)-B-13 DAVID/LISA PINA  
TCS-6  
DAVID PINA/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO MODIFY PLAN  
6-22-16 [[96](#)]

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, 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.

10. [16-10645](#)-B-13 SERENA HERNANDEZ  
MHM-1  
MICHAEL MEYER/MV  
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE  
6-24-16 [[45](#)]

**The motion will be denied as moot. No appearance is necessary. The case has been converted to one under chapter 7 and the debtor's failure to confirm a chapter 13 plan is no longer relevant.**

11. [16-11555](#)-B-13 ANTHONY/AMY THOMPSON  
JRL-1  
ANTHONY THOMPSON/MV  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO DEALER SERVICES  
6-13-16 [[18](#)]

**Based on the respondent's opposition, this matter will be continued to September 29, 2016, at 1:30 p.m. The court will prepare and enter a civil minute order. No appearance is necessary.**

**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 debtors shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date.**

12. [16-10361](#)-B-13 LODGERIO/ANTONIA JORGE  
MHM-2  
MICHAEL MEYER/MV  
STEVEN ALPERT/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO DISMISS CASE  
6-24-16 [[39](#)]

**This matter will be continued to August 11, 2016, at 1:30 p.m., to be heard with the debtors' motion to confirm a chapter 13 plan. The court will enter a civil minute order. No appearance is necessary.**

13. [16-11662](#)-B-13 JOSE/JAYNE VENEGAS  
MHM-1  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE  
6-30-16 [[22](#)]

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

14. [16-10687](#)-B-13 HEATHER LEMA  
DMG-3  
HEATHER LEMA/MV  
D. GARDNER/Atty. for dbt.

MOTION TO CONFIRM PLAN  
6-14-16 [[26](#)]

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, 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.