

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, July 29, 2020
Place: Department B – Courtroom #13
Fresno, California

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

Pursuant to District Court General Order 618, no persons are permitted to appear in court unless authorized by order of the court until further notice. All appearances of parties and attorneys shall be telephonic through CourtCall. The contact information for CourtCall to arrange for a phone appearance is: (866) 582-6878.

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. [20-10508](#)-B-13 **IN RE: JAMES/VERONICA HOLT**
[TCS-1](#)

MOTION TO VALUE COLLATERAL OF DON ROBERTO JEWELERS, INC.
6-25-2020 [\[29\]](#)

JAMES HOLT/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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. 11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) that collateral is personal property other than a motor vehicle acquired for the personal use of the debtor, and (3) the debt was incurred within one year preceding the filing of the petition.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the

extent that the value of such creditor's interest . . . is less than the amount of such allowed claim."

11 U.S.C. § 506(a)(2) states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined."

Debtors ask the court for an order valuing a watch ("Property") at \$201.00. Doc. #29. The Property is encumbered by a purchase-money security interest in favor of creditor Don Roberto Jewelers ("Creditor"). Debtors purchased the Property in November 2017 which is more than one year preceding the petition filing date. Doc. #31. Section 506 applies and the secured claim can be bifurcated.

Debtors' declaration states the replacement value of the Property is \$201.00. Id. Creditor's claim states the amount owed to be \$223.26. Claim #3.

The debtor is competent to testify as to the value of the Property. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Creditor's secured claim will be fixed at \$201.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

2. [20-12224](#)-B-13 **IN RE: DONNA REYNA**
[JBC-1](#)

MOTION TO IMPOSE AUTOMATIC STAY
7-14-2020 [\[14\]](#)

DONNA REYNA/MV
JAMES CANALEZ/ATTY. FOR DBT.

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 issue the order.

This Motion to Impose the Automatic Stay was properly set for hearing on the notice required by Local Rule of Practice 9014-1(f)(2). Consequently, the creditors, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no

opposition is offered at the hearing, the court will take up the merits of the motion.

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Under 11 U.S.C. § 362(c)(4)(A), if a debtor has two or more cases pending within the previous year that were dismissed, the automatic stay will not go into effect when the later case was filed. This was case was filed on July 1, 2020. Doc. #1. Debtor had two cases that were pending but dismissed in the past year, case no. 20-10739 (filed on February 28, 2020 and dismissed on June 29, 2020) and case no. 19-14337 (filed on October 15, 2019 and dismissed on February 7, 2020).

11 U.S.C. § 362(c)(4)(B) allows the court to impose the stay to any or all creditors, subject to any limitations the court may impose, if within 30 days after the filing of the later case, a party in interest requests the court may order they stay to take effect after a notice and hearing. The debtor or a party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(4)(D) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are highly probable. Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence [the non-moving party] offered in opposition.'" Emmert v. Taggart (In re Taggart), 548 B.R. 275, 288, n.11 (9th Cir. BAP 2016) (citations omitted) (overruled on other grounds by Taggart v. Lorenzen, No. 18-489, 2019 U.S. LEXIS 3890 (June 3, 2019)).

In this case the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith because two or more previous cases under this title in which the individual was a debtor were dismissed within the 1-year period. 11 U.S.C. § 362(c)(4)(D)(i)(I).

However, based on the moving papers and the record, and in the absence of opposition, the court is persuaded that the presumption has been rebutted, the debtors' petition was filed in good faith, and it intends to grant the motion to extend the automatic stay as to all creditors.

Debtor's previous cases were dismissed for failure to pay fees and for failure to file amended schedules and to confirm a chapter 13 plan. Debtor's plan payment is \$2,065.00 and debtor's net income is \$2,832.00. Debtor has little unsecured debt. Debtor's main purpose in filing this chapter 13 case is to "repay[ing] mortgage arrears on

[her] single family residence" Doc. #16. Debtor was impacted by the COVID-19 pandemic which resulted in a reduction in her income. An order granting debtor's motion to pay the filing fee in installments was entered on July 1, 2020.

Unless opposition is presented at the hearing, the motion will be granted and the automatic stay extended as to all parties who received notice with the following conditions: if debtor misses one payment of the filing fee, the automatic stay shall terminate as to all creditors. 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.

3. [19-13328](#)-B-13 **IN RE: LARRY/DOLORES SYRA**
[MAZ-2](#)

CONTINUED MOTION TO CONFIRM PLAN
4-30-2020 [\[55\]](#)

LARRY SYRA/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
DISMISSED 7/16/20. RESPONSIVE PLEADING.

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. #77.

4. [19-13328](#)-B-13 **IN RE: LARRY/DOLORES SYRA**
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE
4-15-2020 [\[49\]](#)

MICHAEL MEYER/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
DISMISSED 7/16/20.

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. #77.

5. [20-11229](#)-B-13 **IN RE: THERON/BARBARA REDFEARN**
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE
5-15-2020 [\[22\]](#)

MICHAEL MEYER/MV
MICHAEL REID/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 2, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

Debtor's motion to confirm plan is continued to the above date and time. Therefore the motion to dismiss is also continued to that date and time. The resolution of that motion may determine the outcome of this motion.

6. [20-11229](#)-B-13 **IN RE: THERON/BARBARA REDFEARN**
[WLG-1](#)

MOTION TO CONFIRM PLAN
6-24-2020 [\[31\]](#)

THERON REDFEARN/MV
MICHAEL REID/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 2, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response not later than August 19, 2020. 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. Trustee shall file and serve a reply, if any, by August 26, 2020.

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 August 26, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

7. [19-14040](#)-B-13 **IN RE: EARL/JOSIE BOYD**
[FW-5](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C.
FOR GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)
6-30-2020 [\[46\]](#)

GABRIEL WADDELL/ATTY. FOR DBT.

TENTATIVE RULING: The hearing will proceed as scheduled.

DISPOSITION: Granted. The order shall reflect a \$268.00 fee reduction.

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 except as indicated below.

Upon review of the fee application, it appears two routine valuation motions were initially denied for failure of proof (FW-1 and FW-2). But the application reflects charges for the corrected motions. This is duplicated effort and should not be part of the award.

This motion is GRANTED. Movant is awarded \$4,192.00 in fees and \$386.00 in costs.

8. [19-13551](#)-B-13 **IN RE: DANIEL GARCEZ AND MYRNA BUENO-GARCEZ**
[JDR-1](#)

MOTION FOR COMPENSATION FOR JEFFREY D. ROWE, DEBTORS ATTORNEY(S)
6-23-2020 [\[33\]](#)

JEFFREY ROWE/ATTY. FOR DBT.

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.

This motion is GRANTED. Movant is awarded \$5,127.00 in fees and \$317.00 in costs.

9. [20-11353](#)-B-13 **IN RE: JOHNNY PLUMLEE**
[NSV-1](#)

MOTION TO CONFIRM PLAN
6-16-2020 [\[14\]](#)

JOHNNY PLUMLEE/MV
NIMA VOKSHORI/ATTY. FOR DBT.

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 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(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. 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. [20-10859](#)-B-13 **IN RE: KEITH/GERALDINE CASH**
[TCS-2](#)

MOTION TO VALUE COLLATERAL OF CAPITAL ONE AUTO FINANCE
6-19-2020 [\[27\]](#)

KEITH CASH/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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. 11 U.S.C. § 1325(a) (*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim."

11 U.S.C. § 506(a)(2) states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined."

Debtors ask the court for an order valuing a 2014 Honda Accord LX ("Vehicle") at \$10,236.00. Doc. #27. The Vehicle is encumbered by a purchase-money security interest in favor of creditor Capital One Auto Finance ("Creditor"). Debtors purchased the Vehicle in July 2017, which is more than 910 days preceding the petition filing date.

Debtors' declaration states the replacement value of the Property is \$10,236.00. Doc. #29. Creditor's claim states the amount owed to be \$12,741.17. Claim #5.

The debtor is competent to testify as to the value of the Property. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Creditor's secured claim will be fixed at \$10,236.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

11. [16-14381](#)-B-13 **IN RE: PONDER RICHARDSON AND SONYA MURPHY**
[TCS-2](#)

MOTION TO MODIFY PLAN
6-19-2020 [\[44\]](#)

PONDER RICHARDSON/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 2, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' fully noticed motion to modify their chapter 13 plan. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response not later than August 19, 2020. 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. Trustee shall file and serve a reply, if any, by August 26, 2020.

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 August 26, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

12. [20-10595](#)-B-13 **IN RE: ARLENE GONZALES**
[KMM-1](#)

MOTION TO APPROVE LOAN MODIFICATION
6-18-2020 [\[58\]](#)

SPECIALIZED LOAN SERVICING,
LLC/MV
STEPHEN LABIAK/ATTY. FOR DBT.
KIRSTEN MARTINEZ/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.

This motion is GRANTED. The loan modification is approved. The debtor is authorized but not required to enter into the loan modification. If debtor is unable to perform under the modification, debtor shall continue making the chapter 13 plan payment and modify the plan if necessary.

13. [20-10595](#)-B-13 **IN RE: ARLENE GONZALES**
[MHM-1](#)

MOTION TO DISMISS CASE
6-24-2020 [\[63\]](#)

MICHAEL MEYER/MV
STEPHEN LABIAK/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to August 19, 2020 at 9:30 a.m.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue the order.

This motion will be continued to August 19, 2020 at 9:30 a.m.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and will proceed as scheduled.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors. Doc #63. Debtor did not oppose. However, the court received a letter, which was not served on the chapter 13 trustee, regarding the dismissal of her attorney. This matter will be called to allow counsel, debtor, and the trustee to confer on the matter. The docket reveals that debtor's counsel, Stephen Labiak, became counsel about four months ago. Ms. Gonzales originally filed the case without counsel. Now, Ms. Gonzales wants to proceed without

counsel. No motion authorizing this has been filed and no substitution of counsel has been filed.

However, the record still shows that there has been unreasonable delay by the debtor that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). The debtor failed to confirm a Chapter 13 Plan.

14. [20-11896](#)-B-13 **IN RE: MARTIN/EVANGELINA MENDOZA**
[WDO-1](#)

MOTION TO VALUE COLLATERAL OF TOYOTA MOTOR CREDIT CORPORATION
6-23-2020 [\[13\]](#)

MARTIN MENDOZA/MV
WILLIAM OLCOTT/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: This matter will proceed as a scheduling conference.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue the order.

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 Rule of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall be prepared for the court to set an early evidentiary hearing.

Based on the record, the factual issues appear to include: the replacement value of the 2018 Toyota Camry.

11:00 AM

1. [19-13048](#)-B-7 **IN RE: CRAIG BREWER**
[19-1103](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-2-2019 [\[1\]](#)

MACLOVIO V. BREWER
DENIS DELJA/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

2. [19-13048](#)-B-7 **IN RE: CRAIG BREWER**
[19-1103](#) [MB-1](#)

MOTION TO QUASH
7-1-2020 [\[34\]](#)

MACLOVIO V. BREWER
PETER BUNTING/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

3. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1007](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT
1-7-2019 [\[1\]](#)

SUGARMAN V. BOARDMAN TREE FARM, LLC ET AL
JOHN MACCONAGHY/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to January 13, 2021 at 11:00 a.m.

ORDER: The court will issue an order.

Plaintiff shall file a status report not later than January 6, 2021.

4. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1033](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT
3-8-2019 [[1](#)]

SUGARMAN V. IRZ CONSULTING, LLC
JOHN MACCONAGHY/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to January 13, 2021 at 11:00 a.m.

ORDER: The court will issue an order.

Plaintiff shall file a status report not later than January 6, 2021.

5. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1037](#)

RESCHEDULED STATUS CONFERENCE RE: NOTICE OF REMOVAL
7-23-2018 [[1](#)]

IRZ CONSULTING LLC V. TEVELDE ET AL
SANFORD LANDRESS/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to January 13, 2021 at 11:00 a.m.

ORDER: The court will issue an order.

Plaintiff shall file a status report not later than January 6, 2021.

6. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1091](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT
7-28-2019 [[1](#)]

SUGARMAN V. MARTIN LEASING RESOURCE, LLC ET AL
JOHN MACCONAGHY/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

7. [18-13468](#)-B-7 **IN RE: MANUEL/LUPITA MENDOZA**
[20-1032](#)

STATUS CONFERENCE RE: COMPLAINT
6-2-2020 [\[1\]](#)

SALVEN V. MENDOZA ET AL
RUSSELL REYNOLDS/ATTY. FOR PL.

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

DISPOSITION: This matter will be continued to August 12, 2020 at
11:00 a.m.

ORDER: The court will issue the order.

Plaintiff shall file a motion for entry of default and judgment or dismissal before the continued hearing. If such a motion is filed, the status conference will be dropped and the court will hear the motion when scheduled. If no motion for default and judgment or dismissal is filed prior to the continued hearing, the court will issue an order to show cause on why this case should not be dismissed.

8. [19-13569](#)-B-7 **IN RE: JOHN ESPINOZA**
[20-1021](#)

MOTION FOR ENTRY OF DEFAULT JUDGMENT
7-1-2020 [\[26\]](#)

FEAR V. ESPINOZA ET AL
KELSEY SEIB/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: No appearance is necessary. The court will issue the
order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Bankruptcy Rules ("LBR").

LBR 9004-2(a)(6), (b)(5), (b)(6), (e) and LBR 9014-1(c), (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require the DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN.

This motion does not have a DCN and therefore does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

9. [19-13569](#)-B-7 **IN RE: JOHN ESPINOZA**
[20-1021](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-8-2020 [[1](#)]

FEAR V. ESPINOZA ET AL
KELSEY SEIB/ATTY. FOR PL.

NO RULING.