

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, August 14, 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. [18-10509](#)-B-7 **IN RE: GERALDINE LARSON**
[JES-3](#)

MOTION FOR COMPENSATION FOR JAMES SALVEN, ACCOUNTANT(S)
7-11-2019 [\[98\]](#)

JAMES SALVEN/MV
MARK ZIMMERMAN
ROBERT HAWKINS/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 will be GRANTED. Trustee's accountant, James Salven, requests fees of \$1,250.00 and costs of \$208.28 for a total of \$1,458.28 for services rendered from May 30, 2019 through July 11, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . .[a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1)

Conflict review and preparing of employment application, (2) Estimate basis in stocks, (3) Process tax returns and prompt determination letters, and (4) Preparing, filing, and serving the fee application. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$1,250.00 in fees and \$208.28 in costs.

2. [19-12738](#)-B-7 **IN RE: MAX HERNANDEZ RENTERIA AND DANA NACRUR**

CONTINUED ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
7-10-2019 [[17](#)]

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

DISPOSITION: The Order to Show Cause is vacated. On August 2, 2019, the court granted the debtors' application to waive the filing fee. (Doc. # 28)

ORDER: The court will issue the order.

3. [19-12040](#)-B-7 **IN RE: LAURIE TAYLOR**
[JES-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR
AT SEC. 341(A) MEETING OF CREDITORS
6-24-2019 [[20](#)]

GLEN GATES

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 August 15, 2019 at 9:00 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 debtors' 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.

4. [19-12450](#)-B-7 **IN RE: KIRK MCGAHA AND KATIE AKERS-MCGAHA**
[MAZ-1](#)

MOTION TO COMPEL ABANDONMENT
7-10-2019 [\[18\]](#)

KIRK MCGAHA/MV
MARK ZIMMERMAN

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.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." In order to grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. In re Vu, 245 B.R. 644, 647 (9th Cir. B.A.P. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." In re K.C. Mach. & Tool Co., 816 F.2d 238, 246 (6th Cir. 1987). And in evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. In re Johnson, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). In re Galloway, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at 16-17 (B.A.P. 9th Cir. 2014).

Debtor asks this court to compel the chapter 7 trustee to abandon the estate's interest in debtor's sole proprietorship business "Legion Investigative Firm." The assets include a 45 Smith & Wesson, a Ruger 9mm, one printer, and one laptop ("Business Assets").

The court finds that the Business Assets are of inconsequential value and benefit to the estate. The Business Assets were accurately scheduled and exempted in their entirety. Therefore, this motion is GRANTED.

The order shall include a list which specifically describes the property abandoned.

5. [19-12754](#)-B-7 **IN RE: SUPER TRUCK LINES INC.**
[BN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-24-2019 [[28](#)]

SIEMENS FINANCIAL SERVICES, INC./MV
THOMAS HOGAN
VALERIE PEO/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 motion was filed and served on less than 28 days' notice, but the language in the notice requires written response within 14 days of the hearing. The notice fails to comply with LBR 9014-1(f)(2). Therefore, the motion will be DENIED WITHOUT PREJUDICE.

6. [19-12577](#)-B-7 **IN RE: JOSE TERAN AND ROSA DIAZ**
[APN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-11-2019 [[11](#)]

TOYOTA MOTOR CREDIT CORPORATION/MV
THOMAS GILLIS
AUSTIN NAGEL/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 debtors' 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 2017 Toyota Tacoma. Doc. #15. The collateral has a value of \$27,425.00 and debtor owes \$27,549.92. *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).

7. [19-12777](#)-B-7 **IN RE: ROGELIO LOPEZ**
[RWR-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-18-2019 [\[11\]](#)

PACIFIC SERVICE CREDIT UNION/MV
STEVEN ALPERT
RUSSELL REYNOLDS/ATTY. FOR MV.

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. Unless opposition is presented at the hearing, the court intends to enter the debtor's and the trustee's defaults 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 2017 Buick Enclave. Doc. #16. The collateral has a value of \$25,000.00 and debtor owes \$46,973.50. *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).

8. [19-12604-B-7](#) **IN RE: TANYA ALVARADO**
 [SL-2](#)

MOTION TO COMPEL ABANDONMENT
8-2-2019 [[25](#)]

TANYA ALVARADO/MV
STEPHEN LABIAK
OST 8/2/19

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. #32) 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 court notes movant's procedural errors.

First, LBR 9014-1(f)(3) states that motions filed on shortened time do not require written opposition.

This motion was filed and served on August 2, 2019 and set for hearing on August 8, 2019. Doc. #26, 28. An order shortening time was issued by the court on August 2, 2019. Doc. #32. The notice stated that written opposition was required and must be filed at least 14 days preceding the date of the hearing. Doc. #26. That is incorrect. Because the hearing was set on shortened time, the notice

should have stated that no written opposition was required. Because this motion was filed, served, and noticed on less than 28 days' notice, the language of LBR 9014-1(f)(2)(C) needed to have been included in the notice.

Second, LBR 9004-2(c)(1) requires that declarations, exhibits, *inter alia*, to be filed as separate documents. Here, the declaration and exhibits were combined into one document and not filed separately.

The court is usually hesitant to deny motions on shortened time. But the court notes that a previous motion to compel abandonment was denied without prejudice, partly for failure to comply with LBR 9004-2(c)(1). See doc. #22. Failure to comply with these Local Rules of Practice in the future will result in the motion being denied without prejudice.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." In order to grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. In re Vu, 245 B.R. 644, 647 (9th Cir. B.A.P. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." In re K.C. Mach. & Tool Co., 816 F.2d 238, 246 (6th Cir. 1987). And in evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. In re Johnson, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). In re Galloway, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at 16-17 (B.A.P. 9th Cir. 2014).

Debtor asks this court to compel the chapter 7 trustee to abandon the estate's interest in debtor's two sole proprietorship businesses, "Salon Posh, LLC" and "Post Suites, LLC." Debtor owns 100% of Salon Posh, LLC and a 65% interest in Posh Suites, LLC. Doc. #1. The assets include tools of the trade, equipment, and business-related assets ("Business Assets").

The court finds that the Business Assets are of inconsequential value and benefit to the estate. The Business Assets were accurately scheduled and exempted in their entirety. Therefore, this motion is GRANTED.

The order shall include a list specifically describing the property abandoned.

9. 19-13100-B-7 **IN RE: ZACHERY/BRITTANY BELL**
SAH-1

MOTION TO COMPEL ABANDONMENT
8-2-2019 [12]

ZACHERY BELL/MV
SUSAN HEMB
OST 8/2/19

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.

The court must first note a procedural omission on movant's part. The notice did not contain the language required under LBR 9014-1(d)(3)(B)(iii). LBR 9014-1(d)(3)(B), which is about noticing requirements, requires movants to notify respondents that they can determine whether the matter has been resolved without oral argument or if the court has issued a tentative ruling by checking the Court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing.

The court is usually hesitant to deny motions on shortened time. Failure to comply with these Local Rules of Practice in the future will result in the motion being denied without prejudice.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." In order to grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. In re Vu, 245 B.R. 644, 647 (9th Cir. B.A.P. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." In re K.C. Mach. & Tool Co., 816 F.2d 238, 246 (6th Cir.

1987). And in evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. In re Johnson, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). In re Galloway, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at 16-17 (B.A.P. 9th Cir. 2014).

Debtor asks this court to compel the chapter 7 trustee to abandon the estate's interest in debtors' sole proprietorship business. The debtors own and operate a daycare business. The assets include toys, diapers, wipes, high chairs and a television ("Business Assets").

The court finds that the Business Assets are of inconsequential value and benefit to the estate. The Business Assets were accurately scheduled and exempted in their entirety. Therefore, this motion is GRANTED.

The order shall include a list specifying the property abandoned.

11:00 AM

1. [19-12217](#)-B-7 **IN RE: JASON BLANKENSHIP**

REAFFIRMATION AGREEMENT WITH BANK OF THE WEST
7-8-2019 [\[13\]](#)

TIMOTHY SPRINGER

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Counsel shall inform his client that no appearance is necessary at this hearing.

Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "'if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney' attesting to the referenced items before the agreement will have legal effect." In re Minardi, 399 B.R. 841, 846 (Bankr. N.D. Ok. 2009) (emphasis in original). In this case, the debtor's attorney affirmatively represented that the agreement established a presumption of undue hardship and that his opinion the debtor was not able to make the required payments. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

2. [19-12217](#)-B-7 **IN RE: JASON BLANKENSHIP**

REAFFIRMATION AGREEMENT WITH ALLY BANK
7-8-2019 [\[14\]](#)

TIMOTHY SPRINGER

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Counsel shall inform his client that no appearance is necessary at this hearing.

Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "'if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney' attesting to the referenced items before the agreement will have legal effect." In re

Minardi, 399 B.R. 841, 846 (Bankr. N.D. Ok. 2009) (emphasis in original). In this case, the debtor's attorney affirmatively represented that the agreement established a presumption of undue hardship and that his opinion the debtor was not able to make the required payments. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

3. [19-12123](#)-B-7 **IN RE: ROSA DOMINGUEZ**

PRO SE REAFFIRMATION AGREEMENT WITH JPMORGAN CHASE BANK, N.A.
7-25-2019 [[16](#)]

NO RULING.

1:30 PM

1. [18-13802](#)-B-7 **IN RE: ELVIA OLIVA**
[18-1080](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
11-19-2018 [[1](#)]

SORIANO V. OLIVA
GREGORIO SORIANO/ATTY. FOR PL.

NO RULING.

2. [19-11115](#)-B-7 **IN RE: ROMAN NORIEGA**
[19-1053](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-31-2019 [[1](#)]

OSUNA V. NORIEGA
JEFF REICH/ATTY. FOR PL.

NO RULING.

3. [17-14619](#)-B-7 **IN RE: AMANDA/CALVIN HAMM**
[19-1056](#)

STATUS CONFERENCE RE: COMPLAINT
6-6-2019 [[1](#)]

U.S. TRUSTEE V. HAMM ET AL
ROBIN TUBESING/ATTY. FOR PL.

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

DISPOSITION: Continued to September 11, 2019 at 1:30 p.m.

ORDER: The court will issue an order.

Before the continued hearing, Plaintiff shall request an entry of default and shall file a motion for default and judgment or a 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.

4. [19-12236](#)-B-13 **IN RE: GABRIEL/SANDRA AYALA**
[19-1074](#)

STATUS CONFERENCE RE: COMPLAINT
6-18-2019 [[1](#)]

AYALA, SR. ET AL V. CAL AUTO FINANCE INC.
PETER BUNTING/ATTY. FOR PL.
DISMISSED 6/19/19, CLOSED 7/8/19

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: The adversary proceeding was voluntarily
dismissed. Doc. #7.

5. [11-10171](#)-B-13 **IN RE: DWAYNE/RENEE KENNEDY**
[19-1020](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
6-17-2019 [[46](#)]

KENNEDY ET AL V. HSBC BANK NEVADA, N.A. ET AL
GABRIEL WADDELL/ATTY. FOR PL.
DISMISSED 7/24/19

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. #56.

6. [11-10380](#)-B-13 **IN RE: RICHARD/JACKIE OROZCO**
[FW-3](#)

PRE-TRIAL CONFERENCE RE: MOTION FOR SANCTIONS FOR VIOLATION OF
THE DISCHARGE INJUNCTION
9-6-2018 [[95](#)]

RICHARD OROZCO/MV
PETER FEAR

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

DISPOSITION: The pre-trial conference is vacated. Further status
conference is set for November 20, 2019 at 1:30 p.m.

ORDER: The court will issue the order.

Due to Ditech Financial LLC's chapter 11 bankruptcy case, discovery
and further prosecution of this matter was stayed. Movant believes
that a plan confirmation hearing in Ditech's case is set for August

7, 2019. The plan may contain terms that will resolve the issues faced by debtors. Therefore the pre-trial conference is vacated and a further status conference will be set for November 20, 2019. Status reports are due not later than November 13, 2019. The court will issue the order.