

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable Fredrick E. Clement  
Hearing Date: Wednesday, September 4, 2019  
Place: Department B – 510 19th Street  
Bakersfield, 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.**

**9:00 AM**

1. [18-15100](#)-A-13     **IN RE: ANGELINA LOPEZ**  
[RP-1](#)

MOTION FOR COMPENSATION FOR RANDELL PARKER, CHAPTER 7 TRUSTEE(S)  
7-23-2019    [\[41\]](#)

RANDELL PARKER/MV  
NEIL SCHWARTZ

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

DISPOSITION:        Continued to September 17, 2019 at 9:00 a.m.

ORDER:                The court will issue an order.

This motion is continued to September 17, 2019 at 9:00 a.m. to be heard with the chapter 13 trustee's motion to dismiss.

The court would be inclined to grant the application but it is possible that the application will become moot. The chapter 13 trustee ("Trustee") has filed a motion to dismiss the case based upon the debtor's failure to produce documents and other factors that allegedly provide "cause" for dismissal.

11 U.S.C. § 1307(c) requires that this court must decide whether conversion of the case to one under chapter 7, or dismissal, is "in the best interest of creditors and the estate." In the application, the chapter 7 trustee, Mr. Parker, indicates he found an asset actually worth \$189,000.00 which the debtor had listed at a value of only \$19,000.00. If this asset can be liquidated it might in the best interest of creditors for the case to be converted back to chapter 7. Should the case be converted, Mr. Parker may wish to withdraw this application and seek his statutory fee after he has administered the estate.

This court would like to hear from Mr. Parker at the continued hearing regarding his position as to whether the dismissal or conversion is in the best interest of creditors and the estate. Mr. Parker may appear telephonically.

2. [19-11502](#)-A-13     **IN RE: RANDY ADAMS**  
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE  
6-18-2019    [\[13\]](#)

MICHAEL MEYER/MV  
ROBERT WILLIAMS  
RESPONSIVE PLEADING

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the motion. Doc. #30.

3. [18-12106](#)-A-13     **IN RE: HECTOR SOLIZ AND BEATRIZ GOMEZ SOLIZ**  
[RSW-1](#)

MOTION TO MODIFY PLAN  
7-15-2019    [\[51\]](#)

HECTOR SOLIZ/MV  
ROBERT WILLIAMS

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.

4. [19-13308](#)-A-13      IN RE: MICHAEL/CECELIA BLANCO

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
8-14-2019 [13]

PHILLIP GILLET  
\$310.00 FILING FEE PAID 8/16/19

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

DISPOSITION: The OSC will be vacated.

NO ORDER REQUIRED. The OSC will be vacated.

The filing fee was paid on August 16, 2019 in its entirety.

5. 19-12709-A-13      **IN RE: HANS YEAGER**  
RDW-1

OBJECTION TO CONFIRMATION OF PLAN BY DESERT HACIENDA HOMEOWNERS  
ASSOCIATION  
8-20-2019 [19]

DESERT HACIENDA HOMEOWNERS ASSOCIATION/MV  
ROBERT WILLIAMS  
REILLY WILKINSON/ATTY. FOR MV.

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

DISPOSITION: Continued to October 3, 2019 at 9:00 a.m.

ORDER:           The court will issue an order.

Creditor Hacienda Homeowners Association ("Creditor") has filed a detailed objection to debtor's plan confirmation. Creditor asserts the plan is short \$218.70 in payments to Creditor. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection is withdrawn, the debtor shall file and serve a written response not later than September 19, 2019. 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. Creditor shall file and serve a reply, if any, by September 26, 2019.

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 September 26, 2019. If the debtor does 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.

6. 19-13309-A-13      IN RE: ROGELIO/MYRA RIOS

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
8-14-2019 [12]

PHILLIP GILLET  
\$310.00 FILING FEE PAID 8/16/19

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

DISPOSITION: The OSC will be vacated.

NO ORDER REQUIRED. The OSC will be vacated.

The filing fee was paid on August 16, 2019 in its entirety.

7. 19-12010-A-13      **IN RE: TORINO/GLORIA JACKSON**  
WDO-2

MOTION TO CONFIRM PLAN  
7-25-2019 [32]

TORINO JACKSON/MV  
WILLIAM OLCOTT  
PLAN WITHDRAWN, ECF NO. 44

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

DISPOSITION:           Dropped from calendar.

NO ORDER REQUIRED:      Movant withdrew the motion. Doc. #44.

8. 19-12620-A-13 IN RE: ANDREA MONROVIA

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
7-23-2019 [28]

DISMISSED 8/16/19

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. #52.

9. [17-12533](#)-A-13     **IN RE: ALEX BECERRA**  
[RSW-1](#)

MOTION TO RESTRICT OR REDACT PUBLIC ACCESS RE CLAIM #2  
7-26-2019    [\[62\]](#)

COMMERCIAL TRADE, INC./MV  
JEFFREY ROWE  
ROBERT WILLIAMS/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. Creditor "Commercia Trade, Inc." ("Creditor") filed two proofs of claim in this case. Claim #2 was filed on July 19, 2017 and Claim #4 on July 24, 2017. Both claims contain personally identifiable information: debtor's full social security number and driver's license number.

Claim #2 shall be sealed to hide the information. Pursuant to LBR 9037-1(b), Creditor must file a redacted claim within 30 days of the granting of this motion.

10. [17-12533](#)-A-13     **IN RE: ALEX BECERRA**  
[RSW-2](#)

MOTION TO RESTRICT OR REDACT PUBLIC ACCESS RE CLAIM #4  
7-29-2019    [\[66\]](#)

COMMERCIAL TRADE, INC./MV  
JEFFREY ROWE  
ROBERT WILLIAMS/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. Creditor "Commercial Trade, Inc." ("Creditor") filed two proofs of claim in this case. Claim #2 was filed on July 19, 2017 and Claim #4 on July 24, 2017. Both claims contain personally identifiable information: debtor's full social security number and driver license number.

Claim #4 shall be sealed to hide the information. Pursuant to LBR 9037-1(b), Creditor must file a redacted claim within 30 days of the granting of this motion.

11. [19-12438](#)-A-13     **IN RE: MICHAEL/LUCIA LOPEZ**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
7-26-2019    [\[18\]](#)

ROBERT WILLIAMS

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.

Pursuant to the court's ruling on August 28, 2019 at 3:00 p.m., this case was dismissed automatically under 11 U.S.C. § 521(i)(1) on July 24, 2019.

12. [19-12838](#)-A-13     **IN RE: GARY GOODMAN**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
8-5-2019    [\[17\]](#)

PHILLIP GILLET  
\$310.00 FINAL INSTALLMENT PAYMENT 8/13/19

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

DISPOSITION:                    The OSC will be vacated.

NO ORDER REQUIRED.            The OSC will be vacated.

The filing fee was paid on August 13, 2019 in its entirety.

13. [19-12838](#)-A-13     **IN RE: GARY GOODMAN**  
[JHW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TD AUTO FINANCE LLC  
8-13-2019    [\[19\]](#)

TD AUTO FINANCE LLC/MV  
PHILLIP GILLET  
JENNIFER WANG/ATTY. FOR MV.

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

DISPOSITION:                    Continued to October 3, 2019 at 9:00 a.m.

ORDER:                            The court will issue an order.

Creditor TD Auto Finance LLC ("Creditor") has filed a detailed objection to the debtor's plan confirmation. Creditor is of the



opinion that an interest rate of 7.25% instead of 5.0% should be applied to Creditor's claim. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection is withdrawn, the debtor shall file and serve a written response not later than September 19, 2019. 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. Creditor shall file and serve a reply, if any, by September 26, 2019.

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 September 26, 2019. If the debtor does 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.

14. [19-13151](#)-A-13     **IN RE: KRISTIN VOOLSTRA**  
[TCS-1](#)

CONTINUED MOTION TO EXTEND AUTOMATIC STAY  
7-30-2019    [8]

KRISTIN VOOLSTRA/MV  
TIMOTHY SPRINGER

NO RULING.

15. [17-11454](#)-A-13     **IN RE: CHERYL JUAREZ**  
[PK-2](#)

MOTION TO MODIFY PLAN  
7-29-2019    [32]

CHERYL JUAREZ/MV  
PATRICK KAVANAGH

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. The chapter 13 trustee withdrew his opposition on August 23, 2019. Doc. #53.

16. [17-11454](#)-A-13     **IN RE: CHERYL JUAREZ**  
[PK-3](#)

MOTION FOR COMPENSATION FOR PATRICK KAVANAGH, DEBTORS  
ATTORNEY(S)  
7-31-2019    [\[40\]](#)

CHERYL JUAREZ/MV  
PATRICK KAVANAGH  
RESPONSIVE PLEADING

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. Movant is awarded \$2,640.00 in fees, limited to \$1,740.00.

17. [19-12354](#)-A-13     **IN RE: OSVALDO/SONYA SAMANO**  
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS  
8-2-2019    [\[18\]](#)

MICHAEL MEYER/MV  
ROBERT WILLIAMS

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the objection. Doc. #23.

18. [19-12757](#)-A-13     **IN RE: STEVE GONZALES AND SANDY GONZALEZ**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
8-19-2019    [\[16\]](#)

THOMAS MOORE

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

DISPOSITION:                    Continued to October 3, 2019 at 9:00 a.m.

ORDER:                            The court will issue an order.

The chapter 13 trustee ("Trustee") has filed a detailed objection to the debtors' plan confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection is withdrawn, the debtors shall file and serve a written response not later than September 19, 2019. 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 September 26, 2019.

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 26, 2019. 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.

19. [19-12660](#)-A-13     **IN RE: JORGE/MELISSA VELEZ**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
8-20-2019    [\[28\]](#)

ROBERT WILLIAMS

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the objection. Doc. #42.

20. [19-11863](#)-A-13     **IN RE: DEBRA JARRETT**  
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL  
H. MEYER  
6-17-2019    [\[13\]](#)

ROBERT WILLIAMS  
WITHDRAWN

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the objection. Doc. #29.

21. [19-11864](#)-A-13     **IN RE: KIMBERLY CHANEY**  
[RSW-1](#)

MOTION TO CONFIRM PLAN  
7-31-2019    [\[24\]](#)

KIMBERLY CHANEY/MV  
ROBERT WILLIAMS

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.

22. [16-10074](#)-A-13      **IN RE: RONALD TAYLOR**  
[RSW-2](#)

MOTION TO MODIFY PLAN  
7-15-2019    [\[57\]](#)

RONALD TAYLOR/MV  
ROBERT WILLIAMS

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.

23. [16-10680](#)-A-13     **IN RE: CHRISTOPHER/AMANDA GONZALES**  
[PK-6](#)

MOTION FOR COMPENSATION FOR PATRICK KAVANAGH, DEBTORS  
ATTORNEY(S)  
8-7-2019    [[110](#)]

PATRICK KAVANAGH

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 \$3,870.00 in fees, limited to \$2,500.00.

24. [19-12785](#)-A-13     **IN RE: MIGUEL/MARIA ESCALANTE**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
8-20-2019    [\[26\]](#)

WILLIAM OLCOTT

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the objection. Doc. #29.

25. [19-12785](#)-A-13     **IN RE: MIGUEL/MARIA ESCALANTE**  
[WDO-1](#)

MOTION TO VALUE COLLATERAL OF CAPITAL ONE AUTO FINANCE  
8-5-2019    [\[20\]](#)

MIGUEL ESCALANTE/MV  
WILLIAM OLCOTT

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

DISPOSITION:                    Denied without prejudice.

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

This motion is DENIED WITHOUT PREJUDICE. Constitutional due process requires that the movant make a *prima facie* showing that they are entitled to the relief sought. Here, the moving papers do not present "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" In re Tracht Gut, LLC, 503 B.R. 804, 811 (9th Cir. BAP, 2014), citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

The motion is DENIED WITHOUT PREJUDICE.

The declaration does not contain the debtors' opinion of the relevant value. 11 U.S.C. § 506(a)(2) requires the valuation to be "replacement value." The declaration uses the terms "trade in value," or somewhat ambiguously, the value if debtors "were to try and sale [sic] this vehicle today or trade it in." Doc. #22. These "values" are not what the bankruptcy code requires.

Second, Debtor states that his opinion is based on a "NADA guides value and Kelley Blue Book report" which placed values of the vehicle between \$6,116.00 and \$11,700.00, collectively. Id., doc. #24. Debtors have not established themselves as experts, and cannot rely on the NADA guidelines or Kelley Blue Book in determining the

replacement value of the vehicle. See Federal Rules of Evidence 701, 702, and 703. Therefore, this motion is DENIED WITHOUT PREJUDICE.

26. [19-12790](#)-A-13     **IN RE: JOSE/ROSAMARIA LOPEZ**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
8-20-2019    [\[15\]](#)

NEIL SCHWARTZ

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

DISPOSITION:     Continued to October 3, 2019 at 9:00 a.m. The court  
                      sets December 2, 2019 as a bar date by which a  
                      chapter 13 plan must be confirmed or the case will  
                      be dismissed.

ORDER:             The court will issue an order.

The chapter 13 trustee ("Trustee") has filed a detailed objection to the debtors' plan confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection is withdrawn, the debtors shall file and serve a written response not later than September 19, 2019. 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 September 26, 2019.

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 26, 2019. 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.

Pursuant to § 1324(b), the court will set December 2, 2019 as a bar date by which a chapter 13 plan must be confirmed or objections to claims must be filed or the case will be dismissed on the trustee's declaration.



27. [19-12894](#)-A-13     **IN RE: KIMBERLY KING- RICHARDSON**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
8-20-2019    [\[14\]](#)

NEIL SCHWARTZ

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the objection. Doc. #22.

28. [19-12897](#)-A-13     **IN RE: RAYMOND/CYNTHIA SANDERS**  
[WLA-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SUZANNE GOST  
8-20-2019    [\[20\]](#)

SUZANNE GOST/MV  
ROBERT WILLIAMS  
WILLIAM ALEXANDER/ATTY. FOR MV.

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

DISPOSITION:                    Continued to September 17, 2019 at 9:00 a.m.

ORDER:                            The court will issue an order.

The chapter 13 trustee ("Trustee") has filed a motion to dismiss this case set for hearing on September 17, 2019 at 9:00 a.m. Doc. #16. The debtor has filed a response to Trustee's motion (doc. #27) and a response to Creditor's ("Suzanne Gost") objection (doc. #29). The debtor has also filed amended schedules (doc. #25) in an attempt to address some of the issues raised by Creditor and Trustee.

Creditor may file a reply to Debtor's response by September 10, 2019. The debtor may file a final response regarding the motion by September 16, 2019 prior to 3:00 p.m. or merely address the issues at the continued hearing. The parties may appear telephonically at the continued hearing.

29. [19-12898](#)-A-13     **IN RE: JEFFREY VANDERNOOR**  
[RSW-1](#)

MOTION TO VALUE COLLATERAL OF CHASE AUTO FINANCE  
8-9-2019    [\[14\]](#)

JEFFREY VANDERNOOR/MV  
ROBERT WILLIAMS

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Denied without prejudice.

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

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) 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 motion is DENIED WITHOUT PREJUDICE.

The declaration does not contain the debtor's opinion of the relevant value. 11 U.S.C. § 506(a)(2) requires the valuation to be "replacement value," not "fair market value," which is not the correct value as required by the bankruptcy code.

Second, Debtor states that his opinion is based on a "Kelley Blue Book website" which places the value of a vehicle in "very good condition" at \$12,724.00. Debtor has not established himself as an expert, and cannot rely on Kelley Blue Book in determining the replacement value of the vehicle. See Federal Rules of Evidence 701, 702, and 703. Therefore, this motion is DENIED WITHOUT PREJUDICE.

30. [19-12852](#)-A-13     **IN RE: JESUS/ROSA GODOY**  
[NLL-1](#)

AMENDED OBJECTION TO CONFIRMATION OF PLAN BY JPMORGAN CHASE  
BANK, NATIONAL ASSOCIATION  
8-23-2019    [\[25\]](#)

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION/MV  
ROBERT WILLIAMS  
NANCY LEE/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Sustained.

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 objection was filed and served pursuant to Local Rule of  
Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless  
opposition is presented at the hearing, the court intends to enter  
the respondents' defaults and sustain the objection. 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.

Creditor JPMorgan Chase Bank, National Association ("Creditor")  
objects to plan confirmation because the plan fails to pay  
Creditor's secured claim. Doc. #25. Creditor filed their claim on  
August 21, 2019. See claim #4. The claim amount is \$12,908.09.

Sections 1.04 and 3.08(c) of the plan require separately served and  
filed motions to value collateral for claims classified in class 2.  
Doc. #2. Creditor's claim is in Class 2C. As of September 2, 2019,  
debtor has not filed any such motion.

Therefore, this objection is SUSTAINED.