

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, September 17, 2020
Place: Department A - Courtroom #11
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. A telephone appearance through CourtCall must be arranged 24 hours in advance of the hearing time.

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.

1. [19-10803](#)-A-13 **IN RE: CHRISTY BEELER**
[TCS-4](#)

MOTION TO MODIFY PLAN
8-6-2020 [[74](#)]

CHRISTY BEELER/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 at least 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.

2. [16-12409](#)-A-13 **IN RE: LISA BRADBURY**
[SLL-4](#)

MOTION TO MODIFY PLAN
8-10-2020 [[71](#)]

LISA BRADBURY/MV
STEPHEN LABIAK/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 at least 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.

3. [20-11821](#)-A-13 **IN RE: ARMIDA GOMEZ**
[JHK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-17-2020 [[29](#)]

AMERICREDIT FINANCIAL
SERVICES, INC./MV
PETER NISSON/ATTY. FOR DBT.
JOHN KIM/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 at least 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor(s), 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.

Americredit Financial Services, Inc. dba GM Financial ("Creditor") moves the court for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) with respect to the debtor's vehicle, a 2018 Ford F150 (the "Vehicle"). Doc. #29.

Bankruptcy Code section 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985). As the party seeking relief, Creditor must first establish that cause exists for relief under § 362(d)(1). United States of America v. Gould (In re Gould), 401 B.R. 415, 426 (B.A.P. 9th Cir. 2009) (citing Duvar Apt., Inc. v. FDIC (In re Duvar Apt., Inc.), 206 B.R. 196, 200 (B.A.P. 9th Cir. 1996)).

The debtor filed this Chapter 13 case on May 27, 2020. Doc. #1. The debtor entered into a retail installment sale contract for the purchase of the Vehicle on February 24, 2018. Doc. #32, Nunez Decl. at ¶ 3. The contract was assigned to Creditor in the normal course of business. Id. The debtor is in default for a partial payment of \$622.23 due for June 10, 2019, and regular payments due July 10, 2019 through July 10, 2020, each in the amount of \$688.69, totaling \$9,575.20. Id. at ¶ 6. Including late fees of \$158.44 and charge off fees of \$953.43, the total delinquency amount on the debtor's account is \$10,687.07. Id. At all relevant times, Creditor was the lienholder of the Vehicle. Id. at ¶ 4. Creditor has filed a proof of claim secured by a lien on the Vehicle in the amount of \$32,792.89. See Claim No. 4. The debtor's proposed Chapter 13 plan does not provide for Creditor's claim related to the Vehicle. See Doc. #15. The debtor and the Chapter 13 trustee have filed no opposition to Creditor seeking relief from the automatic stay.

After review of the included evidence, the court finds that cause exists to lift the stay because the debtor is delinquent for pre-petition payments, failed to make ongoing post-petition payments, and has not provided for Creditor's claim in the Vehicle in the Chapter 13 plan.

Accordingly, the motion will be GRANTED pursuant to 11 U.S.C. § 362(d)(1), terminating the automatic stay to permit Creditor to dispose of its collateral pursuant to applicable law and enforce its remedies to repossess and sell the Vehicle. The 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be ordered waived because the debtor is in default of payments to Creditor and has not provided for the Vehicle in the Chapter 13 plan. No other relief is awarded.

4. [16-13322](#)-A-13 **IN RE: RICHARD GARCIA AND BEATRIZ CORTEZ-GARCIA**
[MHM-1](#)

MOTION TO DETERMINE FINAL CURE AND MORTGAGE PAYMENT RULE
3002.1
8-6-2020 [[53](#)]

MICHAEL MEYER/MV
JAMES MILLER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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 for determination of final cure was filed by Michael H. Meyer ("Trustee"), the Chapter 13 trustee in the bankruptcy case of Richard Edward Garcia and Beatriz Cortez-Garcia (collectively, "Debtors"), on August 6, 2020 in accordance with the notice requirements of Local Rule of Practice ("LBR") 9014-1(f)(1). Doc. ##53-56.

Trustee moves the court pursuant to Federal Rule of Bankruptcy Procedure ("FRBP") 3002.1(h) for an order determining (1) Debtors have cured the pre-petition default with respect to the promissory note dated January 23, 2013, secured by a deed of trust on real property located at 2765 Beverly Avenue, Clovis California 93611, in favor of Ditech Financial LLC fka Green Tree Servicing and its successor Newrez LLC dba Shellpoint Mortgage Servicing ("Creditor"); and (2) Debtors are current on all post-petition payments due and owing since October 2016. Doc. #53.

Trustee filed a notice of final cure pursuant to FRBP 3002.1(f) on July 1, 2020. See Doc. #50. On August 19, 2020, Creditor filed a response to Trustee's notice of final cure payment, which states Debtors have paid in full the amount required to cure the pre-petition default, and Debtors are current with all post-petition payments with the next payment due on May 1, 2020. On August 31, 2020, Creditor filed a response to Trustee's motion for determination of final cure, agreeing that Debtors have cured the pre-petition default and Debtors are current on all payments. Doc. #57.

Accordingly, having reviewed Creditor's responses to the notice of final cure and this motion, the court will GRANT Trustee's motion for determination of final cure.

5. [20-10627](#)-A-13 **IN RE: JOHN/DEBRA TAWNEY**
[SDS-1](#)

AMENDED MOTION TO CONFIRM PLAN
8-13-2020 [[50](#)]

JOHN TAWNEY/MV
SUSAN SILVEIRA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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 set for hearing on at least 35 days' notice as required by Local Rule of Practice 3015-1(d)(1) and will proceed as scheduled.

Michael H. Meyer ("Trustee"), the Chapter 13 trustee in the bankruptcy case of John A. Tawney and Debra D. Tawney (collectively, "Debtors"), has filed an objection pursuant to 11 U.S.C. § 1325(a)(1) to the Debtors' amended motion to confirm their Chapter 13 plan on the grounds that the Debtors have not made the requisite showing that the proposed Additional Provision with respect to Wyndham Vacation Resorts, Inc. ("Wyndham") complies with applicable provisions of the Bankruptcy Code. Doc. #60.

Debtors' proposed plan filed on August 13, 2020, provides in section 7.03 that Debtors will surrender a timeshare interest in Grand Desert Resort in Las Vegas, Nevada, to Wyndham in full satisfaction of Debtors' secured claim to Wyndham and, pursuant to Bankruptcy Code section 1322(b)(8) and (b)(9), title to the surrendered property shall vest in Wyndham and confirmation of the plan shall constitute a deed of reconveyance to the property upon recording with the Clark County Recorder. Doc. #32 at § 7.03.

Bankruptcy Code section 1322(b)(9) permits a chapter 13 plan to "provide for the vesting of property of the estate, on confirmation of the plan or at a later time, in the debtor or in any other entity[.]" 11 U.S.C. § 1322(b)(9). However, such a provision can be imposed upon a secured creditor only if the secured creditor is properly served and consents to such treatment under Bankruptcy Code section 1325(a)(2)(A). In re Rosa, 495 B.R. 522, 524 (Bankr. D. Haw. 2013); In re Olszewski, 580 B.R. 189, 191-193 (Bankr. D.S.C. 2017) (collecting cases).

Here, Wyndham received proper notice of Debtors' proposed chapter 13 plan and has not objected to the plan. Consequently, Wyndham is deemed to have accepted its treatment under section 1325(a)(5)(A). In re Thomas, 2010 Bankr. LEXIS 2954, 2010 WL 9498475 (Bankr. E.D. Cal. Sept. 13, 2010) (Rimel, J.). The Additional Provision of section 7.03 is proper under the Bankruptcy Code and can be imposed upon Wyndham under the circumstances of this case. Rosa, 495 B.R. at 524.

Accordingly, the court is inclined to overrule Trustee's objection and GRANT the amended motion to confirm the chapter 13 plan. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

6. [20-12228](#)-A-13 **IN RE: KHALID CHAOUI**
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE
8-6-2020 [[41](#)]

MICHAEL MEYER/MV
RESPONSIVE PLEADING

NO RULING.

7. [20-12228](#)-A-13 **IN RE: KHALID CHAOUI**
[MHM-2](#)

MOTION TO DISMISS CASE
8-20-2020 [[58](#)]

MICHAEL MEYER/MV

NO RULING.

8. [19-15339](#)-A-13 **IN RE: PHILIP IRWIN**
[WLG-1](#)

MOTION TO MODIFY PLAN
8-5-2020 [[29](#)]

PHILIP IRWIN/MV
NICHOLAS WAJDA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 22, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The Chapter 13 trustee ("Trustee") has filed an objection to the debtor's motion to modify a Chapter 13 plan. Unless this case is voluntarily converted to Chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than October 1, 2020. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by October 8, 2020.

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 October 8, 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 Trustee's opposition without a further hearing.

9. [20-11646](#)-A-13 **IN RE: LEAH KLASCIUS**
[ETW-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
7-8-2020 [[25](#)]

JOSEF BEGELFER/MV
NICHOLAS WAJDA/ATTY. FOR DBT.
EDWARD WEBER/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

10. [20-11646](#)-A-13 **IN RE: LEAH KLASCIUS**
[WLG-1](#)

MOTION TO CONFIRM PLAN
8-11-2020 [[42](#)]

LEAH KLASCIUS/MV
NICHOLAS WAJDA/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

11. [20-11946](#)-A-13 **IN RE: ENRIQUE CASTELLANOS**
[NES-1](#)

MOTION TO CONFIRM PLAN
8-7-2020 [[29](#)]

ENRIQUE CASTELLANOS/MV
NEIL SCHWARTZ/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 Moving Party shall submit a proposed order after hearing.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1) and will proceed as scheduled.

Debtor Enrique Castellanos Jr. ("Debtor") moves the court for an order confirming the first modified Chapter 13 plan filed on August 7, 2020 (the "Modified Plan") as "Exhibit A" to the motion at Doc. #31 (NES-001).

On August 19, 2020, Capital One Auto Finance, a division of Capital One, N.A. ("Capital One"), filed an amended notice of hearing on its objection to confirmation of Debtor's Chapter 13 plan set for September 17, 2020 at 9:30 a.m. (the "Amended Notice"). Doc. #34. However, the Amended Notice bears the docket control number MMJ-001, which relates to Capital One's objection filed on June 29, 2020 against confirmation of Debtor's original Chapter 13 plan filed on June 5, 2020. Id.; see also Doc. #13. Capital One's objection came for hearing on August 19, 2020, and an order sustaining Capital One's objection to confirmation of Debtor's original plan was entered on August 27, 2020. Doc. ##33, 40.

No written objections have been filed as to the first modified Chapter 13 plan filed on August 7, 2020 that is the subject of this motion. The failure of the creditors, the Chapter 13 trustee, 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). Therefore, the court intends to enter the defaults of the above-mentioned parties in interest. 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).

The court is inclined to GRANT this motion. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

12. [20-11946](#)-A-13 **IN RE: ENRIQUE CASTELLANOS**
[MMJ-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CAPITAL ONE AUTO
FINANCE
6-29-2020 [[13](#)]

CAPITAL ONE AUTO FINANCE/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
MARJORIE JOHNSON/ATTY. FOR MV.
ORDER, DOCKET #40

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: An order sustaining this objection was entered on
August 27, 2020. Doc. #40.

13. [16-12253](#)-A-13 **IN RE: MARLENE LOPEZ**
[PBB-4](#)

MOTION TO MODIFY PLAN
7-30-2020 [[61](#)]

MARLENE LOPEZ/MV
PETER BUNTING/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 at least 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.

14. [20-11453](#)-A-13 **IN RE: GLORIA ROBLES**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-24-2020 [\[48\]](#)

BENNY BARCO/ATTY. FOR DBT.
\$31.00 FINAL INSTALLMENT 8/31/20

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid.

15. [20-10654](#)-A-13 **IN RE: PETE AVILA AND PRISCILLA VELOZ**
[JDW-3](#)

MOTION TO CONFIRM PLAN
7-27-2020 [\[47\]](#)

PETE AVILA/MV
JOEL WINTER/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 at least 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.

16. [19-13163](#)-A-13 **IN RE: GENE FEUERSINGER AND DENISE CAMPOS**
[PBB-4](#)

MOTION TO MODIFY PLAN
7-29-2020 [[60](#)]

GENE FEUERSINGER/MV
PETER BUNTING/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 at least 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.

17. [18-12769](#)-A-13 **IN RE: ARTHUR/SYLVIA RAMIREZ**
[TCS-2](#)

MOTION TO MODIFY PLAN
8-13-2020 [[56](#)]

ARTHUR RAMIREZ/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 at least 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.

18. [20-12069](#)-A-13 **IN RE: SCOTT/SARINA DUTEY**
[TCS-4](#)

MOTION TO CONFIRM PLAN
8-6-2020 [[49](#)]

SCOTT DUTEY/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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 shall submit a proposed order after hearing.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1) and will proceed as scheduled.

Debtors Scott Franklin Dutey and Sarina Jean Dutey (collectively, "Debtors") move the court for an order confirming their second modified Chapter 13 plan filed on August 6, 2020 (the "Modified Plan"). Doc. ##49, 54 (TCS-4). Secured Creditor Freedom Mortgage Corporation ("Secured Creditor") filed a limited opposition. Doc. #63. Debtors responded. Doc. #65.

Bankruptcy Code section 1325(a)(5) provides that court shall confirm a plan with respect to an allowed secured claim provided for by the plan only if one of the following three requirements are satisfied: (1) the holder of such claim has accepted the plan; (2) the debtor's payments to the secured creditor comply with certain standards and the secured creditor retains its lien; or (3) the debtor surrenders the property securing such claim to such holder.

Secured Creditor filed a proof of claim on July 31, 2020 asserting a claim for \$258,799.71 secured by a deed of trust to Debtors' principal residence at 30557 Seminole Drive, Coarsegold, California 93614. See Claim No. 13-1. Claim No. 13-1 also reflects a pre-petition default in the amount of \$3,325.99. Id.

Federal Rule of Bankruptcy Procedure 3001(f) provides that the execution and filing of a proof of claim is *prima facie* evidence of the validity and amount of the claim. However, the Modified Plan lists Secured Creditor's claim in Class 4, which is for secured claims that are not in default, will not be modified by the plan, will mature after the completion of the plan, and will be paid directly by Debtors or a third party. See Doc. #54, at § 3.10. The Modified Plan does not provide for the cure of the alleged pre-petition default under Class 1. See id. at § 3.07.

Debtors believe they are current on their payments to Secured Creditor and confirm no arrearages will be paid in the Plan or by the Chapter 13 trustee. Doc. #65. Debtors prefer to deal with Creditor directly. Id.

Secured Creditor does not object to its claim remaining in Class 4, provided confirmation of the Modified Plan with Secured Creditor's claim in Class 4 does not modify Secured Creditor's rights including the existence, if any, of the pre-petition arrears set forth in Claim No. 13-1. Doc. #63.

Secured Creditor and Debtors agree that confirmation of the Modified Plan modifies the automatic stay to allow the holder of a Class 4 secured claim to exercise its rights against its collateral in the event of default under applicable law or contract. Doc. #54, at § 3.11.

Accordingly, the court is inclined to GRANT the motion to confirm the Modified Plan. 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 confirmation order shall further state that Secured Creditor's claim, including to any pre-petition arrearages, is not modified by confirmation of the Modified Plan.

19. [19-13376](#)-A-13 **IN RE: OPAL RIDER**
[SLL-1](#)

CONTINUED PRE-TRIAL CONFERENCE RE: AMENDED OBJECTION TO
CLAIM OF WRCOG ENERGY EFFICIENCY AND WATER CONSERVATION
PROGRAM FOR WESTERN RIVERSIDE COUNTY, CLAIM NUMBER 3-1
11-4-2019 [[36](#)]

OPAL RIDER/MV
STEPHEN LABIAK/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

20. [18-11377](#)-A-13 **IN RE: ERIC/TARA BOHLANDER**
[PBB-6](#)

MOTION TO MODIFY PLAN
7-31-2020 [[88](#)]

ERIC BOHLANDER/MV
PETER BUNTING/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 at least 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.

21. [18-13980](#)-A-13 **IN RE: JOAO VAZ**
[TCS-1](#)

MOTION TO SUBSTITUTE ATTORNEY
9-1-2020 [[34](#)]

JOAO VAZ/MV
THOMAS GILLIS/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 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)(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.

Debtor Joao Vaz ("Debtor") moves the court to approve the substitution of Thomas Gillis ("Gillis") with The Law Office of Timothy C. Springer as Debtor's attorney of record in this case. Doc. #34.

Under LBR 2017-1(h), "[a]n attorney who has appeared in an action may substitute another attorney and thereby withdraw from the action by submitting a substitution of attorneys that shall set forth the full name and address of the new individual attorney and shall be signed by the withdrawing attorney, the new attorney, and the client. All substitutions of attorneys shall require the approval of the Court."

Debtor alleges he faxed and e-mailed a substitution request to Gillis, but Gillis did not sign or return the substitution document. Doc. #34. The court takes notice of the fact that the State Bar of California has suspended Gillis' license to practice law for a two-year period effective February 15, 2020. See In re Gillis, Case No. 20-00101-A/B (Bankr. E.D. Cal.); Fed. R. Evid. 201(b). This suspension will preclude Gillis from completing his representation of Debtor in this pending Chapter 13 case.

Accordingly, unless opposition is presented at the hearing, the court is inclined to GRANT this motion.

22. [19-13984](#)-A-13 **IN RE: CURTIS ALLEN AND CHARLOTTE JACKSON**
[EPE-3](#)

MOTION TO MODIFY PLAN
7-31-2020 [\[68\]](#)

CURTIS ALLEN/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
OPPOSITION WITHDRAWN

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 at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). Doc. ##69-74.

The Chapter 13 trustee filed an objection to confirmation of the modified plan on August 21, 2020. Doc. #77. However, the trustee withdrew the objection on September 2, 2020. Doc. #79.

The failure of the creditors, 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. [17-11690](#)-A-13 **IN RE: LUIS BARRAGAN**
[MHM-3](#)

MOTION TO DISMISS CASE
8-10-2020 [66]

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion on September 16, 2020.
Doc.#75.

24. [20-12291](#)-A-13 **IN RE: JOSE ARREGUIN**
[AF-2](#)

MOTION TO CONFIRM PLAN
7-30-2020 [21]

JOSE ARREGUIN/MV
ARASTO FARASAD/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 22, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The Chapter 13 trustee ("Trustee") has filed an objection to the debtor's motion to modify a Chapter 13 plan. Unless this case is voluntarily converted to Chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than October 1, 2020. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by October 8, 2020.

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 October 8, 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 Trustee's opposition without a further hearing.

25. [18-11292](#)-A-13 **IN RE: ANGEL PEREZ**
[TCS-7](#)

MOTION TO MODIFY PLAN
7-31-2020 [[132](#)]

ANGEL PEREZ/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 at least 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.

26. [20-12810](#)-A-13 **IN RE: JOSE REYES**
[PBB-1](#)

MOTION TO EXTEND AUTOMATIC STAY
9-7-2020 [[11](#)]

JOSE REYES/MV
PETER BUNTING/ATTY. FOR DBT.
OST 9/8/20

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. #15), 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.

Debtor Jose Garcia Reyes ("Debtor") moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B) and (C). Doc. #11.

Debtor had one Chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 17-11799-A-13 (Bankr. E.D. Cal) (the "Prior Case"). The Prior Case was filed on May 8, 2017 and dismissed on July 20, 2020. Under 11 U.S.C. § 362(c)(3)(A), if a debtor has had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease, shall terminate with respect to the debtor on the 30th day after the filing of the current case. The Debtor filed this case on August 27, 2020. Doc. #1. Thus, the automatic stay will terminate in the present case on September 26, 2020.

Bankruptcy Code section 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor or a party in interest demonstrates that the filing of the latter case is in good faith as to the creditors to be stayed. 11 U.S.C. § 362(c)(3)(B).

If the stay is to be extended as to all creditors, 11 U.S.C. § 362(c)(3)(C)(i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan.

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c)(3)(C). 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 (B.A.P. 9th Cir. 2016) (citations omitted) (overruled on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019)).

In this case, the presumption of bad faith arises. Debtor failed to perform the terms of a confirmed plan in the Prior Case. A review of the court's docket in the Prior Case discloses a Chapter 13 plan was confirmed on July 18, 2017, the Chapter 13 trustee ("Trustee") filed a Notice of Default and Intent to Dismiss Case (the "Notice") on June 5, 2020, and the court dismissed the Prior Case upon Trustee's declaration that Debtor failed to address the Notice in the

time and manner prescribed by LBR 3015-1(g). See Case No. 17-11799-A-13, Doc. ##15, 30, 32, 34.

However, in support of this motion to extend the automatic stay, Debtor declares that his income from his job as a long-haul truck driver was impacted due to the COVID-19 pandemic. Doc. #13, Reyes Decl. at ¶ 6. Debtor states he did not earn any income from March 2020 through July 2020, which caused the defaults on the plan payments in the Prior Case. Id. Debtor states he had been in the Prior Case for 37 months and paid an aggregate of \$72,640.65 before the Prior Case was dismissed. Id. at ¶ 5. Debtor states he has returned to driving for Garcia Trucking. Id. at ¶ 8. Debtor's Schedules I and J filed in this case list monthly income of \$3,800.00 and expenses of \$1,440.00, with monthly net income of \$2,360.00 that Debtor proposes to apply to plan payments in this case. See Doc. #1, Schedule J, line 23; Doc. #2.

The court is inclined to find that Debtor's loss of income adequately rebuts the presumption of bad faith that arose from the failure to perform the terms of a confirmed plan in the Prior Case and Debtor's petition commencing this case was filed in good faith. Moreover, the court recognizes that Debtor's return to work represents a substantial change in his financial affairs since the dismissal of the Prior Case.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes as to all parties who received notice, unless terminated by further order of this court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is necessary.

1. [19-15321](#)-A-7 **IN RE: MARIA RAMIREZ**
[20-1037](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-9-2020 [[1](#)]

FEAR V. RAMIREZ ET AL
KELSEY SEIB/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to December 10, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the status report filed on September 15, 2020, Doc. #24, the status conference is continued to December 10, 2020 at 11:00 a.m. The parties will file a joint status report not less than 7 days prior to the continued hearing date.

2. [20-10422](#)-A-7 **IN RE: DAVID SERRANO AND RITA DE GUZMAN**
[20-1025](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-1-2020 [[1](#)]

NUVISION FEDERAL CREDIT UNION V. SERRANO
ALANA ANAYA/ATTY. FOR PL.

NO RULING.

3. [20-10422](#)-A-7 **IN RE: DAVID SERRANO AND RITA DE GUZMAN**
[20-1025](#) [ABA-1](#)

MOTION FOR ENTRY OF DEFAULT JUDGMENT
8-12-2020 [[21](#)]

NUVISION FEDERAL CREDIT UNION V. SERRANO
ALANA ANAYA/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and will proceed as scheduled. The failure of the defendant 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). Therefore, the defaults of the above-mentioned parties in interest are entered. 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). However, constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the plaintiff has not done.

Plaintiff NuVision Federal Credit Union ("Plaintiff") moves for entry of a default judgment against defendant David G. Serrano ("Defendant") under 11 U.S.C. § 523(a)(2)(B) on the grounds that Defendant lied on his application for financing of a 2018 Chevrolet Silverado by inflating his income with his employer. Doc. #21. Plaintiff seeks judgment for \$36,589.06, the principal balance due under the loan as of August 5, 2020, plus attorneys' fees and costs. Doc. #21, 23.

In the Ninth Circuit, to prove a claim under 11 U.S.C. § 523(a)(2)(B), Plaintiff must show by a preponderance of the evidence the following seven elements: (1) a representation of fact by the debtor; (2) that was material; (3) that the debtor knew at the time to be false; (4) that the debtor made with the intention of deceiving the creditor; (5) upon which the creditor relied; (6) that the creditor's reliance was reasonable; and (7) that damage proximately resulted from the representation. Candland v. Ins. Co. of N. Am. (In re Candland), 90 F.3d 1466, 1469 (9th Cir. 1996) (citing In re Sirani, 967 F.2d 302, 403 (9th Cir. 1992)).

Here, without determining whether Plaintiff has met the first six requirements, Plaintiff has not shown any damages proximately resulting from Defendant's alleged misrepresentation. Exhibit D to the Declaration of Cheryl Rice filed in support of the motion for default judgment shows that (1) the required monthly payments on the loan have been made monthly since the date the first payment was due pursuant to the Retail Installment Sale Contract that is Exhibit A to Ms. Rice's declaration, and (2) payments on the loan were current as of August 5, 2020. Doc. #23. It appears that Defendant retains the vehicle that was financed through the Retail Installment Sale Contract and continues to make the monthly payments pursuant to that agreement as required. Thus, Plaintiff has not shown any damages proximately resulting from Defendant's alleged misrepresentation, and Plaintiff's request for a default judgment pursuant to 11 U.S.C. § 523(a)(2)(B) is denied.

4. [20-10568](#)-A-7 **IN RE: BHUPINDER SIHOTA**
[20-1045](#)

STATUS CONFERENCE RE: AMENDED COMPLAINT
8-30-2020 [[12](#)]

SIHOTA ET AL V. SIHOTA
PETER SAUER/ATTY. FOR PL.

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

DISPOSITION: Continued to November 4, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

An amended complaint was filed on August 30, 2020, so a responsive pleading is not yet due.

5. [20-10568](#)-A-7 **IN RE: BHUPINDER SIHOTA**
[20-1045](#) [DRJ-1](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
AND/OR MOTION FOR A MORE DEFINITE STATEMENT
8-12-2020 [[7](#)]

SIHOTA ET AL V. SIHOTA
DAVID JENKINS/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An amended complaint was filed on August 30, 2020. Doc. #12. Therefore, this motion will be DENIED AS MOOT.

6. [17-12389](#)-A-7 **IN RE: DON ROSE OIL CO., INC.**
[19-1057](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-10-2019 [[1](#)]

PARKER V. B & L FARMS
DANIEL EGAN/ATTY. FOR PL.
DISMISSED 8/19/20

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on August 19, 2020. Doc. #55.