

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Wednesday, September 27, 2017  
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. If the parties stipulate to continue the hearing on the matter or agree to resolve the matter in a way inconsistent with the final ruling, then the court will consider vacating the final ruling only if the moving party notifies chambers before 4:00 p.m. at least one business day before the hearing date: Department A-Kathy Torres (559)499-5860; Department B-Jennifer Dauer (559)499-5870. If a party has grounds to contest a final ruling under FRCP 60(a) (FRBP 9024) because of the court's error ["a clerical mistake (by the court) or a mistake arising from (the court's) oversight or omission"] the party shall notify chambers (contact information above) and any other party affected by the final ruling by 4:00 p.m. one business day before the hearing.

**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 a.m.

1. [17-11600](#)-B-7      FOXWOOD ENTERPRISES,      MOTION TO SELL  
RHT-1      INC.      8-16-17 [[9](#)]  
ROBERT HAWKINS/MV  
SUSAN HEMB/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

TENTATIVE RULING      This matter will proceed as scheduled.

DISPOSITION:      Granted subject to higher and better bids.

ORDER:      The Moving Party shall submit a proposed order after the hearing

This motion was filed and served pursuant to LRB 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.

2. [17-12407](#)-B-7 JASKARN SINGH AND ERICA MOTION TO AVOID LIEN OF  
JDR-1 CARO CITICAPITAL COMMERCIAL INC.  
JASKARN SINGH/MV 8-24-17 [[16](#)]  
JEFFREY ROWE/Atty. for dbt.

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

**DISPOSITION:**            Denied.

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

The record does not establish that the motion was served on the named respondent in compliance with FRBP 7004(b)(3) (corporation, partnership or unincorporated association). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004).

The California Secretary of State's Internet Website shows that the respondent, Citicapital Commercial Inc., is a foreign corporation that identified CT Corporation System as its agent for service of process. Citicapital Commercial Inc., however, has surrendered its right to transact intrastate business in the State of California and thus, pursuant to Cal.Corp.Code § 2112(a)(2) has revoked its designation of agent for service of process in California. Respondent may be served pursuant to Cal.Corp.Code § 2114. The certificate of proof of service shows that the pleadings were served only on the law firm that filed the abstract of judgment in state court.

In addition, the moving papers do not establish that the debtors had an interest in the property sought to be protected in 2005 when the abstract issued. The motion states the debtors' home at 2526 Goldridge Street, Selma, CA, was purchased in 2011, approximately 6 years after the abstract of judgment issued and was recorded. Unless the judgment has been renewed, in that it was recorded more than 10 years before this bankruptcy was filed, it may have expired.

3. [17-12614](#)-B-7 RKG DEPLOYMENTS, LLC  
PFT-1  
PETER FEAR/MV

MOTION TO EMPLOY GOULD AUCTION  
AND APPRAISAL COMPANY AS  
AUCTIONEER, AUTHORIZING SALE OF  
PROPERTY AT PUBLIC AUCTION AND  
AUTHORIZING PAYMENT OF  
AUCTIONEER FEES AND EXPENSES  
8-30-17 [[9](#)]

JEFFREY ROWE/Atty. for dbt.  
PETER FEAR/Atty. for mv.

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

**DISPOSITION:**           **Granted.**

**ORDER:**                **No appearance is necessary. The Moving Party shall  
submit a proposed order in conformance with the ruling  
below.**

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

4. [17-11324](#)-B-7 ERIC/LORETTA GREEN  
JCW-1  
NATIONSTAR MORTGAGE LLC/MV  
GEORGE ALONSO/Atty. for dbt.  
JENNIFER WONG/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
8-30-17 [[20](#)]

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

**DISPOSITION:** Granted.

**ORDER:** No appearance is necessary. 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 motion will be denied as moot as to the debtors because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee.

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 proposed order shall specifically describe the property or action to which the order relates.

If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5.

A waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will not be granted. The movant has shown no exigency.

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).

5. [17-12731](#)-B-7 NINA JOHNSON  
JES-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
8-29-17 [[13](#)]

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

**DISPOSITION:** Conditionally denied.

**ORDER:** No appearance is necessary. The court will enter an order.

The debtor shall attend the meeting of creditors rescheduled for October 27, 2017, 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 debtor's discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

6. [17-10838](#)-B-7 CHARLES/KAREN WILKINS  
RHT-4  
ROBERT HAWKINS/MV  
JAMES MILLER/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL AND/OR MOTION TO  
PAY  
9-6-17 [[41](#)]

**TENTATIVE RULING** This matter will proceed as scheduled.

**DISPOSITION:** Granted subject to higher and better bids.

**ORDER:** The Moving Party shall submit a proposed order after the hearing

This motion was filed and served pursuant to LRB 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 LRB 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

7. [17-12648](#)-B-7 JASWINDER/HARPAL WARAICH MOTION FOR RELIEF FROM  
ASW-1 AUTOMATIC STAY  
U.S. BANK NATIONAL 8-22-17 [[20](#)]  
ASSOCIATION/MV  
PETER BUNTING/Atty. for dbt.  
DANIEL FUJIMOTO/Atty. for mv.  
NON-OPPOSITION

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

**DISPOSITION:** Granted in part and denied in part.

**ORDER:** No appearance is necessary. 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. The debtors filed a notice of non-opposition and the trustee's default 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.

If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5.

A waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The debtors filed a notice of nonopposition and the schedules show they intend to surrender the property.

The request for an award of attorney fees will be denied without prejudice. First, a motion for attorney fees pursuant to 11 U.S.C. §506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. Second, the moving papers show there is no equity in the movant's collateral. Accordingly, any future request for an award of attorneys fees will be denied unless the movant can prove there is equity in the collateral. 11 U.S.C.A. §506(b).

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. [17-12848](#)-B-7 JESSICA GATTIS  
APN-1  
SANTANDER CONSUMER USA,  
INC./MV  
NICHOLAS WAJDA/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
8-24-17 [[14](#)]

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

**DISPOSITION:**            Granted.

**ORDER:**                No appearance is necessary. 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 waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is uninsured and 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).



9. [16-14150](#)-B-7 MARSHALL LORIMOR  
TGM-2  
JAMES SALVEN/MV

MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH JERRY R. LOWE  
8-22-17 [[27](#)]

JERRY LOWE/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

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

**DISPOSITION:**            Granted.

**ORDER:**                    No appearance is necessary. The Moving Party shall submit a proposed order in conformance with the ruling below.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

It appears from the moving papers that the trustee has considered the standards of *In re Woodson*, 839 F.2d 610, 620 (9th Cir. 1987), citing It appears that the Debtor-in-Possession has considered the factors in, *In re A & C Properties*, 784 F.2d 1377, 1381 (9th Cir. 1986):

- a. whether the settlement was negotiated in good faith;
- b. whether the trustee or debtor-in-possession reasonably believes that the compromise is the best result that can be negotiated under the facts, and;
- c. whether the settlement is fair and equitable.

Accordingly, it appears that the compromise pursuant to FRBP 9019 is a reasonable exercise of the DIP's business judgment. The order should be limited to the claims compromised as described in the motion.

10. [17-12958](#)-B-7 JENNIFER DE-LA-CRUZ  
VVF-1  
HONDA LEASE TRUST/MV

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION  
FOR ADEQUATE PROTECTION  
9-7-17 [[18](#)]

DAVID JENKINS/Atty. for dbt.  
VINCENT FROUNJIAN/Atty. for mv.

**TENTATIVE RULING** This matter will proceed as scheduled.

**DISPOSITION:** Granted

**ORDER:** The Moving Party shall submit a proposed order after the 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.

If adequate protection is requested, it will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein.

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).

11. [14-15861](#)-B-7     MANUEL/GUILLERMINA COSSIO     MOTION FOR DENIAL OF DISCHARGE  
UST-1     OF BOTH DEBTORS UNDER 11 U.S.C.  
TRACY DAVIS/MV     SECTION 727(A)  
     8-18-17 [[83](#)]  
  
SCOTT SAGARIA/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv.

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

**DISPOSITION:**            Granted.

**ORDER:**                    No appearance is necessary. The Moving Party shall  
submit a proposed order in conformance with the ruling  
below.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

12. [17-11567](#)-B-7 YVONNE DEPAGE  
RHT-3  
ROBERT HAWKINS/MV  
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL  
8-23-17 [[57](#)]

**FINAL RULING**            This matter will proceed for higher and better bids only.

**DISPOSITION:**            Granted.

**ORDER:**                    The Moving Party shall submit a proposed order after hearing.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered. It appears that the sale is a reasonable exercise of the trustee's business judgment.

13. [17-13068](#)-B-7 RAY HENDRICKSON  
JHW-1  
TD AUTO FINANCE LLC/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
JENNIFER WANG/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
8-23-17 [[10](#)]

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

**DISPOSITION:** Granted.

**ORDER:** No appearance is necessary. 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 debtor's 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 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).

14. [17-12572](#)-B-7 DONALD/ELONIECE HOOKS  
JRL-2  
DONALD HOOKS/MV  
JERRY LOWE/Atty. for dbt.

MOTION TO AVOID LIEN OF  
WORLDWIDE ASSET PURCHASING, LLC  
8-30-17 [[29](#)]

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

**DISPOSITION:**            Granted.

**ORDER:**                    No appearance is necessary. The Moving Party shall  
submit a proposed order in conformance with the ruling  
below.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered. It appears from the evidence submitted and the record that the debtors are entitled to avoid this lien that impairs an exemption to which they would otherwise have been entitled.

15. [17-12573](#)-B-7 SADIE STANOWSKI  
UST-1  
TRACY DAVIS/MV

MOTION FOR DENIAL OF DISCHARGE  
OF DEBTOR UNDER 11 U.S.C.  
SECTION 727(A)  
8-18-17 [[19](#)]

ROBIN TUBESING/Atty. for mv.

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

**DISPOSITION:**            Granted.

**ORDER:**                    No appearance is necessary. The Moving Party shall  
submit a proposed order in conformance with the ruling  
below.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

16. [17-12680](#)-B-7 YVETTE ROCHA  
TMT-1  
TRUDI MANFREDO/MV  
TRUDI MANFREDO/Atty. for mv.

MOTION TO RECONSIDER  
8-18-17 [[20](#)]

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

**DISPOSITION:**            Granted.

**ORDER:**                    No appearance is necessary. The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion for "reconsideration" can be either a motion to alter or amend a judgment under Federal Rule of Civil Procedure 59(e) (made applicable by Federal Rule of Bankruptcy Procedure 9023) or a motion for relief from a judgment or order under Federal Rule of Civil Procedure 60 (made applicable by Federal Rule of Bankruptcy Procedure 9024).

The court may reconsider a judgment if it, "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. There may also be other, highly unusual circumstances warranting reconsideration." *Sch. Dist. No. 1J v. AC & S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

Seven weeks of paystubs supports Trustee's argument that debtor is able to pay the filing fee. The seven weeks' income equates to a yearly income of \$50,072.52, greater than the 150% 2017 HHS poverty guidelines for a 5 unit family in the contiguous United States (\$43,170). With a combined joint income of \$73,197 listed on their 2016 income tax return, the court finds that debtors can pay the filing fee. The newly discovered evidence presented by the trustee in support of this motion was not available to this court until after the meeting of creditors.



17. [17-12888](#)-B-7 MANUEL/RAQUEL BELTRAN

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341 (A) MEETING  
OF CREDITORS

JOEL WINTER/Atty. for dbt.

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

**DISPOSITION:**            Conditionally denied.

**ORDER:**                    Debtors' counsel shall inform debtors that no appearance  
is necessary. The court will enter an order.

The debtor shall attend the meeting of creditors rescheduled for October 27, 2017, 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 debtor's discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

18. [17-13088](#)-B-7 JACOB BURDETT  
BDA-1  
FINANCIAL SERVICES VEHICLE  
TRUST/MV  
JERRY LOWE/Atty. for dbt.  
BRET ALLEN/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-11-17 [[17](#)]

**TENTATIVE RULING** This matter will proceed as scheduled.

**DISPOSITION:** Granted.

**ORDER:** The Moving Party shall submit a proposed order after the 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 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).

19. [17-13088](#)-B-7 JACOB BURDETT  
BDA-1  
BMW BANK OF NORTH AMERICA/MV  
JERRY LOWE/Atty. for dbt.  
BRET ALLEN/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-8-17 [[12](#)]

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

**DISPOSITION:** Denied without prejudice.

**ORDER:** No appearance is necessary. The court will enter an order.

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. However, the moving papers do not include an appropriate docket control number as required by LBR 9014-1(c). BDA-1 has already been used for a prior motion. If a new motion is filed it must comply with the Local Rules.

20. [17-10489](#)-B-7 JAMIE MEDEIROS  
JAMIE MEDEIROS/MV  
JAMIE MEDEIROS/Atty. for mv.

MOTION FOR WAIVER OF THE  
CHAPTER 7 FILING FEE OR OTHER  
FEE  
8-30-17 [[57](#)]

**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.

21. [17-10489](#)-B-7 JAMIE MEDEIROS  
JAMIE MEDEIROS/MV  
JAMIE MEDEIROS/Atty. for mv.

MOTION TO WAIVE AMENDMENT  
FILING FEE  
8-30-17 [[59](#)]

**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.

22. [17-11798](#)-B-7 MARK/AMY AVILA  
RWR-2  
JAMES SALVEN/MV

MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT  
8-29-17 [[19](#)]

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

**DISPOSITION:**            Granted.

**ORDER:**                    No appearance is necessary. The Moving Party shall submit a proposed order in conformance with the ruling below.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

It appears from the moving papers that the trustee has considered the standards of *In re A & C Properties*, 784 F.2d 1377, 1381 (9th Cir. 1986). Accordingly, it appears that the compromise pursuant to FRBP 9019 is a reasonable exercise of the trustee's business judgment.

23. 17-12744-B-7 CASSANDRA ALVARADO  
JES-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
8-29-17 [15]

JOEL WINTER/Atty. for dbt.  
DISMISSED

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

**DISPOSITION:**            Dropped from calendar.

**ORDER:**                    No appearance is necessary. An order dismissing this case has already been entered.

The record shows the debtor filed a late opposition on September 14, 2017, however opposition was required by September 13, 2017.

11:00 a.m.

1. [17-12922](#)-B-7 DANNY CADENA

PRO SE REAFFIRMATION AGREEMENT  
WITH NOBLE CREDIT UNION  
8-28-17 [[13](#)]

**NO RULING.**

2. [17-12228](#)-B-7 ESTELA RODRIGUEZ

AMENDED PRO SE REAFFIRMATION  
AGREEMENT WITH UNITED STATES OF  
AMERICA, USDA RURAL HOUSING  
SERVICE  
9-1-17 [[20](#)]

MARK ZIMMERMAN/Atty. for dbt.  
AMENDED THE ORIGINAL REAF  
FILED ON 9/1/17

**FINAL RULING**

**There will be no hearing on this matter.**

**DISPOSITION: Dropped from calendar.**

**ORDER: No appearance is necessary.**

**This reaffirmation agreement has been amended. It is signed by the debtor's attorney and appears to relate to a consumer debt secured by real property. Pursuant to 11 U.S.C. §524(c)(6)(B), the court is not required to hold a hearing and approve this agreement.**

3. [17-13062](#)-B-7 ALEJANDRA GONZALEZ

PRO SE REAFFIRMATION AGREEMENT  
WITH WELLS FARGO BANK N.A., DBA  
WELLS FARGO DEALER SERVICES  
9-6-17 [[17](#)]

**NO RULING.**

4. [17-13062](#)-B-7 ALEJANDRA GONZALEZ

PRO SE REAFFIRMATION AGREEMENT  
WITH NOBLE CREDIT UNION  
8-28-17 [[14](#)]

**NO RULING.**

1:30 p.m.

1. [17-11615](#)-B-7      ROMAN NORIEGA      STATUS CONFERENCE RE: COMPLAINT  
[17-1072](#)      7-30-17 [[1](#)]  
OSUNA V. NORIEGA  
SHANE REICH/Atty. for pl.

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

**DISPOSITION:**      The status conference will be vacated.

**ORDER:**      No appearance is necessary. An order dismissing the  
underlying case was entered September 15, 2017.

The status conference will be vacated and the clerk of the court may close  
this adversary proceeding without further notice.

2. [17-11989](#)-B-7      OLGA HODGE      STATUS CONFERENCE RE: COMPLAINT  
[17-1073](#)      8-2-17 [[1](#)]  
SAFE 1 CREDIT UNION V. HODGE  
JOHN MENDONZA/Atty. for pl.

**NO RULING.**

It appears from the record that the summons and complaint were timely and  
properly served on the defendant and on her attorney in the bankruptcy case  
and that no answer has been filed.