

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Thursday, September 28, 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. [17-10327](#)-B-12 EDWARD/LISA UMADA

CONTINUED STATUS CONFERENCE
CHAPTER 12 VOLUNTARY PETITION
1-31-17 [[1](#)]

PETER FEAR/Atty. for dbt.

NO RULING.

2. [17-10327](#)-B-12 EDWARD/LISA UMADA
FW-4
EDWARD UMADA/MV

FURTHER SCHEDULING CONFERENCE
RE: MOTION TO CONFIRM CHAPTER
12 PLAN
5-8-17 [[59](#)]

PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

NO RULING.

3. [17-11028](#)-B-11 PACE DIVERSIFIED
BBR-11 CORPORATION
PACE DIVERSIFIED
CORPORATION/MV
T. BELDEN/Atty. for dbt.

MOTION TO EMPLOY WAYNE LONG &
COMPANY AS ACCOUNTANT(S)
8-25-17 [[253](#)]

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

DISPOSITION: **Granted.**

ORDER: **No appearance is necessary. The moving party shall prepare the order in conformance with the following ruling.**

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.

The employment will be approved effective June 19, 2017. However, no hourly rate is approved by the court at this time. First, the application does not include evidence that the rates to be charged are consistent with market rates. Second, the application raises the possibility that the estate will be charged for "staff, computer/Clerical" time, at \$75.00 per hour, which the court will not approve absent a substantial evidentiary showing.

4. [17-13239](#)-B-12 JOE/MARIA NASCIMENTO CONTINUED MOTION TO USE CASH
WW-1 COLLATERAL
JOE NASCIMENTO/MV 8-24-17 [[13](#)]
RILEY WALTER/Atty. for dbt.
RESPONSIVE PLEADING

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

DISPOSITION: **Continued to October 19, 2017, at 9:30 a.m.**

ORDER: **No appearance is necessary. The parties have stipulated to a continuance and the court has already entered an order continuing this matter.**

5. [17-13239](#)-B-12 JOE/MARIA NASCIMENTO MOTION TO CONFIRM CHAPTER 12
WW-3 PLAN
JOE NASCIMENTO/MV 8-31-17 [[29](#)]
RILEY WALTER/Atty. for dbt.
RESPONSIVE PLEADING

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

DISPOSITION: **Continued to October 19, 2017, at 9:30 a.m.**

ORDER: **No appearance is necessary. The parties have stipulated to a continuance and the court has already entered an order continuing this matter.**

6. [17-13239](#)-B-12 JOE/MARIA NASCIMENTO MOTION TO ASSUME LEASE OR
WW-4 EXECUTORY CONTRACT
JOE NASCIMENTO/MV 8-31-17 [[37](#)]
RILEY WALTER/Atty. for dbt.

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

DISPOSITION: **Continued to October 19, 2017, at 9:30 a.m.**

ORDER: **No appearance is necessary. The parties have stipulated to a continuance and the court has already entered an order continuing this matter.**

7. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA
WW-19
ANTONIO PARREIRA/MV
RILEY WALTER/Atty. for dbt.

MOTION FOR ENTRY OF DISCHARGE
9-6-17 [[351](#)]

TENTATIVE RULING This matter will proceed as scheduled.

DISPOSITION: Granted.

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.

8. [17-12857](#)-B-11 SAC DEVELOPMENT, INC.

STATUS CONFERENCE RE: CHAPTER
11 VOLUNTARY PETITION
7-26-17 [[1](#)]

JUSTIN HARRIS/Atty. for dbt.

NO RULING.

9. [17-12998](#)-B-12 LJB FARMS, LLC

STATUS CONFERENCE RE: CHAPTER
12 VOLUNTARY PETITION
8-3-17 [[1](#)]

JACOB EATON/Atty. for dbt.

NO RULING.

1:30 p.m.

1.	17-12401 -B-13	MAHYANTI JOHNSON	CONTINUED MOTION TO DISMISS
	MHM-1		CASE
	MICHAEL MEYER/MV		8-10-17 [35]
	RESPONSIVE PLEADING		

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

DISPOSITION: **Granted.**

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

This matter was continued to give the debtor an opportunity to file a plan and otherwise address the issues raised by the trustee in the motion. The debtor did not appear at the continued §341 meeting of creditors and has not filed a plan. Accordingly, the case will be dismissed for the reasons stated in the plan.

2.	17-12214 -B-13	KENNETH/JANE HOSTETLER	CONTINUED OBJECTION TO
	AP-1		CONFIRMATION OF PLAN BY
	CITIBANK, N.A./MV		CITIBANK, N.A.
			8-1-17 [40]
	TIMOTHY SPRINGER/Atty. for dbt.		
	JAMIE HANAWALT/Atty. for mv.		
	RESPONSIVE PLEADING		

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

DISPOSITION: **Overruled.**

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

This motion was continued to allow the parties to resolve Citibank's objection to confirmation of the plan. Paragraph 2.04 of the form plan "shall determine the amount and classification of a claim unless the court's disposition of a claim objection, valuation motion, or lien avoidance motion affects the amount or classification of the claim." Absent future court order, the arrearage claim is \$38,683.22.

3. [17-12215](#)-B-13 GEORGE/BERENICE ARABIAN MOTION TO DISMISS CASE
MHM-1 8-16-17 [[33](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Unless the motion is withdrawn prior to the hearing, it
will be denied as moot.

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

The trustee's motion was based solely on the debtors' failure to file and serve a motion to value collateral of Snap-On Credit, LLC. The record shows that this motion has been filed and served and set for a hearing on October 19, 2017. Accordingly, this motion will be denied as moot.

4. [17-12717](#)-B-13 DALJIT SINGH MOTION TO DISMISS CASE
MHM-1 8-31-17 [[29](#)]
MICHAEL MEYER/MV
HANK WALTH/Atty. for dbt.
RESPONSIVE PLEADING

TENTATIVE RULING This matter will proceed as scheduled.

DISPOSITION: Granted unless withdrawn prior to or at the hearing.

ORDER: The court will issue an order.

This matter was fully noticed in compliance with the Local Rules of Practice. The debtor's response is not supported by evidence that the default has been cured and the trustee's motion has not been withdrawn. Accordingly, unless the trustee's motion is withdrawn prior to, or at the hearing, the motion will be granted and the case dismissed.

5. [17-12121](#)-B-13 TERRY/ROBBIE JANNEY CONTINUED OBJECTION TO
EAT-1 CONFIRMATION OF PLAN BY
SOLUTION FUND INC./MV SOLUTION FUND INC.
7-31-17 [[34](#)]
DARLENE VIGIL/Atty. for mv.
DISMISSED

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Overruled as moot.

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

This objection will be overruled as moot. The objection was withdrawn on August 17, 2017. Moreover, the case was dismissed on September 1, 2017.

6. [17-12826](#)-B-13 DOMINGO GILES
TOG-1
DOMINGO GILES/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
ONEMAIN FINANCIAL, INC.
8-12-17 [[19](#)]

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Denied as moot.

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

There is no case or controversy. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. In the Eastern District of California, the amount and classification of a claim is determined by the proof of claim and applicable non-bankruptcy law. No further relief is required unless the granting of a motion will affect the treatment of the claim. Nothing in the record establishes that any controversy exists and granting this motion would not affect the treatment of the claim.

7. [17-12829](#)-B-13 J J VALENCIA- HIGAREDA
MHM-1 AND ANA VALENCIA
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY MICHAEL H. MEYER
9-5-17 [[16](#)]

TENTATIVE RULING This matter will proceed as scheduled.

DISPOSITION: Sustained unless withdrawn at the hearing.

ORDER: The court will issue an order.

The court has reviewed the debtors' response to the debtors's objection. It appears the issue is, at what time period is the debtors' income determined for the purposes of 704.730(a)(3)(C). The court invites the parties to address this point of law and to designate the facts, if any, that are in dispute.

While not directly on point, the Ninth Circuit BAP case, *In re Shelley*, 184 B.R. 356 (9th BAP 1995), appears to be instructive.

8. [17-11135](#)-B-13 MARIA MACIEL
TOG-1
MARIA MACIEL/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO CONFIRM PLAN
8-10-17 [[47](#)]

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.

The motion will be granted without oral argument based on well-pled facts.
No appearance is necessary. The movant shall submit a proposed order as
specified below.

This motion to confirm or modify a chapter 13 plan was fully noticed in
compliance with the Local Rules of Practice; there is no opposition and the
respondents' default will be entered. The confirmation order shall include
the docket control number of the motion and it shall reference the plan by
the date it was filed.

9. [17-10236](#)-B-13 PAUL/KATHLEEN LANGSTON
FW-4
PAUL LANGSTON/MV
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
7-19-17 [[75](#)]

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. The court will issue an order.

In that the proposed plan appears to alter the treatment of the objecting creditor's rights, the court intends to deny confirmation of the plan and abstain from any determination of the treatment of the objecting creditor's claim. It appears from the record (Doc. #90, exhibits filed in support of the opposition to confirmation, "Amended Order For Processing Retirement Benefits Under the Federal Employees Retirement System ('FERS')), that the court is without jurisdiction to interpret or apply the provisions of the state court order entered during the course of debtor Paul Langston ("Paul"), and creditor Victoria Geesman's ("Victoria") dissolution proceedings.

In relevant part, that order provides that Paul is "prohibited from making modifications affecting his Net Annuity (3:25);" the OPM "shall not accept any attempted modifications to this Order without a valid Amended COAP (4:3);" Paul "shall not take any actions, affirmative or otherwise, that can circumvent the terms and provisions of this Court Order Acceptable for Processing, or that could diminish or extinguish the rights and entitlements of [Victoria] as set forth herein (5:23).;" and, "The court shall retain jurisdiction to enforce or interpret this Order (6:8)." The "Attachment to Stipulated Judgment" also filed as part of the exhibit, *supra*, provides that the parties agree that jurisdiction is reserved to the San Diego County Superior Court, *inter alia*, to: "Supervise the payment of any obligation ordered paid or allocated in this Agreement," to supervise the division of assets, supervise the overall enforcement of the agreement and to "Resolve any disputes that arise between the parties relative to this Agreement."

The court will entertain argument regarding the propriety of Victoria's proof of claim filed in this case. It appears that the state court has already determined that the property against which her claim would be satisfied is not property of the estate.

10. [17-12436](#)-B-13 LUS ELENES
MHM-1
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
8-11-17 [[15](#)]

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

ORDER: The court will enter an order.

The trustee has withdrawn his motion.

11. [17-12836](#)-B-13 SELEDONIO SUAREZ
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
8-31-17 [[18](#)]

TENTATIVE RULING This matter will proceed as scheduled.

DISPOSITION: Granted unless withdrawn prior to or at the hearing.

ORDER: The court will issue an order.

This matter was fully noticed in compliance with the Local Rules of Practice. The debtor's response is not supported by evidence that the default has been cured and the trustee's motion has not been withdrawn. Accordingly, unless the trustee's motion is withdrawn prior to, or at the hearing, the motion will be granted and the case dismissed.

12. [17-12244](#)-B-13 JOSE/JUANITA QUINTERO
TOG-1
JOSE QUINTERO/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
7-29-17 [[26](#)]

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Continued to November 16, 2017, at 1:30 p.m.

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

The trustee has not yet concluded the §341 meeting of creditors and the debtors have filed a notice of non-opposition to the continuance of this motion. The motion will be continued to November 16, 2017, at 1:30 p.m.

13. [17-13047](#)-B-13 CAROL SHIELDS

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-12-17 [[26](#)]

DAVID JENKINS/Atty. for dbt.

FINAL RULING There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

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

The record shows that the installment fees now due have been paid.
The order permitting the payment of filing fees in installments will be
modified to provide that if future installments are not received by the due
date, the case will be dismissed without further notice or hearing.

14. [17-12952](#)-B-13 JOE/ANNA TRIGO
PBB-1
JOE TRIGO/MV
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
NOBLE CREDIT UNION
8-23-17 [[10](#)]

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Denied as moot.

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

There is no case or controversy. The creditor has filed a proof of secured
claim, which values its collateral in the same amount as stated in the
motion. In the Eastern District of California, the amount and
classification of a claim is determined by the proof of claim and
applicable non-bankruptcy law. No further relief is required unless the
granting of a motion will affect the treatment of the claim. Granting this
motion will not affect the treatment of the claim.

15. [17-13052](#)-B-13 MARIA SALVACION AGUJA-WEE ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-12-17 [[23](#)]

ERIC ESCAMILLA/Atty. for dbt.

FINAL RULING There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

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

The record shows that the required fee has been paid in full.

16. [17-13168](#)-B-13 DIEGO/KAROL ROSPIGLIOSI MOTION TO VALUE COLLATERAL OF
FW-1 ALLY FINANCIAL
DIEGO ROSPIGLIOSI/MV 8-30-17 [[8](#)]
GABRIEL WADDELL/Atty. for dbt.

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Denied as moot.

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

There is no case or controversy. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. In the Eastern District of California, the amount and classification of a claim is determined by the proof of claim and applicable non-bankruptcy law. No further relief is required unless the granting of a motion will affect the treatment of the claim. Granting this motion will not affect the treatment of the claim.

17. [17-11570](#)-B-13 GREGGORY KIRKPATRICK CONTINUED MOTION TO CONFIRM
MHG-2 PLAN
GREGGORY KIRKPATRICK/MV 7-14-17 [[32](#)]
MARTIN GAMULIN/Atty. for dbt.
RESPONSIVE PLEADING

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Continued to October 26, 2017, at 1:30 p.m.

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

This motion will be set for a continued hearing on October 26, 2017, at 1:30 p.m.

Both a creditor and the trustee have filed a detailed objection to the debtor's fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7 or dismissed or both of the oppositions to confirmation has been withdrawn, the debtor shall file and serve a written response not later than *October 12, 2017*. 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. 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 19, 2017. If the debtor does not timely file a modified plan or a written response, the motion to confirm the plan will be denied on the grounds stated in the opposition without a further hearing and the court will set a bar date for confirmation of a plan or the case will be dismissed on the Trustee's ex parte application.

18. [16-14675](#)-B-13 LAURO/TAMMY GONZALEZ
PBB-4
LAURO GONZALEZ/MV
PETER BUNTING/Atty. for dbt.

MOTION TO INCUR DEBT
9-13-17 [[53](#)]

TENTATIVE RULING This matter will proceed as scheduled.

DISPOSITION: Granted.

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.

19. [17-11376](#)-B-13 HECTOR MERCADO MUNOZ AND
JRL-3 MIRTA MERCADO CARDENAS
HECTOR MERCADO MUNOZ/MV
JERRY LOWE/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
8-9-17 [[98](#)]

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Unless the case is dismissed on the motion below, this matter will be continued to October 19, 2017, at 1:30 p.m.

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

Unless the case is dismissed on the motion below, number 20 (DC# RRD-1) this matter will be continued to October 19, 2017, at 1:30 p.m.

Both creditors and the trustee have filed detailed objections to the debtors' fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7 or dismissed or both of the oppositions to confirmation has been withdrawn, the debtor shall file and serve a written response not later than October 5, 2017. 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. 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 12, 2017. If the debtors do not timely file a modified plan or a written response, the motion to confirm the plan will be denied on the grounds stated in the opposition without a further hearing.

20. [17-11376](#)-B-13 HECTOR MERCADO MUNOZ AND CONTINUED MOTION TO DISMISS
RRD-7 MIRTA MERCADO CARDENAS CASE
DAWN LINDSAY/MV 7-6-17 [[73](#)]
JERRY LOWE/Atty. for dbt.
RENNEE DEHESA/Atty. for mv.
RESPONSIVE PLEADING

NO RULING.

Neither party complied with the court's order to file unilateral or joint status conference statements on or before September 21, 2017.

21. [17-12679](#)-B-13 JUAN/MARIA RAMIREZ MOTION TO DISMISS CASE
MHM-1 8-31-17 [[28](#)]
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

TENTATIVE RULING This matter will proceed as scheduled unless it is withdrawn before the hearing.

DISPOSITION: Granted.

ORDER: The court will enter an order after the hearing.

Unless the trustee's motion is withdrawn before or at the time of the hearing, the motion will be granted without oral argument for cause shown. This matter was fully noticed in compliance with the Local Rules of Practice and the debtors filed a timely response that is, however, not supported by evidence that the default has been cured, and the trustee's motion has not been withdrawn.

22. [17-12979](#)-B-13 MERCED PEREZ
SL-2
MERCED PEREZ/MV

CONTINUED MOTION TO VALUE
COLLATERAL OF EDUCATIONAL
EMPLOYEES CREDIT UNION
8-8-17 [[15](#)]

SCOTT LYONS/Atty. for dbt.
RESPONSIVE PLEADING

NO RULING.

The hearing on this motion will be called as scheduled and if the issue is not resolved at the hearing will proceed as a scheduling conference. This matter is now deemed to be a contested matter. Pursuant to Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall be prepared for the court to set an early evidentiary hearing.

The factual issue appears to be whether this case was filed in good faith. The court notes that the objecting party has not submitted evidence that the prior default was an effort to manipulate or abuse the code. Further, movant has not filed a motion to dismiss on these grounds.

The legal issue appears to be, whether the status of an automobile as a "910 auto" in a prior case should bind the treatment of that collateral in a subsequent case. The court has not been presented any authority supporting this position.

23. [16-14385](#)-B-13 NANCY MCFADIN
AP-1
CIT BANK, N.A./MV
SCOTT LYONS/Atty. for dbt.
JAMIE HANAWALT/Atty. for mv.

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
6-7-17 [[47](#)]

NO RULING.

24. [17-10187](#)-B-13 PETER SOLORIO
LR-2

CONTINUED MOTION TO VALUE
COLLATERAL OF WELLS FARGO
BANK,
N.A.
6-29-17 [[42](#)]

PETER SOLORIO/MV

LAUREN RODE/Atty. for dbt.
RESPONSIVE PLEADING

FINAL RULING

There will be no hearing on this matter.

DISPOSITION:

The motion has been withdrawn.

ORDER:

No appearance is necessary.

25. [17-12294](#)-B-13 TERESO/RAMONA SOLIZ
RMP-1
DITECH FINANCIAL LLC/MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DITECH
FINANCIAL LLC
8-2-17 [[24](#)]

PETER BUNTING/Atty. for dbt.
RENEE PARKER/Atty. for mv.
WITHDRAWN

FINAL RULING

There will be no hearing on this matter.

DISPOSITION:

**The hearing is vacated. The objection has been
withdrawn.**

ORDER:

No appearance is necessary.

The record shows that this matter has been resolved by stipulation of the parties withdrawing the objection and order of the court approving that stipulation and vacating the hearing.