

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto  
Hearing Date: Thursday, October 13, 2016  
Place: Department B – Courtroom #13  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS 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. [15-10039](#)-B-12 ANGELA PIMENTEL MOTION FOR RELIEF FROM  
DRJ-4 AUTOMATIC STAY  
BRUCE KENNEDY/MV 8-29-16 [[81](#)]  
DAVID JENKINS/Atty. for dbt.  
RESPONSIVE PLEADING

The motion will be denied. No appearance is necessary.

The moving papers do not include an appropriate docket control number as required by LBR 9014-1(c). The docket control number used for this motion was previously used in a different motion. The movant's reply to the debtor's opposition contains a footnote to the Docket Control # and cites LBR 9014-1(c). The court's application of this rule is necessarily strict in order to maintain control and organization of the electronic docket.

In addition, the motion requests relief in this dispute regarding the validity of a claim to property (viz: the monies on deposit), and the interpretation of plan terms. Federal Rules of Bankruptcy Procedure 7001(1), (2), and (9), require an adversary proceeding.

2. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS,  
DHR-6 INC.  
OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS/MV  
  
LEONARD WELSH/Atty. for dbt.  
DANIEL REISS/Atty. for mv.

This matter will be called as scheduled.

1:30 P.M.

1. [15-14800](#)-B-13 RICHARD LIMA  
MHM-2  
MICHAEL MEYER/MV  
RESPONSIVE PLEADING

MOTION TO DISMISS CASE  
9-6-16 [[64](#)]

This motion will be continued to November 17, 2016, at 1:30 p.m. No appearance is necessary.

The trustee's motion was fully noticed and the debtor filed a timely opposition. The debtor has filed, served, and set for hearing a modified plan that appears to cure the default in the plan payments that is the basis for the trustee's motion. Accordingly, this motion will be continued to be heard with the motion to confirm the modified plan.

2. [15-14705](#)-B-13 MARIA DE LA MORA  
MHM-2  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE  
9-6-16 [[32](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

3. [13-14106](#)-B-13 CHANTEL DICKSON  
MHM-4  
MICHAEL MEYER/MV  
OVIDIO OVIEDO/Atty. for dbt.

MOTION TO DISMISS CASE  
9-6-16 [[92](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

4. [15-14606](#)-B-13 ALEX/PRISCILLA PANG  
JRL-2  
ALEX PANG/MV  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN  
9-1-16 [[54](#)]

This motion will be set for a continued hearing on November 17, 2016, at 1:30 p.m. The court will issue a civil minute order. No appearance is necessary.

The trustee has filed a detailed objection to the debtors' fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7 or dismissed or the trustee's opposition to confirmation has been withdrawn, the debtors shall file and serve a written response not later than October 27, 2016. 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. The trustee's response is due by November 10, 2016.

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.

5. [15-14606](#)-B-13 ALEX/PRISCILLA PANG  
MHM-1  
MICHAEL MEYER/MV  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS  
CASE  
5-11-16 [[20](#)]

This motion will be continued to November 17, 2016, at 1:30 p.m., to be heard with the continued motion to modify the plan at calendar number 4 (DC# JRL-2). Any further responses in this matter will be subject to the same schedule as for that motion. The court will issue a civil minute order. No appearance is necessary.

6. [15-10407](#)-B-13 STEPHEN/KYMBERLY SALTER  
TCS-2  
STEPHEN SALTER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

CONTINUED MOTION TO INCUR DEBT  
9-15-16 [[32](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. 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. The court will authorize, but not require, the debtors to enter into a the contract on terms to be negotiated between the debtors and the lender so long as the incurring of the debt does not interfere with the debtors duties and trustee's administration of the chapter 13 plan.

7. [14-11310](#)-B-13 MICHAEL GARDNER  
MHM-2  
MICHAEL MEYER/MV  
PETER FEAR/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[105](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

8. [14-11111](#)-B-13 PHILLIP/MARNIE HAMILTON  
MHM-3  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[112](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. The debtors' response, permitted to be filed late by order of the court, is not supported by evidence that the default has been cured.

9. [15-11214](#)-B-13 PAMELA HAILEY  
MHM-4  
MICHAEL MEYER/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE  
8-25-16 [[48](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

10. [15-14219](#)-B-13 ANTHONY/CRYSTAL DIAZ  
MHM-1  
MICHAEL MEYER/MV  
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[24](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

11. [16-12626](#)-B-13 DONALD CUMPTON  
JRL-2  
DONALD CUMPTON/MV  
JERRY LOWE/Atty. for dbt.

MOTION TO CONFIRM PLAN  
8-29-16 [[40](#)]

This matter will be continued to November 17, 2016, at 1:30 p.m., for the submission of additional information which shall be filed and served by November 3.

The debtor filed a chapter 13 plan on August 15, 2016. Subsequently the debtor filed a motion to confirm a "pre-confirmation" modified plan on August 16 (JRL-1). One of the pleadings filed August 26, 2016, in duplicate, one without a DC#, and one with the same DC# and therefore as part of the JRL-1 motion was captioned "Withdrawal of Chapter 13 Plan From Consideration for Confirmation" stating that the Chapter 13 plan filed August 3, was withdrawn. No objection to the JRL-1 plan, filed August 16, was filed and the court issued a civil minute order confirming the plan.

Now the debtor has filed another modified chapter 13 plan (JRL-2). The moving papers do not explain how this plan differs from the JRL-1 plan, nor what happened to the JRL-1 plan. All of the moving papers are filled with boilerplate language that seems as though it could apply to any of the plans the debtor has filed.

12. [16-12227](#)-B-13 RAMON MARTINEZ  
EAT-1  
WELLS FARGO BANK, N.A./MV  
  
SCOTT LYONS/Atty. for dbt.  
DARLENE VIGIL/Atty. for mv.

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY  
CREDITOR WELLS FARGO BANK, N.A.  
8-8-16 [[22](#)]

**The objecting creditor has filed a Proof of Claim in which the amount in arrears differs from the amount provided for in the plan. Unless, prior to the hearing, a modified plan is filed, served, and set for hearing, and the court notified, this matter will proceed as scheduled.**

13. [16-10931](#)-B-13 CHRISTINA FALCON  
MHM-1  
MICHAEL MEYER/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE  
9-6-16 [[13](#)]

**Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.**

**This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.**

14. [15-10233](#)-B-13 PEDRO/ZENAIDA NAVEIRAS  
MRG-1  
USMR FUND 6 LLC/MV  
LEONARD WELSH/Atty. for dbt.  
MICHELLE GHIDOTTI-GONSALVES/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-29-16 [[151](#)]

**This matter will proceed as scheduled.**



15. [16-12633](#)-B-13 IRMA VILLA  
JRL-1  
IRMA VILLA/MV  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
8-30-16 [[25](#)]

**This matter will be continued to November 10, 2016 at 10:30 a.m. The court will issue a civil minute order. No appearance is necessary.**

**The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. At the continued hearing, if the § 341 has been concluded and this objection has not been withdrawn, the court will call the matter and set an evidentiary hearing.**

16. [16-12735](#)-B-13 BRAULIO/MARIA MELCHOR  
MHM-1  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.

OBJECTION TO CONFIRMATION OF  
PLAN BY MICHAEL H. MEYER  
9-19-16 [[19](#)]

**Unless the trustee's objection is withdrawn prior to the hearing, this matter will proceed as scheduled.**

**The debtors have filed a response stating that they do not oppose the trustee's objection to confirmation and representing that debtor's counsel has signed an Order Confirming the Plan prepared by the trustee that resolves the issue. The court intends to inquire as to whether any other issues remain unresolved.**

17. [16-11038](#)-B-13 DANNY/TERI WATSON  
MHM-1  
MICHAEL MEYER/MV  
PETER BUNTING/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS  
CASE  
7-25-16 [[34](#)]

Unless the motion is withdrawn prior to the hearing, this matter will proceed as scheduled. Unless opposition is presented at the hearing the court intends to deny the motion because it appears the basis for the trustee's dismissal motion has been resolved in the claim objection below at calendar no. 18 (PBB-2). 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 a civil minute order.

18. [16-11038](#)-B-13 DANNY/TERI WATSON  
PBB-2  
DANNY WATSON/MV  
PETER BUNTING/Atty. for dbt.

CONTINUED OBJECTION TO CLAIM OF  
ALLY FINANCIAL, CLAIM NUMBER 2  
7-29-16 [[38](#)]

The objection will be sustained without oral argument based on well-pled facts. The objecting party shall submit a proposed order. No appearance is necessary.

This matter was originally fully noticed in compliance with the Local Rules of Practice and there was no opposition. The respondent's default was entered and the matter was continued for submission of further evidence of value of the subject personal property. The debtors have now filed evidence, a declaration containing the debtor's opinion. The debtor is competent to testify as to the value of their own personal property. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Washington Mutual Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir, 2004). Such evidence now having been received, the objection will be sustained.

19. [13-15344](#)-B-13 ROBERT BRAMBILA AND NIDIA  
MHM-2 CASILLAS DE BRAMBILA  
MICHAEL MEYER/MV  
KARNEY MEKHITARIAN/Atty. for dbt.

MOTION TO DISMISS CASE  
9-6-16 [[60](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

20. [15-12352](#)-B-13 PATRICIA CHAMBERS  
MHM-3  
MICHAEL MEYER/MV  
DIANA CAVANAUGH/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[86](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

21. [12-16958](#)-B-13 BENJAMIN BRUFFETT  
MHM-6  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[96](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

22. [16-11471](#)-B-13 DONNA REYNA  
MHM-1  
MICHAEL MEYER/MV  
GABRIEL WADDELL/Atty. for dbt.

MOTION TO DISMISS CASE  
9-6-16 [[30](#)]

**Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.**

**This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondent's default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.**

23. [11-14473](#)-B-13 OLIVIA LIMA  
MHM-2  
MICHAEL MEYER/MV  
M. ENMARK/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO DISMISS CASE  
8-31-16 [[72](#)]

**This matter will proceed as scheduled.**

24. [14-13573](#)-B-13 GREGORY/HEATHER VITUCCI  
JB-1  
STATE BOARD OF EQUALIZATION/MV

CONTINUED MOTION TO DISMISS  
CASE AND/OR MOTION TO CONVERT  
CASE FROM CHAPTER 13 TO CHAPTER  
7  
7-13-16 [[90](#)]

HENRY NUNEZ/Atty. for dbt.  
JILL BOWERS/Atty. for mv.  
RESPONSIVE PLEADING

**This matter will be proceed as scheduled.**

25. [15-12078](#)-B-13 MANUEL/CAROLE CAMILO  
MHM-2  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[82](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

26. [16-12679](#)-B-13 PAUL HAND  
ETL-1  
WELLS FARGO BANK, N.A./MV

AMENDED OBJECTION TO  
CONFIRMATION OF PLAN BY WELLS  
FARGO BANK, N.A.  
9-22-16 [[25](#)]

STEPHEN LABIAK/Atty. for dbt.  
ERICA LOFTIS/Atty. for mv.

The record shows that this matter has been resolved by stipulation of the parties and will be dropped from calendar. The court will approve a proposed order when one is properly submitted with the stipulation attached executed by the trustee. No appearance is necessary.

27. [15-10083](#)-B-13 MICHAEL/MAUREEN SOLOMON  
MHM-1  
MICHAEL MEYER/MV  
BARRY WEBER/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[53](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

28. [13-10487](#)-B-13 DON/MARLA BOLDEN  
MHM-1  
MICHAEL MEYER/MV  
JAMES MILLER/Atty. for dbt.

MOTION TO DISMISS CASE  
9-6-16 [[37](#)]

This motion will proceed as scheduled because the debtor has made a request to appear in this matter. Unless the trustee withdraws the motion at the hearing, the court intends to grant the motion.

This matter was fully noticed in compliance with the Local Rules of Practice. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. The debtors' late response is not supported by evidence that the default has been cured.

29. [15-11788](#)-B-13 MARK/AMY AVILA  
MHM-2  
MICHAEL MEYER/MV  
MARCUS TORIGIAN/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[89](#)]

This motion will be continued to December 7, 2016, at 1:30 p.m. No appearance is necessary.

The trustee's motion was fully noticed and the debtors filed a timely opposition. The debtors have filed, served, and set for hearing a modified plan that appears to cure the default in the plan payments that is the basis for the trustee's motion. Accordingly, this motion will be continued to be heard with the motion to confirm the modified plan.

30. [15-14288](#)-B-13 GEORGE/JULIETTE ROBERTS MOTION TO CONFIRM PLAN  
DRJ-3 8-22-16 [[49](#)]  
GEORGE ROBERTS/MV  
DAVID JENKINS/Atty. for dbt.

**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.**

31. [16-11988](#)-B-13 RUBEN/KARIMA PARKS MOTION TO CONFIRM PLAN  
1-JDW 8-24-16 [[24](#)]  
RUBEN PARKS/MV  
JOEL WINTER/Atty. for dbt.  
DISMISSED

**This case has already been dismissed. No appearance is necessary.**

32. [16-11988](#)-B-13 RUBEN/KARIMA PARKS MOTION TO VALUE COLLATERAL OF  
JDW-2 GM FINANCIAL AND/OR GENERAL  
RUBEN PARKS/MV MOTORS FINANCIAL COMPANY, INC.  
8-24-16 [[29](#)]  
JOEL WINTER/Atty. for dbt.  
DISMISSED

**This case has already been dismissed. No appearance is necessary.**

33. [16-12490](#)-B-13 MARIANO AGUIRRE CONTINUED MOTION TO DISMISS  
MHM-1 CASE  
MICHAEL MEYER/MV 8-29-16 [[16](#)]  
DAVID JENKINS/Atty. for dbt.

**This matter will proceed as scheduled.**

34. [15-12993](#)-B-13 ROBERT/KARLA RODRIGUEZ  
MHM-1  
MICHAEL MEYER/MV  
GLEN GATES/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[102](#)]

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown. The court will issue a civil minute order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' default will be entered. 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. The record shows that there is a material default in the chapter 13 plan payments that has not been cured.

35. [16-10294](#)-B-13 LINA CONTRERAS  
MHM-2  
MICHAEL MEYER/MV  
WILLIAM ROMAINE/Atty. for dbt.

MOTION TO DISMISS CASE  
9-7-16 [[63](#)]

This matter will proceed as scheduled. The trustee's motion to dismiss was fully noticed in compliance with the Local Rules of Practice. The debtor filed 22 pages of late opposition without leave of the court. The court intends to inquire as to the debtor's excuse for filing this opposition late pursuant to LBR 9014(f)(1).