

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, October 14, 2021
Place: Department A – Courtroom #11
Fresno, California

Beginning the week of June 28, 2021, and in accordance with District Court General Order No. 631, the court resumed in-person courtroom proceedings in Fresno. Parties to a case may still appear by telephone, provided they comply with the court's telephonic appearance procedures, which can be found on the court's website.

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, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:30 AM

1. [21-11912](#)-A-13 **IN RE: JAIME CASILLAS AND NIDIA CAMACHO HI GUERA**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
9-24-2021 [\[15\]](#)

STEPHEN LABIAK/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Trustee withdrew the objection on October 7, 2021.
Doc. #20.

2. [18-11834](#)-A-13 **IN RE: LISA DELGADO**
[TCS-1](#)

MOTION TO MODIFY PLAN
9-2-2021 [\[32\]](#)

LISA DELGADO/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)(2). The failure of 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party 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. [21-10840](#)-A-13 **IN RE: HECTOR/DESIREE FLORES**
[TCS-1](#)

MOTION TO MODIFY PLAN
9-1-2021 [[22](#)]

DESIREE FLORES/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 18, 2021 at 9:30 a.m.

ORDER: The court will issue an order.

Unless the trustee's opposition is withdrawn or resolved by stipulation, this matter will be continued.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to modify the chapter 13 plan. Tr.'s Opp'n, Doc. #29. Unless this case is voluntarily converted to Chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later than October 28, 2021. The response shall specifically address each issue raised in the objection to modification, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by November 4, 2021.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than November 4, 2021. 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.

4. [21-11552](#)-A-13 **IN RE: SABINO GIULIANO**
[PGM-1](#)

MOTION TO CONFIRM PLAN
8-30-2021 [[17](#)]

SABINO GIULIANO/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 3, 2021 at 1:30 p.m.

ORDER: The court will issue an order.

A hearing on a motion to transfer venue, Doc. #34, is set for hearing on November 3, 2021 at 1:30 p.m. Therefore, this matter will be continued to be heard in conjunction with that hearing.

5. [21-11552](#)-A-13 **IN RE: SABINO GIULIANO**
[PGM-2](#)

MOTION TO VALUE COLLATERAL OF FRANCHISE TAX BOARD
9-2-2021 [[26](#)]

SABINO GIULIANO/MV
PETER MACALUSO/ATTY. FOR DBT.

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

DISPOSITION: Continued to November 3, 2021 at 1:30 p.m.

ORDER: The court will issue an order.

A hearing on a motion to transfer venue, Doc. #34, is set for hearing on November 3, 2021 at 1:30 p.m. Therefore, this matter will be continued to be heard in conjunction with that hearing.

11:00 AM

1. [18-14546](#)-A-7 **IN RE: LANE ANDERSON**
[19-1024](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT, JURY DEMAND
2-15-2019 [\[1\]](#)

MURILLO V. ANDERSON ET AL
RICK MORIN/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to January 13, 2022, at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the plaintiff's status conference statement filed on October 7, 2021 (Doc. #89), the status conference will be continued to January 13, 2022, at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than January 6, 2022, unless this adversary proceeding is dismissed prior to that date.

2. [20-13970](#)-A-7 **IN RE: IDA GLEASON**
[21-1033](#)

STATUS CONFERENCE RE: COMPLAINT
8-10-2021 [\[1\]](#)

FEAR V. SMITH
THOMAS ARMSTRONG/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to December 16, 2021, at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the plaintiff's status conference statement filed on October 6, 2021 (Doc. #11), the status conference will be continued to December 16, 2021, at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than December 9, 2021, unless this adversary proceeding is dismissed prior to that date.

3. [20-13970](#)-A-7 **IN RE: IDA GLEASON**
[21-1034](#)

STATUS CONFERENCE RE: COMPLAINT
8-10-2021 [[1](#)]

FEAR V. ISAAK
THOMAS ARMSTRONG/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to December 16, 2021, at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the plaintiff's status conference statement filed on October 6, 2021 (Doc. #11), the status conference will be continued to December 16, 2021, at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than December 9, 2021, unless this adversary proceeding is dismissed prior to that date.