

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, October 18, 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.	16-11902 -B-7	JENNIFER ROJAS	MOTION FOR RELIEF FROM
	APN -1		AUTOMATIC STAY
	FORD MOTOR CREDIT COMPANY/MV		9-13-17 [21]
	TIMOTHY SPRINGER/Atty. for dbt.		
	AUSTIN NAGEL/Atty. for mv.		
	DISCHARGED		

FINAL RULING There will be no hearing on this matter.

DISPOSITION: Granted in part/Denied as moot 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 and there was no opposition. The motion will be denied as moot as to the debtor because her 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.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset and the debtor's discharge has been entered.

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).

2. [16-10521](#)-B-7 ALAN ENGLE
[DRJ](#)-2
ROCKY PIPKIN/MV
SUSAN HEMB/Atty. for dbt.
DAVID JENKINS/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
8-16-17 [[203](#)]

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

This motion for stay relief asks the court to modify the automatic stay to permit movant Rocky Pipkin to file and prosecute an action in the Tulare County Superior Court to liquidate his personal injury claim against the debtor, Alan Engle. The motion has been continued, along with the companion objection to allowance of claim (matter #3 on this calendar). Since the filing of the objection and this motion, the debtor has obtained new counsel. The most recent continuance was to accommodate new counsel.

Debtor opposes the motion. The debtor argues that the debtor objected to the allowance of the claim movant filed and that has not been adjudicated by the court. Further, debtor argues that he is in the process of hiring an attorney specializing in criminal law to petition the Superior Court to expunge his previous conviction for battery and that movant is unclear as to where the movant wants the claim liquidated. The debtor also raises a substantive issue on timeliness of the claim filed which is not before the court on this motion.

First, this court does not have the ability without all parties' consent to liquidate movant's claim. The debtor did consent to this court liquidating the claim when he filed the objection to movant's claim with previous counsel. However, movant here does not consent. Initially, movant filed a motion for this court to estimate the claim. However movant withdrew the motion. Liquidation or estimation of personal injury tort claims against the estate is excepted from "core" proceedings the court may hear without all parties' consent. See 28 U.S.C. §'s 157 (b) (2) (B), (c). Both parties do not consent and neither movant or the debtor has petitioned the District Court to withdraw the reference.

Second, even if this court was asked to hear the matter and present the District Court with findings and conclusions, there is no evidence the efficiency of the process would be furthered by litigating the case here. Neither party has asked the District Court to withdraw the reference. It is not clear whether the process of litigating the case here would be any faster than litigating the case in Superior Court. The evidence presented

by the movant suggests the matter will be tried in a year. That is speculative but so is predicting how long it would take a District Court to deal with the findings and conclusions the bankruptcy court would render even if both parties consented to liquidation of the claim here. No counter evidence is presented by the debtor except hearsay references to "local Tulare county (sic) attorneys."

Third, stay relief proceedings are summary in nature and do not involve inquiry into validity of the underlying claims. *Johnson v. Righetti (in re Johnson)*, 756 F. 2d 738, 740 (9th Cir., 1985) (overruled on other grounds *Travelers Cas. & Sur. Co. v. Pac. Gas & Elec. Co.*, 549 U.S. 443 (2007); *In re Veal*, 450 BR 897, 914-15 (9th Cir. BAP, 2011). Thus the issues concerning timeliness of the claim or whether it is barred by the statute of limitations is beyond the scope of this motion and the court will not decide those issues.

Fourth, the trustee has not opposed this motion and the debtor has already waived his discharge. Thus the only party who would have standing to oppose the motion, the trustee, has not responded. The stay would not apply to the debtor under 11 U.S. C. § 362 (c) (2) (C). The debtor here does have an interest in the liquidation of the claim. The amount of claims filed in the case (except that of the movant here) according to movant's estimation is less than the value of assets held by or to be liquidated by the trustee. It is conceivable the debtor could receive a dividend at the end of the case if the allowed claims are less than the amount of money in the estate. However, that is different than the debtor having standing to dispute "cause" for relief relating to litigation and any relief granted by the court will be limited to liquidating the claim only.

Fifth, the *Curtis* factors largely weigh in favor of granting relief. In *Kronemyer v. Am. Contractors Indemn. Co. (In re Kronemyer)*, 405 BR 915, 921 (9th Cir. BAP 2009) the Bankruptcy Appellate Panel upheld the bankruptcy court's consideration of the factors listed in *In re Curtis*, 40 BR 795, 799-800 (Bankr. D. Utah 1984). All factors need not be weighed equally and balancing of potential harm to the creditor on the one hand the estate on the other is frequently dispositive. *In re Plumberex Specialty Prods., Inc.*, 311 BR 551, 559-60 (Bankr. C.D. Cal, 2004). Here the trustee has not opposed the motion. Not granting the motion will result in "estate stalemate" since without all parties' consent, this court cannot liquidate the personal injury claim. The debtor here has waived his discharge and thus the pursuit of the litigation by movant changes nothing other than the forum for the liquidating the disputed claim. As set forth above, the relevant *Curtis* factors (complete resolution of the issues, lack of creditor prejudice since the parties' litigating will not include the trustee, judicial economy since neither party has asked for the reference to be withdrawn, "the balance of hurt") militate in favor of relief requested.

The motion is GRANTED pursuant to 11 U.S.C. § 362 (d)(1). Movant may liquidate his claim against the debtor in the Tulare County Superior Court. Other than liquidation of the claim, no further proceedings for collection of any claim against the estate shall be permitted except upon further order of this court.

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).

3. [16-10521](#)-B-7 ALAN ENGLE
[PBB](#)-1
ALAN ENGLE/MV
SUSAN HEMB/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED OBJECTION TO CLAIM OF
ROCKY J. PIPKIN, CLAIM NUMBER 3
2-15-17 [[118](#)]

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The objection will be dropped from calendar without prejudice and may be restored to calendar after the liquidation of the personal injury claim as set for in number 2 above.

ORDER: The court will issue an order.

This matter was fully noticed in compliance with the Local Rules of Practice.

4. [17-13126](#)-B-7 JUAN/ADRIANA MARTINEZ
[JCW](#)-1
WELLS FARGO BANK, N.A./MV
JENNIFER WONG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-12-17 [[28](#)]

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.

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. [15-14833](#)-B-7 FRED ALLEN
[JDW](#)-3
FRED ALLEN/MV
JOEL WINTER/Atty. for dbt.

MOTION TO AVOID LIEN OF SOC
RESOURCES, INC.
9-14-17 [[71](#)]

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 debtor is

entitled to avoid this lien that impairs an exemption to which they would otherwise have been entitled.

6. [15-14833](#)-B-7 FRED ALLEN
[JDW](#)-4
FRED ALLEN/MV
JOEL WINTER/Atty. for dbt.

MOTION TO AVOID LIEN OF COLEMAN
FARMING CO, LLC.
9-14-17 [[77](#)]

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 debtor is entitled to avoid this lien that impairs an exemption to which they would otherwise have been entitled.

7. [17-13237](#)-B-7 YOLANDA ORTEGA
YOLANDA ORTEGA/MV

MOTION FOR WAIVER OF THE
CHAPTER 7 FILING FEE OR OTHER
FEE
8-22-17 [[5](#)]

NO RULING.

8. [17-12438](#)-B-7 RICHARD/CHANNIE DOYLE
[RHT](#)-2
ROBERT HAWKINS/MV
DAVID JENKINS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL
9-27-17 [[25](#)]

TENTATIVE RULING: This matter will proceed as scheduled and for higher and better bids.

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. 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. It appears that the sale is a reasonable exercise of the trustee's business judgment.

9. [14-11544](#)-B-7 CLIFFORD/ROSLYN BROOKS
[FW-4](#)
TRUDI MANFREDO/MV

MOTION TO APPROVE STIPULATION
RESOLVING AMOUNT OF EXEMPTION
CLAIMED IN LAWSUIT PROCEEDS AND
PROVIDING FOR DIRECT PAYMENT OF
EXEMPT PROCEEDS TO DEBTOR
9-14-17 [[32](#)]

TIMOTHY SPRINGER/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 motion was filed and served pursuant to LBR 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

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 Trustee's business judgment. The order should be limited to the exemption claim compromised as described in the motion.

10. [17-12464](#)-B-7 SEILING IMAGING, INC. MOTION TO SELL
[RHT](#)-1 9-14-17 [[12](#)]
ROBERT HAWKINS/MV
HAGOP BEDOYAN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

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

DISPOSITION: Denied without prejudice.

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

This motion will be denied without prejudice. The court will enter an order. No appearance is necessary. The motion was filed on 28 days notice under LBR 9014-1(f)(1), which requires written response within 14 days of the hearing. This language was omitted from the Notice, therefore the motion was not filed in compliance with LBR 9014-1(f)(1)(B). No order shortening or modifying notice was sought or obtained.

11. [11-60165](#)-B-7 ANTONIO/CAROL MARCELINO CONTINUED STATUS CONFERENCE RE:
[TPH](#)-4 MOTION TO AVOID LIEN OF A.L.
ANTONIO MARCELINO/MV GILBERT COMPANY
5-25-17 [[67](#)]
THOMAS HOGAN/Atty. for dbt.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 29, 2016 at 9:30 a.m.

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

This motion will be continued to allow movants to examine their expert's appraisal and for both parties to continue discussing settlement. The parties shall file and serve separate or joint status conference statements on or before November 22, 2016.

12. [11-60165](#)-B-7 ANTONIO/CAROL MARCELINO CONTINUED STATUS CONFERENCE
RE:
[TPH](#)-5 MOTION TO AVOID LIEN OF
ANTONIO MARCELINO/MV VETERINARY SERVICE, INC.
5-25-17 [[73](#)]

THOMAS HOGAN/Atty. for dbt.
RESPONSIVE PLEADING

NO RULING.

13. [17-13275](#)-B-7 PHOENIX COATINGS, INC. MOTION FOR RELIEF FROM
[APN](#)-1 AUTOMATIC STAY
SANTANDER CONSUMER USA, 9-20-17 [[8](#)]
INC./MV
JOEL WINTER/Atty. for dbt.
AUSTIN NAGEL/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 motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor 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).

14. [16-14676](#)-B-7 JOHN/PATRICIA FARINELLI MOTION TO SELL
[TGM](#)-7 9-14-17 [[141](#)]
PETER FEAR/MV
PETER BUNTING/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

TENTATIVE RULING: This matter will proceed for higher and better bids only.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

The motion will proceed as scheduled for higher and better bids only.

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. It appears that the sale is a reasonable exercise of the trustee's business judgment.

15. [16-12687](#)-B-7 LORAIN GOODWIN MILLER FURTHER SCHEDULING CONFERENCE
[TGM](#)-2 RE: OBJECTION TO DEBTOR'S
CLAIM
JAMES SALVEN/MV OF EXEMPTIONS
3-29-17 [[55](#)]
TRUDI MANFREDO/Atty. for mv.
RESPONSIVE PLEADING

NO RULING.

16. [16-12687](#)-B-7 LORAINA GOODWIN MILLER CONTINUED STATUS CONFERENCE
RE:
[17-1039](#) COMPLAINT
SALVEN V. GOODWIN MILLER ET AL 3-29-17 [[1](#)]
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

NO RULING.

17. [15-11288](#)-B-7 FRESNO ACADEMY FOR CIVIC MOTION FOR ADMINISTRATIVE
[TMT](#)-2 & ENTREPRENEURIAL EXPENSES
TRUDI MANFREDO/MV 9-5-17 [[72](#)]
DAVID JENKINS/Atty. for dbt.
GABRIEL WADDELL/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.

18. [16-13589](#)-B-7 LAURA MORALES
[MBW](#)-1
KERN SCHOOLS FEDERAL CREDIT
UNION/MV
R. BELL/Atty. for dbt.
HAYDEE GARBERO/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-27-17 [[26](#)]

TENTATIVE RULING This matter will proceed as scheduled.

DISPOSITION: Granted in part/Denied as moot in part.

ORDER: The minutes of the hearing will be the court's findings
and conclusions. The Moving Party shall submit a
proposed order after hearing.

Unless opposition is presented at the hearing, the court intends to enter the trustee's default and grant the motion for relief from stay for cause shown. The motion will be denied as moot as to the debtor because a discharge has been entered.

The movant shall submit a proposed order after hearing that specifically describes 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.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the discharge has been entered.

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. [17-10489](#)-B-7 JAMIE MEDEIROS

JAMIE MEDEIROS/MV

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

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

DISPOSITION: Granted.

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

The record shows that the debtor complied with the court's September 29,
2017 order and filed amended Schedules I and J. Consequently, movant's
motion will be granted.

20. [17-12889](#)-B-7 WILLIAM/NAOMI HALL

[ABG-1](#)

KINECTA FEDERAL CREDIT

UNION/MV

JOEL WINTER/Atty. for dbt.

MARK BLACKMAN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
9-8-17 [[16](#)]

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.

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 has been surrendered and is in movant's possession.

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).

21. [17-13170](#)-B-7 CHRISTOPHER/BRITTANY HILL MOTION FOR RELIEF FROM
[BPC](#)-1 AUTOMATIC STAY
THE GOLDEN 1 CREDIT UNION/MV 10-4-17 [[14](#)]
MARK ZIMMERMAN/Atty. for dbt.
JEANNIE KIM/Atty. for mv.

TENTATIVE RULING This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

This motion 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).

11:00 A.M.

1. [17-13417](#)-B-7 BLANCA CORONA

PRO SE REAFFIRMATION AGREEMENT
WITH GOLDEN 1 CREDIT UNION
9-29-17 [[19](#)]

NO RULING.

2. [17-12922](#)-B-7 DANNY CADENA

PRO SE REAFFIRMATION AGREEMENT
WITH WELLS FARGO BANK N.A.
9-27-17 [[18](#)]

NO RULING.

3. [17-13256](#)-B-7 GLORIA VALLE

PRO SE REAFFIRMATION AGREEMENT
WITH NOBLE CREDIT UNION
9-26-17 [[17](#)]

NO RULING.

4. [17-13257](#)-B-7 TINA GOULD

PRO SE REAFFIRMATION AGREEMENT
WITH FORD MOTOR CREDIT COMPANY
9-11-17 [[13](#)]

NO RULING.

5. [17-13271](#)-B-7 JENNIFER DAVIS

PRO SE REAFFIRMATION AGREEMENT
WITH GLOBAL LENDING SERVICES
LLC
9-26-17 [[19](#)]

NO RULING.

6. [17-12875](#)-B-7 ARMANDO ZAVALA

PRO SE REAFFIRMATION AGREEMENT
WITH MECHANICS BANK
9-26-17 [[15](#)]

NO RULING.

7. [17-12281](#)-B-7 GERARDO/PENELOPE ORTIZ REAFFIRMATION AGREEMENT WITH
REGIONAL ACCEPTANCE
CORPORATION
9-15-17 [[15](#)]

TIMOTHY SPRINGER/Atty. for dbt.

FINAL RULING: There will be no hearing on this matter. Counsel shall inform his clients that no appearance is necessary at this hearing.

DISPOSITION: Approval of the Reaffirmation Agreement will be denied.

ORDER: The court will issue an order.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Although the debtors' attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtors would be able to make the payments.

8. [17-13083](#)-B-7 MAXIMO MORENO AND REAFFIRMATION AGREEMENT WITH
TRINIDAD SANTA MARIA WELLS FARGO BANK N.A.
9-14-17 [[14](#)]

THOMAS GILLIS/Atty. for dbt.

FINAL RULING: There will be no hearing on this matter. Counsel shall inform his clients that no appearance is necessary at this hearing.

DISPOSITION: Dropped from calendar.

ORDER: The court will issue an order.

Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. §524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney' attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841,

846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtors' attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. §524(c) and is not enforceable.

9. [17-12594](#)-B-7 JAIME SALAZAR

REAFFIRMATION AGREEMENT WITH
WESTAMERICA BANK
8-24-17 [[9](#)]

THOMAS GILLIS/Atty. for dbt.

FINAL RULING: There will be no hearing on this matter. Counsel shall inform his client that no appearance is necessary at this hearing.

DISPOSITION: Dropped from calendar.

ORDER: The court will issue an order.

Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. §524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney' attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtor's attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. §524(c) and is not enforceable.

10. [17-12999](#)-B-7 JUAN/MARGARET GOMEZ

PRO SE REAFFIRMATION AGREEMENT
WITH NOBLE CREDIT UNION
9-19-17 [[17](#)]

NO RULING.

1:30 P.M.

1. [16-10643](#)-B-12 MARK FORREST CONTINUED ORDER TO SHOW CAUSE
[16-1088](#) REGARDING DISMISSAL OF
MADRIGAL V. FORREST ADVERSARY PROCEEDING FOR
FAILURE TO PROSECUTE
6-29-17 [[29](#)]

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Dismissed on Order to Show Cause for failure to prosecute.

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

The court intends to dismiss this case for cause on the grounds stated in the OSC, including failure to prosecute. Since August 16, 2017, the date of the last hearing, and despite counsel stating that "the case is effectively settled," and the only thing needed was defendant's signature, no documents have been filed. The debtor is excused from appearing unless the debtor has grounds, supported by evidence, to oppose dismissal and wishes to be heard.

2. [16-11855](#)-B-7 HARJOT SINGH AND INDERJIT PRE-TRIAL CONFERENCE RE:
[16-1096](#) SANDHU COMPLAINT
RATTAN V. SINGH ET AL 9-29-16 [[1](#)]
EDWARD WRIGHT/Atty. for pl.
CONTINUED TO 12/5/17 PER ECF
ORDER #83

NO RULING.

3. [16-11855](#)-B-7 HARJOT SINGH AND INDERJIT MOTION FOR SUMMARY JUDGMENT
[16-1096](#) SANDHU BA-4 AND/OR MOTION FOR SUMMARY
RATTAN V. SINGH ET AL ADJUDICATION
9-20-17 [[84](#)]

EDWARD WRIGHT/Atty. for mv.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part as to Inderjit Sandhu as representative of Harjot Singh and denied in part as Inderjit Sandhu individually

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Objecting Party shall submit a proposed order after hearing.

This Motion for Summary Judgment was fully noticed pursuant to LBR 9014(f)(1). Upon the court's review of the record, the court GRANTS summary judgment in favor of the plaintiff against Inderjit Sandhu as successor in interest of Harjot Singh, and DENY summary judgment as to Inderjit Sandhu individually.

I. STANDARD FOR SUMMARY JUDGMENT

At the summary judgment stage, facts must be viewed in the light most favorable to the nonmoving party only if there is a "genuine" dispute as to those facts. F.R.C.P. 56(c) (made applicable in adversary proceedings by Rule 7056), Scott v. Harris, U.S. 372, 380 (2007). "[T]he mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no *genuine issue of material fact*." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). "Where the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no 'genuine issue for trial.'" *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). "As to materiality, the substantive law will identify which facts are material. Only disputes over fact that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment." *Anderson*, 477 U.S. at 248. ". . . while the materiality determination rests on the substantive law, it is the substantive law's identification of which facts are critical and which facts are irrelevant that governs." *Id.*

Once the movant has come forward with uncontroverted facts entitling it to relief, the burden then shifts to the nonmovant to demonstrate that there are specific and genuine issues of material fact necessitating a trial.

Celotex Corp. V. Catrett, 477 U.S. 317, 324 (1986). The nonmovant must go beyond the pleadings and introduce or point to specific evidence in the record supporting its position. *Id.* The reviewing court must view all facts genuinely in dispute "in the light most favorable to the non-moving party." Scott v. Harris, 550 U.S. at 380.

Civil Rule 56 "mandates" entry of summary judgment when, after adequate time for discovery, the non-moving party fails to present evidence in response to the summary judgment motion sufficient to establish an essential element of that party's case, on which that party will bear the burden of proof at trial. Celotex, 477 U.S. at 322-23. As the Supreme Court in Celotex explained, "In such a situation, there can be 'no genuine issue as to any material fact,' since a complete failure of proof concerning an essential element of the nonmoving party's case necessarily renders all other facts immaterial." *Id.*

Nonetheless, "[e]ven in cases where elusive concepts such as motive or intent are at issue, summary judgment may be appropriate if the nonmoving party rests merely upon conclusory allegations, improbable inferences, and unsupported speculation." Gertsch v. Johnson & Johnson Fin. Corp. (In re Gertsch), 237 B.R. 160, 165 (9th Cir. BAP 1999).

Plaintiff prays for this court to deny the debtor's discharge under § 727 sections that require Plaintiff to show that the debtor acted fraudulently. Plaintiff bears the burden of proving by a preponderance of the evidence that the discharge should be denied. Searles, 317 B.R. at 376. Discharge provisions are construed liberally in favor of debtors and strictly against the person objection to the discharge. In re Beauchamp, 236 B.R. 727, 730 (9th Cir. BAP 1999). The Plaintiff must show that debtor acted with actual, not constructive, intent. In re Coombs, 193 B.R. 557, 560 (Bankr. S.D. Cal 1996).

In the Ninth Circuit, a court may not grant a motion for summary judgment solely because the opposing party has failed to file an opposition. Cristobal v. Siegel, 26 F.3d 1448, 1494-95 & n.4 (9th Cir. 1994). The court may, however, grant an unopposed motion for summary judgment if the movant's papers are themselves sufficient to support the motion and do not on their face reveal a genuine issue of material fact. See Carmen v. San Francisco Unified School District, 237 F.3d 1026, 1029 (9th Cir. 2001).

Therefore, the court must grant summary judgment if the movant shows that the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party as to any fact that might affect the outcome of the suit under the governing law, and the nonmovant does not meet their burden of proof to refute the movant's claims.

II. As to Inderjit Sandhu as representative for Harjot Singh, Summary Judgment for Denial of discharge under § 727(a)(5) should be granted because there is no genuine issue of material fact as to the sufficiency of the debtor's explanation on the loss or deficiency of assets to meet the debtor's liabilities.

Because a denial of discharge under § 727 may be granted if just one of its many subprovisions is fulfilled, this ruling will only focus on § 727(a)(5) and forego analysis of the other provisions.

11 U.S.C. § 727(a)(5) states "The court shall grant the debtor a discharge, unless -- the debtor has failed to explain satisfactorily, before determination of denial of discharge under this paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities."

To establish a prima facie case under § 727(a)(5), the objector to discharge must demonstrate that: [the] debtor at one time, not too remote from the bankruptcy petition date, owned identifiable assets; on the date the bankruptcy petition was filed or order of relief granted, the debtor no longer owned the assets; and the bankruptcy pleadings or statement of affairs do not reflect an adequate explanation for the disposition of the assets. In re Hazelrigg, 2013 Bankr. LEXIS 4962, p. 14, citing In re Retz, 606 F.3d 1189, 1205 (9th Cir. 2010). Once the objector makes a prima facie case, the burden shifts to the debtor to offer credible evidence regarding the disposition of the missing assets. *Id.* The sufficiency of the debtor's explanation, if any, is a question of fact. See *id.* The bankruptcy court has broad discretion in making this determination. See *id.*

In this case, Harjot Singh has failed to explain satisfactorily the loss or deficiency of assets to meet his liabilities. The debtor has not satisfactorily explained how he had spent the \$50,000 that Baljit Singh and Navjeet Chahal transferred to his bank account in India. Harjot at one point said the money was used for the treatment of Harjot's sick mother, but his mother passed away 15 months before that money was ever transferred. Additionally, at one point he also said he gambled it away in Vegas. Debtor has also failed to provide reasonable explanation as to how he spent the hundreds of thousands of dollars that he received from Param Fagoora. Harjot stated that he gave the money to a lender, Biz4loans, but that there were no documents to prove these transactions. However, as In re Retz, explains "the sufficiency of the debtor's explanation, if any, is a question of fact."

Because Inderjit Sandhu, as representative for Harjot Singh, has not offered credible evidence regarding the disposition of the missing assets, summary judgment will be GRANTED in favor of the plaintiff and Harjot Singh's discharge will be DENIED.

III. As to Inderjit Sandhu individually, summary judgment is DENIED

A. Summary judgment for denial of discharge under §727(a)(2)(A) should be denied for failure to show lack of genuine dispute as to the material fact that she acted with intent to hinder, delay or defraud a creditor.

11 U.S.C. §727(a)(2)(A) states that "The court shall grant the debtor a discharge, unless -- the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed, or has permitted to be transferred, removed, destroyed, mutilated, or concealed -- property of the debtor, within one year before the date of the filing of the petition."

"The burden of proof is on the creditor to show by a preponderance of the evidence that: (1) the debtor transferred or concealed property; (2) the property belonged to the debtor; (3) the transfer occurred within one year of the bankruptcy filing; and (4) the debtor executed the transfer with the intent to hinder, delay or defraud a creditor." In re Adeli, 2009 Bankr. LEXIS 4555, p.18 (9th Cir. BAP), citing In re Aubrey, 111 B.R. 268, 273 (9th Cir. BAP 1990). Fraudulent intent can be established by circumstantial evidence or by inferences drawn from their course of conduct. *Id.* at 19. In examining the circumstances, the court may find "badges of fraud," including a close relationship between transferor and transferee; the transfer was in anticipation of a pending suit; transferor was insolvent or poor financial condition at the time of the transfer; all or most of the debtor's property was transferred; the transfer depleted so much of the debtor's assets that the creditor has been hindered or delayed in recovering any part of their judgment; and if the debtor received inadequate consideration for the transfer. *Id.* at 20-21.

A 1999 BAP case, In re Wills, states that "[s]ummary judgment is ordinarily not appropriate in a § 727 action where there is an issue of intent." In re Wills, 243 B.R. 58, 65 (9th Cir. BAP 1999), citing In re Stuerke, 61 B.R. 623 (9th Cir. BAP 1986), (fraud claims so attended by factual issues that summary judgment seldom possible).

Here, plaintiff has shows that many badges of fraud exist as to Harjot Singh's conduct, but the record does not show, under the summary judgment standard, that Inderjit Sandhu herself acted with intent to hinder, delay, or defraud a creditor.

B. Summary judgment for denial of discharge under §727(a)(3) is denied because there are genuine issues of material fact that under Ninth Circuit precedent, Inderjit Sandhu has concealed, destroyed, mutilated, falsified, or would have ordinarily kept or preserved any recorded information from which the debtor's financial condition or business transactions might be ascertained.

11 U.S.C. § 727(a)(3) states that "The court shall grant the debtor a discharge, unless - the debtor has concealed, destroyed, mutilated, falsified, or failed to keep or preserve any recorded information, including books, documents, records, and papers, from which the debtor's financial condition or business transactions might be ascertained, unless such act or failure to act was justified under all of the circumstances of the case."

A creditor states a prima facie case under § 727(a)(3) by showing "(1) that the debtor failed to maintain and preserve adequate records, and (2) that such failure makes it impossible to ascertain the debtor's financial condition and material business transactions.'" In re Caneva, 550 F.3d 755, 761 (9th Cir. 2008). After the creditor has shown inadequate or nonexistent records, the burden of proof shifts to the debtor to justify those inadequacies. *Id.*

The Ninth Circuit in In re Cox stated that "justification for a bankrupt's failure to keep or preserve books or records will depend on...whether others in like circumstances would ordinarily keep them." In re Cox, 41 F.3d 1294, 1299 (9th Cir. 1994). In this case, the bankruptcy court granted the trustee's motion for denial of discharge against one of the co-debtors for failing to keep records, her justification being that she "reasonably relied" on her husband to maintain those records. The Ninth Circuit reversed and remanded, stating that "given the absence of warning signals, Ms. Cox's reliance on her husband was objectively reasonable under the totality of the circumstances presented here." *Id.*, citing to an Eastern District of New York case stating 'justification for a bankrupt's failure to keep or preserve books or records will depend on ... whether others in like circumstances would ordinarily keep them.' Matter of Russo, 3 Bankr. 28, 34 (Bankr. E.D. N.Y. 1980).

In this case, one example is that defendants could not provide any documents evidencing that any consideration was actually paid or received from 1st Continental Mortgage when they executed a Deed of Trust to their benefit. Adding to the record, one of this corporation's officers was Daljeet Singh, who was the loan officer who handled Harjot's loan and worked with him when they were both part of Shawn's Realty & Finance

Group's real estate sales team. Mr. Harjot admits to not keeping business records when he loaned money to people. Plaintiff's Binder of Transcripts, p. 63, Doc. # 104. But that question was never posed to Ms. Sandhu.

Here, there is a genuine issue of material fact in whether Inderjit Sandhu, under the totality of the circumstances and whether "others in like circumstances," would have kept books or records. Indeed, in her Answer to Plaintiff's Interrogatories Propounded on Inderjit Sandhu, she states that Harjot and others were in charge of record keeping for the corporations, not her. Plaintiff's Exhibit 80, pp. 1-3. She states that she signed documents with her husband that she did not understand. Id. at 4, 11, and 19.

Nearly all of the depositions taken were directed to and answered by Harjot. Even though she was a stockholder, secretary, and director of the three corporations that the debtors created, that alone is not enough to comply with the Ninth Circuit's standard in In re Cox. There is a genuine issue of material fact, and therefore the motion for summary judgment for denial of discharge under §727(a)(3) is denied.

C. Summary judgment for denial of discharge under § 727(a)(4)(A) is denied because there are genuine issues of material fact that Inderjit Sandhu knowingly and fraudulently made a false oath or account.

11 U.S.C. § 727(a)(4)(A) states that "The court shall grant the debtor a discharge, unless -- the debtor knowingly and fraudulently, in or in connection with the case -- made a false oath or account."

The creditor must prove that: "(1) the debtor made a false oath in connection with the case; (2) the oath related to a material fact; (3) the oath was made knowingly; and (4) the oath was made fraudulently." In re Truppa, 2017 Bankr. LEXIS 1157, p. 17, citing In re Retz, 606 F.3d 1189, 1197 (9th Cir. 2010).

As cited above, In re Wills, states that "[s]ummary judgment is ordinarily not appropriate in a § 727 action where there is an issue of intent." In re Wills, 243 B.R. 58, 65 (9th Cir. BAP 1999), citing In re Stuerke, 61 B.R. 623 (9th Cir. BAP 1986), (fraud claims so attended by factual issues that summary judgment seldom possible).

The record does not show that Inderjit Sandhu knowingly and fraudulently made a false oath in connection with the case related to material fact. Therefore there is a genuine issue of material fact and denial of discharge under § 727(a)(4)(A) is denied.

D. Summary judgment for denial of discharge under § 727(a)(5) is denied because there is a genuine issue of material fact as to the sufficiency of the debtor's explanation of any loss or deficiency of assets to meet the debtor's liabilities

11 U.S.C. § 727(a)(5) states "The court shall grant the debtor a discharge, unless -- the debtor has failed to explain satisfactorily, before determination of denial of discharge under this paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities."

To establish a prima facie case under § 727(a)(5), the objector to discharge must demonstrate that: [the] debtor at one time, not too remote from the bankruptcy petition date, owned identifiable assets; on the date the bankruptcy petition was filed or order of relief granted, the debtor no longer owned the assets; and the bankruptcy pleadings or statement of affairs do not reflect an adequate explanation for the disposition of the assets. In re Hazelrigg, 2013 Bankr. LEXIS 4962, p. 14, citing In re Retz, 606 F.3d 1189, 1205 (9th Cir. 2010). Once the objector makes a prima facie case, the burden shifts to the debtor to offer credible evidence regarding the disposition of the missing assets. *Id.* The sufficiency of the debtor's explanation, if any, is a question of fact. See *id.* The bankruptcy court has broad discretion in making this determination. See *id.*

As In re Retz explains, the "sufficiency of the debtor's explanation, if any, is a question of fact." In re Retz, 606 F.3d at 1205. The record shows that Inderjit Sandhu's explanation, or the lack thereof, raises the material fact that she satisfactorily explains the loss or deficiency of assets to meet the debtor's liabilities. This court believes that that fact is material, and therefore there is a genuine issue of material fact, and so the motion for summary judgment for denial of discharge under § 727(a)(5) is denied.

The court has reviewed the evidentiary objection submitted by Inderjit Sandhu. The reply to the objections purportedly setting for the foundation for admission of the exhibits has also been reviewed. Since the court has denied the summary judgment motion as to Ms. Sandhu individually, the court does not rule on those objections at this time.

The objecting party will issue the order.

4. [17-11087](#)-B-7 JANETTA SCONIERS
[17-1069](#)
SCONIERS V. TOP EQUITY
INVESTMENT, LLC
JANETTA SCONIERS/Atty. for pl.

STATUS CONFERENCE RE:
COMPLAINT
8-4-17 [[1](#)]

NO RULING.

5. [15-12689](#)-B-7 MARK HANSEN
[17-1042](#)
HANSEN V. OCWEN LOAN
SERVICING, LLC ET AL

CONTINUED STATUS CONFERENCE
RE:
AMENDED COMPLAINT, JURY DEMAND
7-12-17 [[31](#)]

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

DISPOSITION: Continued to November 29, 2016 at 1:30 p.m.

ORDER: No appearance is necessary. The moving party shall submit
a proposed order in conformance with the ruling below.

Based on the record before the court, the parties have agreed to continue
this matter, and the court approves their agreement. The matter will be
continued.

6. [15-12689](#)-B-7 MARK HANSEN
[17-1042](#)
HANSEN V. OCWEN LOAN
SERVICING, LLC ET AL
PETER ISOLA/Atty. for mv.
RESPONSIVE PLEADING

MOTION TO DISMISS ADVERSARY
PROCEEDING/NOTICE OF REMOVAL
7-31-17 [[37](#)]

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

DISPOSITION: Continued to November 29, 2016 at 1:30 p.m.

ORDER: No appearance is necessary. The moving party shall submit
a proposed order in conformance with the ruling below.

Based on the record before the court, the parties have agreed to continue
this matter, and the court approves their agreement. The matter will be
continued.