

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Thursday, October 19, 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 MOTION FOR RELIEF  
[MJS](#)-1 FROM AUTOMATIC STAY  
SCOTT THORBURN/MV 8-10-17 [[117](#)]  
PETER FEAR/Atty. for dbt.  
MICHAEL SMITH/Atty. for mv.  
RESPONSIVE PLEADING

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

**DISPOSITION:** Dropped from calendar.

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

In accordance with Judge's rulings and orders from the bench at the previous hearing on September 14, 2017, this matter is dropped from calendar. A stipulation signed by both parties and a motion to employ Pearson Real Estate were both filed before October 13, 2017.

2. [17-11028](#)-B-11 PACE DIVERSIFIED MOTION FOR COMPENSATION BY THE  
[BBR](#)-10 CORPORATION LAW OFFICE OF BELDEN BLAINE  
RAYTIS, LLP FOR T. SCOTT  
BELDEN, DEBTORS ATTORNEY(S)  
9-21-17 [[294](#)]  
T. BELDEN/Atty. for dbt.

**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.

3. [17-13436](#)-B-11 PPI DIRECT, LLC

ORDER TO SHOW CAUSE WHY THE  
COURT SHOULD NOT TRANSFER THE  
CASE

9-20-17 [[10](#)]

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

**DISPOSITION:** The case will be transferred to the Central District of California.

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

Mr. Resnik responded under oath that he did not file this voluntary petition, which is why it was not signed. Nor was he aware that debtor used a previously filed voluntary petition prepared by Mr. Resnik, in the Central District of California, nor did he authorize the redaction and modification of that petition which debtor used to file in the Eastern District. Mr. Resnik's appearance at this hearing is therefore excused.

Based on the response of Mr. Resnik and no opposition to the transfer of the case, the case will be transferred to the Central District of California. The Clerk of the Central District of California is advised that this case relates to a previously dismissed case numbered 8:17-bk-11351-ES.

4. [17-10238](#)-B-11 SILO CITY, INC.  
[KDG](#)-5

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF KLEIN, DENATALE,  
GOLDNER, COOPER, ROSENLIB &  
KIMBALL, LLP FOR JACOB L.  
EATON, DEBTORS ATTORNEY(S)  
9-21-17 [[134](#)]

JACOB EATON/Atty. for dbt.

**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.

5. [17-13239](#)-B-12 JOE/MARIA NASCIMENTO STATUS CONFERENCE RE: CHAPTER  
12 VOLUNTARY PETITION  
8-22-17 [[1](#)]  
  
RILEY WALTER/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter will proceed as scheduled.**

6. [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

**NO RULING.**

7. [17-13239](#)-B-12 JOE/MARIA NASCIMENTO CONTINUED MOTION TO CONFIRM  
WW-[3](#) CHAPTER 12 PLAN  
JOE NASCIMENTO/MV 8-31-17 [[29](#)]  
RILEY WALTER/Atty. for dbt.  
RESPONSIVE PLEADING

**NO RULING.**

8. [17-13239](#)-B-12 JOE/MARIA NASCIMENTO CONTINUED MOTION TO ASSUME  
WW-[4](#) LEASE OR 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:** 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.

9. [16-13345](#)-B-11 JONATHAN/PATRICIA MAYER MOTION TO BORROW  
[FW](#)-19 9-15-17 [[240](#)]  
JONATHAN MAYER/MV  
PETER FEAR/Atty. for dbt.

**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.

10. [12-11755](#)-B-11 SAUL/REBECCA ACOSTA MOTION FOR ENTRY OF DISCHARGE  
[WW](#)-17 9-21-17 [[202](#)]  
SAUL ACOSTA/MV  
RILEY WALTER/Atty. for dbt.

**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.

The motion will be granted without oral argument for cause shown. The court will issue an order. No appearance is necessary.

The debtor's motion for entry of a chapter 11 discharge upon conclusion of the case 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.

Based on the evidence presented, the court finds that the debtor is eligible for a chapter 11 discharge pursuant to 11 U.S.C. §1141(d) (5) (A). The case manager may enter the debtor's discharge pursuant to General Order 16-04(5).

11. [17-12998](#)-B-12 LJB FARMS, LLC

CONTINUED STATUS CONFERENCE

RE:

CHAPTER 12 VOLUNTARY PETITION

8-3-17 [[1](#)]

JACOB EATON/Atty. for dbt.

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

**DISPOSITION:**           Continued to November 16, at 9:30 a.m.

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

The status conference statement filed by debtor on October 13, 2017 shows that there is no need for the parties to appear at this time. This matter will be continued and heard in conjunction with the plan confirmation hearing.

1:30 P.M.

1. [17-12900](#)-B-13 PAUL/TERESA YAMASHITA MOTION TO CONFIRM PLAN  
[ALG](#)-1 9-5-17 [[17](#)]  
PAUL YAMASHITA/MV  
JANINE ESQUIVEL/Atty. for dbt.

**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.

The motion will be granted without oral argument based on well-pled facts. This motion to confirm 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.

2. [17-12401](#)-B-13 MAHYANTI JOHNSON MOTION TO DISMISS CASE  
[MHM](#)-2 9-11-17 [[52](#)]  
MICHAEL MEYER/MV  
DISMISSED

**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.

The case having been dismissed on September 29, 2017, the matter will be denied as moot.

3. [17-12401](#)-B-13 MAHYANTI JOHNSON  
[MHM](#)-3  
MICHAEL MEYER/MV  
DISMISSED

MOTION TO DISMISS CASE  
9-19-17 [[61](#)]

**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.

The case having been dismissed on September 29, 2017, the matter will be denied as moot.

4. [17-12213](#)-B-13 RENE ELLER  
[MHM](#)-2  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

OBJECTION TO CONFIRMATION OF  
PLAN BY MICHAEL H. MEYER  
9-5-17 [[25](#)]

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

**DISPOSITION:**           The objection was withdrawn.

**ORDER:**                 No appearance is necessary. No order required.

Movant has withdrawn the objection.



5. [17-12213](#)-B-13 RENE ELLER  
[TCS](#)-1

RENE ELLER/MV

TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
AMERICREDIT FINANCIAL  
SERVICES,  
INC.  
9-14-17 [[34](#)]

**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.

The motion will be granted without oral argument based on well-pled facts. This motion to value respondent's collateral 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 debtor is competent to testify as to the value of the 2012 Chevrolet Malibu. 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). The respondent's secured claim will be fixed at \$3,158. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

6. [17-12215](#)-B-13 GEORGE/BERENICE ARABIAN  
[TCS](#)-2  
GEORGE ARABIAN/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
SNAP-ON CREDIT, LLC  
9-15-17 [[50](#)]

**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.

The motion will be granted without oral argument based on well-pled facts. This motion to value respondent's collateral 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 debtor is competent to testify as to the value of the Snap-On tools and toolbox. 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). The respondent's secured claim will be fixed at \$2,000. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

7.	<a href="#">17-13415</a> -B-13	RAMON/GLORIA MONTEJANO	MOTION TO VALUE COLLATERAL OF
	<a href="#">SL-1</a>		SHELLPOINT MORTGAGE SERVICING
	RAMON MONTEJANO/MV		9-22-17 <a href="#">[11]</a>
	SCOTT LYONS/Atty. for dbt.		

**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 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.

Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtors may proceed under state law to obtain a reconveyance of respondent's trust

deed upon completion of the chapter 13 plan and entry of the discharge. If the chapter 13 plan has not been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.

*This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.*

8. [17-12717](#)-B-13 DALJIT SINGH  
[HWW](#)-2  
DALJIT SINGH/MV  
HANK WALTH/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
8-22-17 [[23](#)]

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

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

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

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.

9. [13-12622](#)-B-13 ALONZO/LEA PADILLA  
[BCS](#)-5

MOTION FOR COMPENSATION FOR  
BENJAMIN C. SHEIN, DEBTORS  
ATTORNEY(S)  
9-13-17 [[64](#)]

BENJAMIN SHEIN/Atty. for dbt.

**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.

10. [17-10324](#)-B-13 REYNALDO GALVAN  
[PBB](#)-1  
REYNALDO GALVAN/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN  
9-13-17 [[20](#)]

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

**DISPOSITION:**           Granted.

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

This 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.

11. [17-11124](#)-B-13 OLUSEGUN LERAMO  
[FJA](#)-1  
OLUSEGUN LERAMO/MV  
FRANCISCO ALDANA/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
8-25-17 [[66](#)]

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

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

**ORDER:**                   No appearance is necessary. The objecting Party shall submit a proposed order in conformance with the ruling below. The court will issue the order continuing the hearing.

The debtor did not address the IRS claim filed on July 31, 2017. The debtor will amend and re-file the plan and amended schedules I and J to support the plan. If the plan is not filed by Thursday, October 26 and if debtor does not move the court for, and the court does not grant, an extension of time, the case will be dismissed on the trustee's declaration.

12. [12-16125](#)-B-13 CARY/PATTI MABON  
[MHM](#)-1  
MICHAEL MEYER/MV  
GEORGE LOGAN/Atty. for dbt.

MOTION TO DISMISS CASE  
9-8-17 [[37](#)]

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

**DISPOSITION:**           Granted.

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

Unless the trustee's motion is withdrawn before 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 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. Accordingly, the case will be dismissed.

13. [13-16626](#)-B-13 KRIS HERSTEIN AND JASON MOTION FOR COMPENSATION BY THE  
[JDW](#)-3 BOYER LAW OFFICE OF THE WINTER LAW  
GROUP FOR JOEL D. WINTER,  
DEBTORS ATTORNEY(S)  
9-26-17 [[40](#)]

JOEL WINTER/Atty. for dbt.

**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 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.

14. [14-14426](#)-B-13 DETHPAXA KEOHANAM MOTION FOR COMPENSATION BY THE  
[FW](#)-1 LAW OFFICE OF FEAR WADDELL,  
P.C. FOR GABRIEL J. WADDELL,  
DEBTORS ATTORNEY(S)  
9-20-17 [[19](#)]

PETER FEAR/Atty. for dbt.

**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.

15. [17-13228](#)-B-13 BENJAMIN WRIGHT  
[KMR](#)-1  
SPECIALIZED LOAN SERVICING  
LLC/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
KELLY RAFTERY/Atty. for mv.

OBJECTION TO CONFIRMATION OF  
PLAN BY SPECIALIZED LOAN  
SERVICING LLC  
9-14-17 [[17](#)]

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

**DISPOSITION:**           **Dropped from calendar.**

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

**Movant withdrew their objection. No appearance is necessary.**

16. [17-12829](#)-B-13 J J VALENCIA- HIGAREDA  
[MHM](#)-1                   AND ANA VALENCIA  
  
MICHAEL MEYER/MV  
  
THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING

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

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

**DISPOSITION:**           **Sustained.**

**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 matter will proceed as scheduled. Unless opposition is presented at  
the hearing, the court intends to sustain the trustee's objection to  
confirmation. Other orders may be entered based on the results of the  
hearing schedule for matter #17 below.**

**Pursuant to §1324(b), the court intends to set January 11, 2018, as a bar  
date by which a chapter 13 plan must be confirmed and objections to claims  
must be filed or the case will be dismissed on the trustee's declaration.**

17. [17-12829](#)-B-13 J J VALENCIA- HIGAREDA OBJECTION TO DEBTOR'S CLAIM OF  
[MHM](#)-2 AND ANA VALENCIA EXEMPTIONS  
MICHAEL MEYER/MV 9-8-17 [[22](#)]  
THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING

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

**DISPOSITION:** Sustained.

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

Confirmation of the debtor's plan is reliant upon this matter. Based on the court's previous findings and rulings on the objection to confirmation of plan on September 28, 2016, counsel will need to appear and confer with each other and the court on the best way to proceed. Alternatively, the court intends to continue this matter to January 11, 2018 at 1:30 p.m. in order to determine the 2016 annual income of both debtors, which will determine whether debtors are eligible for the \$175,000 homestead exemption under C.C.P. § 704.730(3)(C). The court, if necessary, will schedule an evidentiary hearing and use the January 11, 2018 hearing as a status conference.

18. [17-12940](#)-B-13 NICHOLAS/MARGARET GREEN OBJECTION TO CONFIRMATION OF  
[BDA](#)-1 PLAN BY CAPITAL ONE AUTO  
CAPITAL ONE AUTO FINANCE/MV FINANCE  
9-18-17 [[15](#)]  
JEFFREY ROWE/Atty. for dbt.  
BRET ALLEN/Atty. for mv.

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

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

**ORDER:** No appearance is necessary. The minutes of the hearing will be the court's findings and conclusions. The court will issue an order.

This matter will be continued to be heard with the Motion to Value objector's collateral, DCN JDR-1, filed October 12, 2017.



19. [17-12945](#)-B-13VICTOR ESPRONCEDA  
[TOG-1](#)  
VICTOR ESPRONCEDA/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
ONEMAIN FINANCIAL  
8-26-17 [[13](#)]

**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.

The motion will be granted without oral argument based upon well-pled facts.

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules of Practice and there was 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.

Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. If the chapter 13 plan has not been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.

*This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.*

20. [17-11646](#)-B-13 JESSICA BLANCO  
[RTB](#)-1  
MXNXOXP, INC./MV

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY  
MXNXOXP, INC.  
5-30-17 [[17](#)]

TIMOTHY SPRINGER/Atty. for dbt.  
RICHARD BAUM/Atty. for mv.  
RESPONSIVE PLEADING

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

**DISPOSITION:**           Resolved by stipulation of the parties.

**ORDER:**                 No appearance is necessary. The moving party shall  
submit the order with the stipulation attached.

This matter has been resolved by stipulation of the parties. No appearance  
is necessary.

21. [17-13047](#)-B-13 CAROL SHIELDS  
[TGM](#)-1  
HARLEY-DAVIDSON/MV  
DAVID JENKINS/Atty. for dbt.  
TYNEIA MERRITT/Atty. for mv.

OBJECTION TO CONFIRMATION OF  
PLAN BY HARLEY-DAVIDSON  
8-24-17 [[17](#)]

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

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

**ORDER:**                 No appearance is necessary. The minutes of the hearing  
will be the court's findings and conclusions. The court  
shall issue an order.

The objection will be continued and set for a final hearing on November 30,  
2016 at 1:30 p.m. The court will issue an order.

This objection to confirmation was noticed as a preliminary hearing.  
Unless this case is voluntarily converted to chapter 7 or dismissed or the  
objection has been withdrawn, the debtor shall file and serve a written  
response not later than November 16, 2016. The response shall specifically  
address each issue raised in the objection, 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 November  
23, 2016. If the debtor does not timely file a modified plan or a written  
response, the objection will be sustained on the grounds stated and  
confirmation will be denied without a further hearing.

22. [17-12551](#)-B-13 RANDALLCHAD MARTIN  
[MHM](#)-2  
MICHAEL MEYER/MV  
STEPHEN LABIAK/Atty. for dbt.

MOTION TO DISMISS CASE  
9-11-17 [[32](#)]

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

**DISPOSITION:**           Granted.

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

Unless the trustee's motion is withdrawn before 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 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 the debtor is delinquent in his chapter 13 plan payments. Accordingly, the case will be dismissed.

23. [17-12658](#)-B-13 ISMAIL/RUSHDIEH MUSLEH  
[MHM](#)-1  
MICHAEL MEYER/MV  
SCOTT LYONS/Atty. for dbt.

MOTION TO DISMISS CASE  
9-11-17 [[20](#)]

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

**DISPOSITION:**           Granted.

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

Unless the trustee's motion is withdrawn before 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 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 the debtors are delinquent in their chapter 13 plan payments. Accordingly, the case will be dismissed.

24. [17-12758](#)-B-13 JERRICK/SANDRA BLOCK      OBJECTION TO CONFIRMATION OF  
[BDA](#)-1      PLAN BY CAPITAL ONE AUTO  
CAPITAL ONE AUTO FINANCE,      FINANCE, N.A.  
N.A./MV      8-18-17 [[19](#)]  
ROBERT WILLIAMS/Atty. for dbt.  
BRET ALLEN/Atty. for mv.

**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 matter is resolved by the Stipulation to Value Collateral of Capital One Auto Finance.

25. [17-12758](#)-B-13 JERRICK/SANDRA BLOCK      CONTINUED STATUS CONFERENCE  
RE:  
[RSW](#)-1      MOTION TO VALUE COLLATERAL OF  
JERRICK BLOCK/MV      CAPITAL ONE AUTO FINANCE  
8-8-17 [[10](#)]  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

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

**DISPOSITION:**      Resolved by stipulation and order of the parties.

**NO ORDER REQUIRED:** An order approving the stipulation has been entered.

The parties have resolved this matter by stipulation.

26. [17-12465](#)-B-13 JOSEPH DESROSIERS  
[MHM-1](#)  
MICHAEL MEYER/MV  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS  
CASE  
8-11-17 [[34](#)]

**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.

The case will be dismissed on the trustee's motion to dismiss [MHM-2], on calendar below.

27. [17-12465](#)-B-13 JOSEPH DESROSIERS  
[MHM-2](#)  
MICHAEL MEYER/MV  
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE  
9-11-17 [[51](#)]

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

**DISPOSITION:**           Granted if MHM-2 below is withdrawn, denied as moot if MHM-2 is granted.

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

Unless the trustee's motion is withdrawn before 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 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 the debtors are delinquent in their chapter 13 plan payments. Accordingly, the case will be dismissed.

28. [17-12465](#)-B-13 JOSEPH DESROSIERS CONTINUED OBJECTION TO  
[TGM](#)-1 CONFIRMATION OF PLAN BY  
DEUTSCHE BANK NATIONAL TRUST DEUTSCHE BANK NATIONAL TRUST  
COMPANY/MV COMPANY  
8-10-17 [[29](#)]  
  
JERRY LOWE/Atty. for dbt.  
TYNEIA MERRITT/Atty. for mv.

**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.

The case will be dismissed on the trustee's motion to dismiss [MHM-2] or [MHM-1], on calendar items 26 and 27.

29. [16-10866](#)-B-13 MICHELLE YORK MOTION TO MODIFY PLAN  
[DRJ](#)-4 9-5-17 [[158](#)]  
MICHELLE YORK/MV  
DAVID JENKINS/Atty. for dbt.  
RESPONSIVE PLEADING

**NO RULING.**

30. [16-10866](#)-B-13 MICHELLE YORK MOTION TO ENFORCE PLAN  
[DRJ](#)-5 9-21-17 [[166](#)]  
MICHELLE YORK/MV  
DAVID JENKINS/Atty. for dbt.

**NO RULING.**

31. [17-12373](#)-B-13 KATHERINE RUTHERFORD MOTION TO DISMISS CASE  
[MHM](#)-2 9-19-17 [[29](#)]  
MICHAEL MEYER/MV  
HENRY NUNEZ/Atty. for dbt.

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

**DISPOSITION:** Withdrawn by Moving Party.

**NO ORDER REQUIRED:** No appearance is necessary.

The trustee has withdrawn the motion.

32. [17-11376](#)-B-7 HECTOR MERCADO MUNOZ AND CONTINUED MOTION TO CONFIRM  
[JRL](#)-3 MIRTA MERCADO CARDENAS PLAN  
HECTOR MERCADO MUNOZ/MV 8-9-17 [[98](#)]  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING

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

**DISPOSITION:** Denied as moot.

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

This case was converted to Chapter 7 on October 3, 2016. Accordingly, this Motion to Confirm Plan is denied as moot.

33. [17-11376](#)-B-7 HECTOR MERCADO MUNOZ AND MOTION TO DISMISS CASE  
[MHM](#)-3 MIRTA MERCADO CARDENAS 9-13-17 [[130](#)]  
MICHAEL MEYER/MV  
JERRY LOWE/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.

The case has been converted to chapter 7. The motion will be denied as moot.

34. [12-12878](#)-B-13 JOSEPH BOWLING MOTION TO DETERMINE FINAL CURE  
[MHM](#)-5 AND MORTGAGE PAYMENT RULE  
MICHAEL MEYER/MV 3002.1  
9-13-17 [[142](#)]  
SUSAN HEMB/Atty. for dbt.

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

**DISPOSITION:** Dropped from calendar.

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

Trustee withdrew this motion on October 11, 2017.

35. [17-12881](#)-B-13 RUBEN/KARIMA PARKS  
[DWE](#)-1  
WELLS FARGO BANK, N.A./MV  
JOEL WINTER/Atty. for dbt.  
DANE EXNOWSKI/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-20-17 [[24](#)]

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

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

**ORDER:** The court will issue an order.

This matter is being continued until after two pending Motions to Value Collateral are heard. This will give the debtors an opportunity to file a plan that will allow them to cure the issues raised by movant in this motion.

Under § 362(e) (2) (B) (ii), a court must make findings in support of extending the automatic stay beyond 60 days from the date of filing this motion. The court's findings are as follows. First, the debtors have made payments in August and September, the latter being a larger payment in anticipation of an increased plan payment. Second, the Trustee has made post-petition payments to debtor. See *Exhibit E, Exhibits to Declaration of Deanna K. Hazelton*, Doc. # 32. Third, there is little dispute as to the value of the property. The dispute seems to be about accounting, which should be easy for the parties to resolve. Fourth, there is no evidence to show that the collateral is decreasing in value. Based on these findings, the court believes there is good cause to continue this motion beyond the 60 day limit under § 362(e) (2).

36. [17-11389](#)-B-13 ALAN ROGERS  
[MHM](#)-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY  
TRUSTEE  
MICHAEL H. MEYER  
8-7-17 [[23](#)]

ROBERT WILLIAMS/Atty. for dbt.

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

**DISPOSITION:** Dropped from calendar.

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

The Trustee withdrew the objection.



37. [13-16394](#)-B-13 SHAWN LANGEVIN  
[JDW](#)-2

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF THE WINTER LAW  
GROUP FOR JOEL D. WINTER,  
DEBTORS ATTORNEY(S)  
9-26-17 [[40](#)]

JOEL WINTER/Atty. for dbt.

**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 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.

38. [17-13096](#)-B-13 SUSAN COX

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
9-14-17 [[15](#)]

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

**DISPOSITION:** Case Dismissed.  
If the case is dismissed on MHM-1 below, this OSC will be vacated as moot.

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

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the OSC.

If the installment fees due at the time of hearing are paid before the hearing, 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.

If the trustee's motion to dismiss, [MHM-1], on calendar below, is not withdrawn prior to this hearing, this matter will be vacated as moot as it is the court's intention to dismiss the case on the trustee's fully noticed motion.

39. [17-13096](#)-B-13 SUSAN COX  
[MHM](#)-1  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE  
9-20-17 [[21](#)]

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

**DISPOSITION:**           Granted.

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

Unless the trustee's motion is withdrawn before 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 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. +

40. [16-14563](#)-B-13 RAMIRO RUVALCABA  
[DRJ](#)-2

MOTION FOR COMPENSATION FOR  
DAVID R. JENKINS, DEBTORS  
ATTORNEY(S)  
10-4-17 [[34](#)]

DAVID JENKINS/Atty. for dbt.

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

2:00 P.M.

1. [17-13797](#)-B-9 TULARE LOCAL HEALTHCARE  
WW-1 DISTRICT  
TULARE LOCAL HEALTHCARE  
DISTRICT/MV  
RILEY WALTER/Atty. for dbt. CONTINUED MOTION TO REJECT  
LEASE OR EXECUTORY CONTRACT  
10-10-17 [[32](#)]

**NO RULING.**