

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, October 22, 2020
Place: Department A - Courtroom #11
Fresno, California

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

Pursuant to District Court General Order 618, no persons are permitted to appear in court unless authorized by order of the court until further notice. All appearances of parties and attorneys shall be telephonic through CourtCall. The contact information for CourtCall to arrange for a phone appearance is: (866) 582-6878.

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.

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.

1. [18-10105](#)-A-13 **IN RE: SCOTT MARSH**
[JRL-3](#)

MOTION TO MODIFY PLAN
9-16-2020 [[89](#)]

SCOTT MARSH/MV
JERRY LOWE/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The debtor filed a modified plan on October 13, 2020 (JRL-4, Doc. #108), with a motion to confirm the modified plan set for hearing on November 19, 2020 at 9:30 a.m. Doc. ##102-108.

2. [18-14905](#)-A-13 **IN RE: TRACEY PRITCHETT**
[TCS-6](#)

MOTION TO MODIFY PLAN
9-16-2020 [[98](#)]

TRACEY PRITCHETT/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
OPPOSITION WITHDRAWN

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

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The Chapter 13 trustee timely opposed this motion, but withdrew said opposition on October 7, 2020. Doc. #110. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

3. [20-10608](#)-A-13 **IN RE: TRISHALL WASHINGTON**
[TCS-3](#)

MOTION TO MODIFY PLAN
9-15-2020 [[46](#)]

TRISHALL WASHINGTON/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

4. [20-10509](#)-A-13 **IN RE: EDDIE CALDWELL**
[TCS-1](#)

MOTION TO MODIFY PLAN
9-4-2020 [[36](#)]

EDDIE CALDWELL/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 19, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The Chapter 13 trustee ("Trustee")

filed an objection to the debtor's motion to modify the Chapter 13 plan. Tr.'s Opp'n, Doc. #33. Creditor Wheels Financial Group, LLC dba LoanMart ("Creditor") filed an objection to the debtor's motion to modify the Chapter 13 plan on October 7, 2020. Creditor's Opp'n, Doc. #49. Unless this case is voluntarily converted to Chapter 7, dismissed, or both Trustee's and Creditor's oppositions to confirmation are withdrawn, the debtor shall file and serve written responses no later than November 5, 2020. The responses shall specifically address each issue raised in the objections to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee and Creditor shall file and serve a reply, if any, by November 12, 2020.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing responses, then a confirmable modified plan shall be filed, served, and set for hearing, not later than November 12, 2020. If the debtor does not timely file a modified plan or written responses, this motion will be denied on the grounds stated in the oppositions without a further hearing.

5. [20-10110](#)-A-13 **IN RE: ANGEL DIAZ**
[UST-1](#)

CONTINUED MOTION TO DISGORGE FEES
6-10-2020 [[57](#)]

TRACY DAVIS/MV
MARK HANNON/ATTY. FOR DBT.
MARTA VILLACORTA/ATTY. FOR MV.
DISMISSED 05/11/2020; RESPONSIVE PLEADING

NO RULING.

6. [15-11912](#)-A-13 **IN RE: ZAYDEE SANCHEZ**
[MHM-1](#)

MOTION TO DISMISS CASE
9-17-2020 [[40](#)]

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion on October 15, 2020. Doc. #44.

MOTION TO EXTEND AUTOMATIC STAY
10-8-2020 [[11](#)]

JUAN SANTOYO/MV
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 court will issue an order.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("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.

Debtors Juan Javier Santoyo and Jeanette Jessica Nevarez (together, "Debtors") move the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3).

Debtors had a Chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 20-10331-A-13 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on January 20, 2020 and dismissed on August 17, 2020. Decl. of Jeanette Jessica Nevarez, Doc. #13. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtors filed this case on October 2, 2020. Petition, Doc. #1. Thus, the automatic stay will terminate in the present case on November 1, 2020.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c)(3)(B).

Section 362(c)(3)(C)(i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c)(3)(C)(i).

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c)(3)(C). Under the clear and convincing standard, the evidence

presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.' Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition'" Emmert v. Taggart (In re Taggart), 584 B.R. 275, 288 n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019)).

In this case, the presumption of bad faith arises. Debtors failed to perform the terms of a confirmed plan in the Prior Case. A review of the court's docket in the Prior Case disclosed a Chapter 13 plan was confirmed on April 15, 2020, the Chapter 13 trustee ("Trustee") filed a Notice of Default and Intent to Dismiss Case (the "Notice") on July 2, 2020, and the court dismissed the Prior Case upon Trustee's declaration that Debtors failed to address the Notice in the time and manner prescribed by LBR 3015-1(g). See Case No. 20-10331-A-13, Doc. ##18, 19, 21, 24. Jeanette Jessica Nevarez, co-debtor, acknowledges that the previous Chapter 13 case was dismissed for failure to timely pay plan payments. Decl. of Jeanette Jessica Nevarez, Doc. #13.

However, in support of this motion to extend the automatic stay, Jeannette Jessica Nevarez, co-debtor, declares that Debtors' income was impacted due to the COVID-19 pandemic. Decl., Doc. #13. Ms. Nevarez's employer implemented a work-from-home policy resulting in a paycheck reduction of approximately \$227.27 per month. Decl., Doc. #13. With Debtors' children also at-home learning, utility and internet costs increased. Decl., Doc. #13. However, Debtors are spending less on vehicle costs, meals, and health insurance. Decl., Doc. #13. Co-debtor Nevarez also received a raise in August 2020. Decl., Doc. #13. Debtors' Schedules I and J filed in this case list monthly income of \$5,960.19 and expenses of \$3,882.27, with monthly net income of \$2,077.92 of which Debtors propose to apply \$2,075.00 to plan payments in this case. Schedules I and J, Doc. #1; Decl., Doc. #13.

The court is inclined to find that Debtors' loss of income and increased expenses adequately rebut the presumption of bad faith that arose from the failure to perform the terms of a confirmed plan in the Prior Case and that Debtors' petition commencing this case was filed in good faith. Moreover, the court recognizes that Debtors' return to work represents a substantial change in financial affairs since the dismissal of the Prior Case.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes as to all parties who received notice, unless terminated by further order of the court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is necessary.

8. [15-11829](#)-A-13 **IN RE: ANTONIO BUSTAMANTE AND GABRIELA LOPEZ**
[MHM-1](#)

MOTION TO DISMISS CASE
9-17-2020 [[58](#)]

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion on September 30, 2020.
Doc. #63.

9. [19-15339](#)-A-13 **IN RE: PHILIP IRWIN**
[WLG-1](#)

CONTINUED MOTION TO MODIFY PLAN
8-5-2020 [[29](#)]

PHILIP IRWIN/MV
NICHOLAS WAJDA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

On September 17, 2020, the court issued an order continuing this hearing to allow debtor time to file additional pleadings in response to the trustee's opposition to confirmation of the plan. Doc. #40. A review of the docket indicates that the debtor has not filed responsive pleadings. Therefore, the motion to modify the plan is denied.

10. [17-13747](#)-A-13 **IN RE: PATRICIA MALDONADO**
[MHM-1](#)

MOTION TO DISMISS CASE
9-17-2020 [[46](#)]

MICHAEL MEYER/MV
MARK HANNON/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion on October 1, 2020. Doc. #50.

11. [20-12553](#)-A-13 **IN RE: RODRIGO/SILVIA MEDINA**
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
9-21-2020 [[14](#)]

MICHAEL MEYER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
SARAH VELASCO/ATTY. FOR MV.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion on October 6, 2020. Doc. #19.

12. [20-13164](#)-A-13 **IN RE: BETSSY MANDUJANO**
[HDN-1](#)

MOTION TO EXTEND AUTOMATIC STAY
10-8-2020 [[11](#)]

BETSSY MANDUJANO/MV
HENRY NUNEZ/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 court will issue an order.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("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.

Debtor Betssy Mandujano ("Debtor") moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B).

Debtor had a Chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 19-15234 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on December 17, 2019 and dismissed on January 6, 2020. Decl. of Betssy Mandujano, Doc. #13. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on September 29, 2020. Petition, Doc. #1. Thus, the automatic stay will terminate in the present case on October 29, 2020.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c)(3)(B).

Section 362(c)(3)(C)(i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c)(3)(C)(i).

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c)(3)(C). Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.'" Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition'" Emmert v. Taggart (In re Taggart), 584 B.R. 275, 288 n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019)).

In this case, the presumption of bad faith arises. Debtor failed to timely file documents in the Prior Case. A review of the court's docket in the Prior Case disclosed a Chapter 13 plan was never confirmed. The Chapter 13 trustee ("Trustee") filed a Notice of Incomplete Filing and Intent to Dismiss Case (the "Notice") on December 17, 2019, and the case was dismissed by an Order Dismissing Case for Failure to Timely File Documents after Debtor failed to respond to Trustee's Notice. See Case No. 19-15234, Doc. ##1, 9, 18. Debtor states that she allowed the Prior Case to be dismissed because a foreclosure sale, which prompted the filing of the Prior Case, had been cancelled by the mortgage creditor. Decl. of Betssy Mandujano, Doc. #13.

In support of this motion to extend the automatic stay, Debtor declares that the instant case was filed to prevent a foreclosure sale on the same property by a private party creditor that was scheduled for September 30, 2020. Decl., Doc. #13. Debtor disputes the debt and corresponding deed of trust that gives rise to that foreclosure sale. Decl., Doc. #13. Debtor further states that she has the income ability to maintain plan payments and is confident that a Chapter 13 plan will be confirmed. Decl., Doc. #13. Debtor filed a proposed plan on October 12, 2020. Doc. #18. Debtor's Schedules I and J filed in this case list monthly income of \$2,585.00 and expenses of \$2,362.00, resulting in monthly net income of \$223.00 of which Debtor proposes to apply \$200.00 to plan payments in this case. Schedules I and J, Doc. #17; Chapter 13 plan, Doc. #18.

The court is inclined to find that Debtor's reasoning for allowing the Prior Case to be dismissed, along with Debtor's filing of the necessary papers in this case, rebut the presumption of bad faith that arose from the failure to timely file documents in the Prior Case and that Debtor's petition commencing this case was filed in good faith. Further, there is reason to conclude that this case will result in a confirmed plan that will be fully performed.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes only as to those parties named in Debtor's motion

(Doc. #11), unless terminated by further order of the court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is necessary.

13. [20-11868](#)-A-13 **IN RE: DONOO HOCKETT**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
10-5-2020 [\[23\]](#)

ERIC ESCAMILLA/ATTY. FOR DBT.
\$77.00 FINAL INSTALLMENT PAID 10/5/20

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid. The case shall remain pending.

14. [19-14187](#)-A-13 **IN RE: KELLY BURNS AND MARIA SANTORA-BURNS**
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
9-24-2020 [\[35\]](#)

MICHAEL MEYER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, the debtors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Federal Rule of Bankruptcy Procedure 4003(b) allows a party in interest to file an objection to a claim of exemption "within 30 days after the meeting of

creditors held under § 341(a) is concluded or within 30 days after any amendment to the list or supplemental schedules is filed, whichever is later." Fed. R. Bankr. P. 4003(b). Here, the debtors filed amended schedules and an amended plan on September 9, 2020. Doc. ##25-32. This objection was filed on September 24, 2020 (Doc. #35) and is within the 30-day time period.

Kelly Paul Burns and Maria Myra Santora-Burns filed a voluntary Chapter 13 petition on October 2, 2019. Doc. #1. In their Schedule A/B, the debtors included a term life insurance policy valued at \$0.00. Doc. #1. On December 16, 2019, the court filed the Order Confirming Plan, confirming the Chapter 13 plan filed on October 2, 2019 (the "Plan"). Order, Doc. #13. Section 6.01 of the Plan revested property of the estate in the debtors upon confirmation of the plan. Plan, Doc. #2. Kelly Burns, co-debtor, died on August 9, 2020, and on September 4, 2020, Maria Myra Santora-Burns ("Debtor") filed a Notice of Death of co-debtor Kelly Burns. Doc. #19. Shortly thereafter, Debtor filed amended schedules, an amended plan, and a motion to confirm the amended plan. Doc. ##25-32. Debtor amended Schedule A/B to include: (1) an interest in insurance policy "A" valued at \$50,000 to which Debtor is the beneficiary; and (2) an interest in insurance policy "Funeral Insurance" valued at \$24,700.00 to which Debtor is the beneficiary (together, the policies are "Insurance"). As to policy A, Schedule C as amended lists a \$50,000 exemption under C.C.P. § 703.140(b)(11)(C) and a \$730.20 exemption under C.C.P. § 703.140(b)(4). As to policy Funeral Insurance, amended Schedule C lists a \$14,550.00 exemption under C.C.P. § 703.140(b)(5). Schedules, Doc. #25.

Michael H. Meyer ("Trustee"), the Chapter 13 trustee in this case, objects to Debtor's claims of exemption relating to the Insurance on the grounds that the Insurance proceeds are not property of the estate and therefore are not eligible for exemption on Schedule C. Tr.'s Obj., Doc. #35.

"[T]he debtor, as the exemption claimant, bears the burden of proof which requires her to establish by a preponderance of the evidence that [the property] claimed as exempt in Schedule C is exempt under [relevant California law] and the extent to which that exemption applies." In re Pashenee, 531 B.R. 834, 837 (Bankr. E.D. Cal. 2015).

Section 541 of the Bankruptcy Code includes within the debtor's estate "all legal or equitable interests of the debtor in property as of the commencement of the case." 11 U.S.C. § 541(a)(1); In re Woodson, 839 F.2d 610, 617 (9th Cir. 1988). 11 U.S.C. § 541(a)(5)(C) includes as property of the estate an interest acquired by the debtor as a beneficiary of a life insurance policy or death benefit plan, but the 180-day statutory limitation precludes this section from applying to the facts here. On the other hand, section 522(d) of the Bankruptcy Code permits the debtor to exempt "any unmaturred life insurance contract owned by the debtor, other than a credit life insurance contract." 11 U.S.C. § 522(d)(7).

However, the right to maintain a life insurance policy is different than the right to policy proceeds. As explained by the Ninth Circuit, the "right to maintain the policy is of value to the debtor only; it is not capable of sale or transfer and is therefore of little use to the estate. Policy proceeds, on the other hand, are fully liquidated and therefore readily usable by the estate to pay creditors. It seems perfectly logical for the bankruptcy laws to protect an unmaturred policy while subjecting the proceeds of a maturred policy to the reach of creditors." Woodson, 839 F.2d at 618-19.

Here, the insurance proceeds received after Mr. Kelly's death are not property of the bankruptcy estate because the proceeds were not part of the legal or equitable interests of the debtors at the time the case was filed.

Additionally, all property of the estate reverted in Debtor upon confirmation of the Plan. The proceeds cannot be exempted on Schedule C.

Accordingly, Trustee's objection is SUSTAINED.

15. [19-14187](#)-A-13 **IN RE: KELLY BURNS AND MARIA SANTORA-BURNS**
[TCS-2](#)

MOTION TO MODIFY PLAN
9-9-2020 [[26](#)]

MARIA SANTORA-BURNS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 19, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The Chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to modify the Chapter 13 plan. Tr.'s Opp'n, Doc. #33. Unless this case is voluntarily converted to Chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later than November 5, 2020. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by November 12, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than November 12, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

16. [20-12291](#)-A-13 **IN RE: JOSE ARREGUIN**
[AF-2](#)

CONTINUED MOTION TO CONFIRM PLAN
7-30-2020 [[21](#)]

JOSE ARREGUIN/MV
ARASTO FARASAD/ATTY. FOR DBT.
OPPOSITION WITHDRAWN

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

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

On September 17, 2020, the court issued an order continuing this hearing to allow the debtor time to file additional pleadings in response to the trustee's opposition to plan confirmation. Order, Doc. #30. The Chapter 13 trustee withdrew said opposition on October 9, 2020. Doc. #34.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

17. [19-13493](#)-A-13 **IN RE: JOSHUA FULFER**
[TCS-1](#)

CONTINUED MOTION TO MODIFY PLAN
7-28-2020 [[43](#)]

JOSHUA FULFER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

18. [20-11493](#)-A-13 **IN RE: BRENDA KERR**
[MHM-1](#)

MOTION TO DISMISS CASE
9-22-2020 [[15](#)]

MICHAEL MEYER/MV
STEVEN ALPERT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion on October 16, 2020. Doc. #31.

19. [20-10110](#)-A-13 **IN RE: ANGEL DIAZ**
[MJH-2](#)

CONTINUED MOTION FOR COMPENSATION FOR MARK J. HANNON,
DEBTORS ATTORNEY(S)
9-15-2020 [[87](#)]

MARK HANNON/ATTY. FOR DBT.
DISMISSED 05/11/2020;

NO RULING.

20. [19-14977](#)-A-13 **IN RE: JOSE/MARIA CHAVARRIA**
[MAZ-2](#)

CONTINUED MOTION TO SELL
9-17-2020 [[46](#)]

JOSE CHAVARRIA/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

NO RULING.

On September 17, 2020, the debtors filed an application to sell certain real property, with a hearing set for October 15, 2020 at 9:30 a.m. Doc. #46. Wilmington Trust, National Association, As Successor Trustee to Citibank, N.A., as Trustee for Structured Asset Mortgage Investments II Trust 2007-AR3, Mortgage Passthrough Certificates, Series 2007-AR3 ("Creditor") filed a conditional non-opposition on September 29, 2020. Doc. #51. The debtors' counsel did not appear at the October 15 hearing and has not responded to Creditor's conditional non-opposition. The court issued an order continuing the hearing on the motion to sell to October 22, 2020 at 9:30 a.m. to allow debtors' counsel to appear and respond to Creditor's conditional non-opposition. Order, Doc. #56.

11:00 AM

1. [19-11901](#)-A-7 **IN RE: ARMANDO CRUZ**
[19-1095](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
8-12-2019 [[1](#)]

STRATEGIC FUNDING SOURCE, INC. V. CRUZ
JARRETT OSBORNE-REVIS/ATTY. FOR PL.

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

DISPOSITION: Continued to November 12, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The status conference is being continued to track with the continued hearing on the motion to set aside, SL-1.

2. [19-11901](#)-A-7 **IN RE: ARMANDO CRUZ**
[19-1095](#) [SL-1](#)

MOTION TO SET ASIDE
9-24-2020 [[96](#)]

STRATEGIC FUNDING SOURCE, INC. V. CRUZ
SCOTT LYONS/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 12, 2020 at 11:00 a.m.

NO ORDER REQUIRED.

The court has already issued an order continuing the hearing on the motion to set aside to November 12, 2020 at 11:00 a.m. Doc. #107.

3. [19-12511](#)-A-7 **IN RE: FAULKNER TRUCKING, INC.**
[19-1142](#)

PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
3-24-2020 [[17](#)]

FEAR V. KLX, LLC
KELSEY SEIB/ATTY. FOR PL.
AMENDED ECF ORDER #36 RESCHEDULING TO 12/17/20

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

DISPOSITION: Continued to December 17, 2020 at 11:00 a.m.

NO ORDER REQUIRED.

On July 28, 2020, the court issued an order continuing the pre-trial conference to December 17, 2020 at 11:00 a.m. Doc. #36.

4. [17-13112](#)-A-11 **IN RE: PIONEER NURSERY, LLC**
[18-1039](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT
7-3-2018 [[1](#)]

PIONEER NURSERY, LLC V. NEW HAMPSHIRE INSURANCE COMPANY ET
PETER FEAR/ATTY. FOR PL.

NO RULING.

5. [19-15416](#)-A-7 **IN RE: LISA HAMMOND**
[20-1038](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-27-2020 [[1](#)]

HAMMOND V. CASH NET USA ET AL
JERRY LOWE/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on October 19, 2020. Doc. #82, #83.

6. [20-10422](#)-A-7 **IN RE: DAVID SERRANO AND RITA DE GUZMAN**
[20-1025](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-1-2020 [[1](#)]

NUVISION FEDERAL CREDIT UNION V. SERRANO
ALANA ANAYA/ATTY. FOR PL.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

The court issued an order approving the stipulation for judgment and dismissal on October 19, 2020. Doc. #34.

7. [19-14729](#)-A-13 **IN RE: JASON/JODI ANDERSON**
[19-1131](#)

RESCHEDULED PRE-TRIAL CONFERENCE RE: COMPLAINT
12-10-2019 [[1](#)]

ANDERSON ET AL V. NATIONAL ENTERPRISE SYSTEMS, INC.
GABRIEL WADDELL/ATTY. FOR PL.
ECF ORDER #30 RESCHEDULING TO 11/19/20

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

DISPOSITION: Continued to November 19, 2020 at 11:00 a.m.

NO ORDER REQUIRED.

On August 18, 2020, the court issued an order continuing the pre-trial conference to November 19, 2020 at 11:00 a.m. Doc. #30.

8. [19-13831](#)-A-13 **IN RE: JESUS/NEREYDA PEREZ**
[19-1125](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
11-16-2019 [[1](#)]

PEREZ ET AL V. MEDI-CAL ACCESS PROGRAM ET AL
DISMISSED 10/5/20

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on October 5, 2020. Doc. #42.

9. [18-13935](#)-A-7 **IN RE: NICOLAS QUIROZ**
[19-1093](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
7-29-2019 [[1](#)]

QUIROZ V. NAVIENT SOLUTIONS, LLC
JEFFREY MEISNER/ATTY. FOR PL.
NOTICE OF SETTLEMENT

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

DISPOSITION: Continued to December 10, 2020 at 11:00 a.m.

ORDER: The court will issue an order.

The parties have filed both a Notice of Settlement and Pre-Trial Conference Statement and a Notice of Pending Settlement requesting the court continue the pre-trial conference. Doc. #34, #35. The court will continue the pre-trial conference to December 10, 2020 at 11:00 a.m.

10. [19-12047](#)-A-7 **IN RE: ROBERT FLETCHER**
[19-1097](#) [DRJ-2](#)

MOTION FOR ORDER APPROVING STIPULATION EXTENDING CERTAIN
DEADLINES FROM THE COURTS SCHEDULING ORDER FILED MAY 15,
2020, DOC #47
10-5-2020 [[62](#)]

FLETCHER V. FLETCHER ET AL
DAVID JENKINS/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 the hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("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.

Russell Remington Fletcher ("Plaintiff") and Robert John Fletcher, Individually and as Trustee for the Robert John Fletcher and Diane L. Fletcher Family Revocable Trust of 2007 ("Defendants") submitted a signed Stipulation for Order Extending Certain Deadlines. Doc. #64. Plaintiff contemporaneously moved for an Order Approving the Stipulation, as required by the Scheduling Order filed on May 15, 2020. Doc. #47.

The court is inclined to GRANT this motion. The court finds the stipulated request to extend the various deadlines to be supported by good cause and due diligence. The court is inclined to continue the pre-trial conference to January 28, 2021 at 11:00 a.m. If opposition is presented at the hearing, the court will consider the opposition and whether a further hearing is necessary.

11. [19-12763](#)-A-7 **IN RE: ANTONIO/JUANA VELASQUEZ**
[19-1124](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
11-4-2019 [1]

FORD MOTOR CREDIT COMPANY V. VELASQUEZ ET AL
AUSTIN NAGEL/ATTY. FOR PL.

NO RULING.

12. [20-10568](#)-A-7 **IN RE: BHUPINDER SIHOTA**
[20-1045](#) [DRJ-2](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
AND/OR MOTION FOR A MORE DEFINITE STATEMENT
9-19-2020 [21]

SIHOTA ET AL V. SIHOTA
DAVID JENKINS/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted with leave to amend.

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

This motion was set for hearing on 28 days' notice as required by Local Rules of Practice 9014-1(f)(1) and 9014-1(f)(2)(A) and will proceed as scheduled.

On September 19, 2020, Defendant Bhupinder Sihota ("Defendant") filed a motion to dismiss with prejudice both causes of action plead in the amended complaint ("Complaint") filed by Plaintiffs Jaskaran Sihota, Kewal Singh and Jaswinder Kaur (collectively, "Plaintiffs") on August 30, 2020 (Doc. #12) (the "Motion"). The Motion seeks such relief pursuant to Federal Rule of Civil Procedure ("FRCP") 12(b)(6), as incorporated by Federal Rule of Bankruptcy Procedure ("FRBP") 7012, or alternatively for a more definite statement under FRCP 12(e). Doc. #21. The Motion was accompanied by a memorandum of points and authorities in support of the Motion ("MPA") as well as an exhibit. Doc. ##23, 24. Plaintiffs filed a timely opposition. Doc. #26. Defendant timely replied ("Reply") and included additional exhibits. Doc. ##28, 29.

For the reasons set forth below, the court is inclined to grant the Motion with leave to amend because the Complaint does not adequately set forth sufficient

factual allegations, accepted as true for purposes of the Motion, to state a claim for either cause of action.

As an initial procedural matter, Defendant filed exhibits in support of the Motion and the Reply. Doc. ##24, 29. In reviewing a motion to dismiss under FRCP 12(b)(6), "a court may consider the allegations in the complaint; exhibits attached to the complaint or incorporated therein by reference; matters in which judicial notice may be taken; and documents of which plaintiff has notice and on which it relied in bringing its claim or that are integral to its claim." Enron Corp. v. Credit Suisse First Boston Int'l (In re Enron), 328 B.R. 58, 65 (Bankr. S.D.N.Y. 2005) (citations omitted). Here, the Complaint references and quotes from findings made in the final arbitration award (Complaint ¶ 42) that is Exhibit A to the Motion, so the court may consider that document. The two transcripts that are Exhibits B and C filed with the Reply are not relied upon by Plaintiffs in the Complaint, so the court will not consider those documents in reviewing the Motion.

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citation omitted). "In considering a Fed. R. Civ. P. 12(b)(6) motion to dismiss for failure to state a claim for relief, the court accepts as true all material facts alleged in the complaint and draws all reasonable inferences in favor of the plaintiff. The motion to dismiss is granted only if no set of facts can be established to entitle the plaintiff to relief." Enron, 328 B.R. at 64 (citations omitted).

The first cause of action seeks to have Plaintiffs' claim against Defendant determined to be non-dischargeable under 11 U.S.C. § 523(a)(2)(A).

A creditor seeking to except a debt from discharge under § 523(a)(2)(A) based on false representations bears the burden of proving by a preponderance of the evidence five elements:

- (1) misrepresentation(s), fraudulent omission(s), or deceptive conduct;
- (2) knowledge of the falsity or deceptiveness of such representation(s), omission(s), or conduct;
- (3) an intent to deceive;
- (4) justifiable reliance by the creditor; and
- (5) damage to the creditor proximately caused by its reliance.

Cardenas v. Shannon (In re Shannon), 553 B.R. 380, 388 (B.A.P. 9th Cir. 2016) (citations omitted).

FRBP 7009 incorporates FRCP 9 into adversary proceeding. FRCP 9(b) requires a party to "state with particularity the circumstances constituting fraud or mistake." Fed. R. Civ. P. 9(b). In the Ninth Circuit, "in order for a complaint to allege fraud with the requisite particularity [of FRCP 9(b)], a plaintiff must set forth more than the neutral facts necessary to identify the transaction." Yourish v. California Amplifier, 191 F.3d 983, 993 (9th Cir. 1999) (internal quotations and citation omitted). "Averments of fraud must be accompanied by 'the who, what, when, where, and how' of the misconduct charged. '[A] plaintiff must set forth more than the neutral facts necessary to identify the transaction. The plaintiff must set forth what is false or misleading about a statement, and why it is false.'" Vess v. Ciba-Geigy Corp.

USA, 317 F.3d 1097, 1106 (9th Cir. 2003) (emphasis in original) (citations omitted).

Here, Plaintiffs allege in paragraphs 36 and 37 of the Complaint that Plaintiffs agreed with Defendant's father that 4/11ths of certain farm equipment would be given to Plaintiffs, and Defendant was responsible for ensuring that Plaintiffs received their 4/11ths of the farm equipment. In paragraph 38 of the Complaint, Plaintiffs allege that they attempted to collect their 4/11ths of the farm equipment in late January through February of 2017 and that "[o]ver the course of several visits with Defendant[,] Defendant represented to Plaintiffs "that certain of the farming equipment to which they were entitled did not exist and had never existed[.]" Complaint, ¶ 38. However, the Complaint needs additional specific factual allegations as to who made the visits with Defendant, when and where those visits took place, and to whom the representations by Defendant regarding the farm equipment were made.

While Plaintiffs have previously amended their original complaint, that was done without input from the court. Accordingly, court is inclined to grant the Motion with leave to amend because the Complaint does not adequately set forth sufficient factual allegations, accepted as true for purposes of the Motion, to state a claim for either cause of action, and there appears to be facts that could support this relief.

The Complaint does not adequately set forth sufficient factual allegations, accepted as true for purposes of the Motion, to state a claim for non-dischargeability under 11 U.S.C. § 523(a)(2)(A), although the facts may support such a claim for relief. Accordingly, the Motion is granted with leave to amend as to this cause of action.

The second cause of action seeks to have Plaintiffs' claim against Defendant determined to be non-dischargeable under 11 U.S.C. § 523(a)(6).

A creditor seeking to except a debt from discharge under § 523(a)(6) has to both willfulness and malice. Hamilton v. Elite of Los Angeles, Inc. (In re Hamilton), 584 B.R. 310, 319 (B.A.P. 9th Cir. 2018). "A 'willful' injury is a 'deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury.'" Barboza v. New Form, Inc. (In re Barboza), 545 F.3d 702, 706 (9th Cir. 2008). Under Ninth Circuit authority, the willful injury requirement under § 523(a)(6) "is met only when the debtor has a subjective motive to inflict injury or when the debtor believes that injury is substantially certain to result from his own conduct." Ormsby v. First Am. Title Co. of Nev. (In re Ormsby), 591 F.3d 1199, 1206 (9th Cir. 2010). Under Ninth Circuit authority, "[a] malicious injury involves (1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse." Ormsby, 591 F.3d at 1206.

Here, Plaintiffs allege in paragraphs 55 and 56 of the Complaint that Defendant acted willfully and maliciously in making the representations to Plaintiffs related to the farm equipment. However, because the Complaint needs additional specific factual allegations as to who made the visits with Defendant, when and where those visits took place, and to whom the representations by Defendant regarding the farm equipment were made, the Complaint does not adequately set forth sufficient factual allegations, accepted as true for purposes of the Motion, to state a claim for non-dischargeability under 11 U.S.C. § 523(a)(6), although the facts may support such a claim for relief. Accordingly, the Motion is granted with leave to amend as to this cause of action.

In the Reply, Defendant asserts that the Motion should be denied with prejudice because Plaintiffs have not provided any evidence to support the various

elements required by their causes of action. However, this is a motion to dismiss under FRCP 12(b)(6), so evidence in support of the allegations in the Complaint is not required, only specific factual allegations.

Finally, while the caption of the Motion asserts that it includes a motion for a more definite statement under FRCP12(e), the MPA does not provide any legal authority in support of that request, and that request is denied.

13. [18-14586](#)-A-13 **IN RE: JAMES/LAURA JORGENSEN**
[19-1026](#)

PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
9-4-2019 [[56](#)]

ALUISI ET AL V. JORGENSEN
MICHAEL FARLEY/ATTY. FOR PL.
AMENDED ECF ORDER #109 RESCHEDULING TO 11/5/20

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

DISPOSITION: Continued to November 5, 2020 at 11:00 a.m.

NO ORDER REQUIRED.

On August 27, 2020, the court issued a notice rescheduling the pre-trial conference to November 5, 2020 at 11:00 a.m. Doc. #115.

14. [17-12389](#)-A-7 **IN RE: DON ROSE OIL CO., INC.**
[17-1086](#) [LAK-9](#)

MOTION FOR SUMMARY JUDGMENT AND/OR MOTION FOR PARTIAL
SUMMARY JUDGMENT
8-25-2020 [[435](#)]

KODIAK MINING & MINERALS II LLC ET AL V. DON ROSE OIL CO.,
T. BELDEN/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 19, 2020 at 11:00 a.m.

NO ORDER REQUIRED.

On October 13, 2020, the court issued an order continuing the hearing on the motion for summary judgment to November 19, 2020 at 11:00 a.m. Doc. #473.