

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, October 28, 2020
Place: Department B - Courtroom #13
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.

9:30 AM

1. [17-14112](#)-B-13 **IN RE: ARMANDO NATERA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
10-9-2020 [[66](#)]

GABRIEL WADDELL/ATTY. FOR DBT.
CASE REOPENED 6/5/2020

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

DISPOSITION: The OSC will be dropped from calendar.

NO ORDER REQUIRED.

The record shows that an order vacating the Order to Show Cause was entered by the clerk's office on October 19, 2020. Doc. #68. Therefore, the Order to Show Cause will be dropped from calendar.

2. [18-13413](#)-B-13 **IN RE: MARCUS/AMY GONZALES**
[JHK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-28-2020 [[24](#)]

SANTANDER CONSUMER USA INC./MV
DAVID JENKINS/ATTY. FOR DBT.
JOHN KIM/ATTY. FOR MV.

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Santander Consumer USA, Inc. ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) concerning a lease for a 2017 Dodge Challenger ("Vehicle"). Doc. #24. This lease was assumed under the chapter 13 plan. The plan provided for direct payments to Movant. See Doc. #3 at ¶ 4.02. The debtors have missed over five payments and are in default in the amount of \$2,487.64, in addition to late fees of \$60.00, for a total delinquency of \$2,547.64. Doc. #29, Ex. E. The lease matured on August 26, 2020, and the debtors did not exercise the option to purchase the Vehicle, nor did they surrender the Vehicle as required by the lease. Doc. #27 at ¶ 7.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtors have missed at least five payments and are delinquent in the amount of \$2,547.64, the lease matured, and the debtors have not surrendered the Vehicle to Movant. Doc. #27.

Accordingly, the motion will be GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit the movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim.

The 14-day stay under Fed R. Bankr. P. 4001(a)(3) will be ordered waived because the debtors are delinquent at least \$2,547.64 and the Vehicle is a depreciating asset.

3. [17-13934](#)-B-13 **IN RE: TIMOTHY/LORNA SABBATINI**
[GB-1](#)

MOTION TO APPROVE LOAN MODIFICATION
9-25-2020 [\[104\]](#)

PLANET HOME LENDING LLC/MV
PETER BUNTING/ATTY. FOR DBT.
ERICA LOFTIS/ATTY. FOR MV.

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Creditor Planet Home Lending, LLC ("Movant"), seeks authorization from this court to enter into a loan modification agreement with the debtors. Doc. #104.

This motion will be GRANTED.

On July 25, 2016, the debtors executed a deed of trust in favor of Movant, securing an interest in a parcel of residential real property commonly known as 2122 Rosendo Ave., Fresno, CA 93722 ("Property"). Doc. #106, Ex. 1 at 1. This deed of trust was recorded in Fresno County on August 1, 2016. *Ibid.* Details about the original loan, including its original interest rate, maturity date, and repayment timeline, are unclear.

The debtors entered into a modification agreement with Movant on September 4, 2020 to modify the principal balance, interest rate, monthly payment, and maturity date, which will be effective on October 1, 2020. Doc. #104.

Under the terms of the modification, the new principal balance will be \$246,818.78, which includes \$10,349.24 in capitalized interest,

fees, and foreclosure costs. Doc. #106, Ex. 1 at 2. The modified loan has an interest rate of 3.6250% across 360 payments of \$1,125.62 beginning October 1, 2020. *Id.* The new maturity date is set for September 1, 2050. *Ibid.*

This motion will be GRANTED. The debtor is authorized, but not required, to complete the loan modification with Movant. The debtors shall continue making plan payments in accordance with their confirmed chapter 13 plan. The debtors must modify the plan if the payments under the modified loan prevent them from paying under the plan.

4. [20-10740](#)-B-13 **IN RE: GUILLERMO DE LA ISLA**
[EAT-1](#)

MOTION TO FILE CLAIM AFTER CLAIMS BAR DATE
9-24-2020 [[51](#)]

WILMINGTON SAVINGS FUND
SOCIETY, FSB/MV
JAMES CANALEZ/ATTY. FOR DBT.
CASSANDRA RICHEY/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied without prejudice.

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and will proceed as scheduled.

The movant, Creditor Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust F ("Movant"), filed this motion to extend the time for filing a proof of claim. Doc. #51.

The chapter 13 trustee ("Trustee") filed a response stating that he does not object to Movant filing a proof of claim, but the deadline to file a proof of claim cannot be extended. Doc. #56.

This motion will be DENIED WITHOUT PREJUDICE.

On September 24, 2009, the debtor, Guillermo de la Isla ("Debtor"), executed a promissory note in favor of Guild Mortgage Company with a principal of \$84,693.00, which was secured by a parcel of residential real property commonly known as 2318 Keith St., Selma, CA 93662 ("Property"). Doc. #54, Ex. 1-2. The deed of trust was assigned to JPMorgan Chase Bank, N.A. ("Chase"), on October 24, 2012 and modified in 2014, effective as of March 1, 2014. *Id.*, Ex. 3. On January 7, 2020, the deed of trust was assigned to Movant. The

assignment was recorded on January 9, 2020 in Fresno County. *Id.*, Ex. 4. Debtor filed for bankruptcy on February 28, 2020. Doc. #1.

Movant contends that it was not listed as a creditor of Debtor and was not provided notice of the chapter 13 bankruptcy case. Doc. #51. The Debtor does list the Property on his petition but indicates that Chase, Movant's predecessor, is the secured creditor with a claim in the amount of \$101,161.08. Doc. #1, Schedule D at ¶ 2.1. Chase, rather than Movant, is listed on the master address list. Doc. #7.

Trustee's response contends that the court cannot retroactively extend the deadline to file proofs of claims. This court agrees.

Fed. R. Bankr. P. 3002(c) states: "[i]n voluntary . . . chapter 13 case, a proof of claim is timely filed if it is filed not later than 70 days after the order for relief . . ." The deadline in this case to file a proof of claim was May 8, 2020.

A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). Trustee contends that if Movant files a proof of claim, it will be deemed allowed unless a party objects. However, the court cannot extend the time for filing a proof of claim.

[T]he Ninth Circuit has repeatedly held that the deadline to file a proof of claim in a Chapter 13 proceeding is "rigid," and the bankruptcy court lacks equitable power to extend this deadline after the fact. *In re Gardenhire*, 209 F.3d at 1148 ("Our precedents support the conclusion that a bankruptcy court lacks equitable discretion to enlarge the time to file proofs of claim; rather, it may only enlarge the filing time pursuant to the exceptions set forth in the Bankruptcy Code and Rules."); *In re Osborne*, 76 F.3d at 308; 1198 *Zidell Inc v. Forsch (In re Coastal Alaska Lines, Inc.)*, 920 F.2d 1428, 1431-33 (9th Cir. 1990); *Ledlin v. United States (In re Tomlan)*, 102 B.R. 790, 792, 796 (E.D. Wash 1989), *aff'd*, 907 F.2d 114 (9th Cir. 1990).

In re Barker, 839 F.3d 1189, 1197-98 (9th Cir. 2016). Trustee's reply also notes 11 U.S.C. § 523(a)(3), which exempts from discharge any debt "neither listed nor scheduled . . . if such debt is not of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing a proof of claim, unless such creditor had notice or actual knowledge of the case in time for such timely filing . . ." 11 U.S.C. § 523(a)(3).

Even if the court could extend the deadline-and it cannot-Movant's declaration and exhibits show that debtor did not know of the assignment from JP Morgan Chase to Movant until July 2020 (Ex. 7 to motion). That was when the annual escrow statement was prepared for debtor. That was long after the deadline to file claims in this case. The addresses on the Loan Modification exhibit are Columbus, Ohio or Monroe, Louisiana. It appears the debtor believed Chase was still servicing the loan before July 2020.

Exhibit 4 to the motion is a purported copy of the assignment from Chase to Movant. It is dated almost two months before the bankruptcy filing. So, Movant had ample opportunity to notify the debtor of the assignment before the filing. Chase had several months to notify Movant before the claim filing deadline. The delay is not explained.

Movant may have potential defenses available if a party in interest objects to its proof of claim, but the court cannot extend the deadline for filing a proof of claim. Movant may file its proof of claim, which will be deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a).

This motion will be DENIED WITHOUT PREJUDICE.

5. [19-15350](#)-B-13 **IN RE: LUIS BORGES**
[PLG-2](#)

MOTION TO MODIFY PLAN
9-16-2020 [[34](#)]

LUIS BORGES/MV
STEVEN ALPERT/ATTY. FOR DBT.

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

DISPOSITION: Granted unless the contemporaneous motion to value is denied or continued.

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

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, 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 that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The debtor has a motion to value collateral set for hearing in matter #6, below. See PLG-3. This chapter 13 plan is contingent upon the motion to value collateral's success.

If the motion to value collateral (PLG-3) is granted, then this motion to modify plan will be GRANTED. If the motion to value

collateral is opposed at the hearing and is denied or continued, this motion may be continued or denied.

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

6. [19-15350](#)-B-13 **IN RE: LUIS BORGES**
[PLG-3](#)

MOTION TO VALUE COLLATERAL OF CAPITAL ONE AUTO FINANCE
10-14-2020 [\[47\]](#)

LUIS BORGES/MV
STEVEN ALPERT/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 will submit a proposed order after hearing.

This motion was filed and served 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.

The debtor, Luis Borges ("Debtor"), asks this court for an order valuing a 2007 Chevrolet Silverado 1500 V-8 Crew Cab ("Vehicle") at \$9,193.00. Doc. #47. The Vehicle is secured by Capital One Auto Finance ("Creditor").

This motion will be GRANTED. 11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim."

According to Debtor's Schedule D, the account for the Vehicle was opened in December 2015, which is more than 910 days preceding the petition filing date. See Doc. #1, Schedule D at ¶ 2.1. Debtor's motion is silent as to whether the property was acquired for personal use and whether the creditor has a purchase money security

interest securing the debt that is the subject of the claim. The elements of § 1325(a)(*) are not met and § 506 is applicable.

The only evidence movant submits to support the valuation is Creditor's proof of claim, which states the value of the Vehicle is \$9,193.00. See Claim no. 2-1. This jurisdiction's local rules require a motion to value collateral be noticed and set for a hearing before a plan can be confirmed if the plan reduces an allowed secured claim in class 2 based on collateral value. See Local Rule of Practice 3015-1(i). Because Creditor's claim is not actually being impaired and debtor does not dispute the value asserted by creditor, the court does not require a declaration from Debtor, an appraisal, or some other form of evidence is necessary to value the collateral at \$9,193.00.

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. [19-12361](#)-B-13 **IN RE: ANITA WASHINGTON**
[TCS-1](#)

MOTION TO MODIFY PLAN
9-18-2020 [[30](#)]

ANITA 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 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, 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 that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion will be 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.

8. [18-12366](#)-B-13 **IN RE: LAURENCE/TUESDAY SHANNON**
[TCS-4](#)

MOTION TO MODIFY PLAN
9-18-2020 [[99](#)]

LAURENCE SHANNON/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 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, 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 that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion will be 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.

9. [16-10014](#)-B-13 **IN RE: BRENT SCHAIBLE**
[MHM-1](#)

CHAPTER 13 TRUSTEE'S FORBEARANCE STATUS CONFERENCE
10-19-2020 [[60](#)]

DAVID JENKINS/ATTY. FOR DBT.

NO RULING.

11:00 AM

1. [17-14112](#)-B-13 **IN RE: ARMANDO NATERA**
[20-1035](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
9-4-2020 [[44](#)]

NATERA V. BARNES ET AL
ZI LIN/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice. Movant to file an answer
or conforming motion within 14 days of entry of the
order.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with
the Local Bankruptcy Rules ("LBR").

The LBR "are intended to supplement and shall be construed
consistently with and subordinate to the Federal Rules of Bankruptcy
Procedure and those portions of the Federal Rules of Civil Procedure
that are incorporated by the Federal Rules of Bankruptcy Procedure."
LBR 1001-1(b). The most up-to-date rules can be found at the court's
website, www.caeb.uscourts.gov, towards the middle of the page under
"Court Information," "Local Rules & General Orders." The newest
rules came into effect on April 9, 2018. Counsel is urged to review
the LBR before filing another motion.

First, LBR 9014-1(f)(1)(B) states that Motions filed on at least 28
days' notice require the movant to notify the respondent or
respondents that any opposition to motions filed on at least 28
days' notice must be in writing and must be filed with the court at
least 14 days preceding the date or continued date of the hearing.

This motion was filed on September 4, 2020 and set for hearing on
October 28, 2020. Doc. #44. October 28, 2020 is fifty-four (54) days
after September 4, 2020, and therefore this hearing was set on 28
days' notice under LBR 9014-1(f)(1). The notice was silent as to how
or when opposition could be presented, which is incorrect. The
hearing was set on 28 days' notice, so the notice should have stated
that opposition must be in writing and must be filed with the court
at least 14 days before the hearing. Because this motion was filed,
served, and noticed on 28 days' notice, the language of
9014-1(f)(1)(B) should have been included in the notice. *See, e.g.,*
FW-3.

Second, the notice did not contain the language required under LBR
9014-1(d)(3)(B)(iii). LBR 9014-1(d)(3)(B), which is about noticing
requirements, requires movants to notify respondents that they can
determine whether the matter has been resolved without oral argument

or if the court has issued a tentative ruling by checking the Court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing.

Third, LBR 9004-2(a)(6), (b)(5), (b)(6), (e) and LBR 9014-1(c), (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require the DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN.

This motion does not have a DCN and therefore does not comply with the local rules. Doc. #44. Each separate matter filed with the court must have a different DCN.

Fourth, LBR 9004-2(c)(1) requires that motions, notices, memoranda of points and authorities, exhibits, certificates of service, *inter alia*, to be filed as separate documents. Here, the notice, memorandum of points and authorities, exhibits, and certificate of service were combined into one document and not filed separately. All these documents must be filed separately and linked together using a unique DCN. *See, e.g.,* FW-3.

Fifth, the exhibits submitted with a Request for Judicial Notice (Doc. #44 at 9) did not contain a properly formatted exhibit index or numbered pages as required by LBR 9004-2(d)(2) & (3). LBR 9004-2(d)(2) requires that exhibits shall include an exhibit index at the start of the document listing and identifying each exhibit document with an exhibit number or letter and shall state the page number at which each exhibit is located within the document. LBR 9004-2(d)(2). LBR 9004-2(d)(3) requires that the exhibit document pages, including the exhibit page, and any separator, cover, or divider sheets, shall be consecutively numbered.

While there is an exhibit index before the exhibits, this index does not contain the page numbers at which each individual exhibit is located within the entire document. Doc. #44 at 9. Additionally, the exhibit document is not consecutively numbered. Though each individual exhibit does contain its original page numbers, the overall exhibit document, including the exhibit index, must continue in consecutive numbering throughout the entire document.

For the above procedural errors, this motion will be DENIED WITHOUT PREJUDICE. Movant shall file and serve an answer or conforming motion within 14 days of entry of the order.

2. [18-13677](#)-B-9 **IN RE: COALINGA REGIONAL MEDICAL CENTER, A
CALIFORNIA LOCAL HEALTH CARE DISTRICT
[20-1047](#)**

CONTINUED STATUS CONFERENCE RE: COMPLAINT
8-4-2020 [[1](#)]

COALINGA REGIONAL MEDICAL
CENTER, A CALIFORNIA LOC V.
MICHAEL WILHELM/ATTY. FOR PL.
DISMISSED 10/20/20

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

A notice of dismissal was filed on October 20, 2020 dismissing the case with prejudice. Doc. #13. Therefore, this status conference will be dropped from calendar.

3. [18-13677](#)-B-9 **IN RE: COALINGA REGIONAL MEDICAL CENTER, A
CALIFORNIA LOCAL HEALTH CARE DISTRICT
[20-1048](#)**

CONTINUED STATUS CONFERENCE RE: COMPLAINT
8-4-2020 [[1](#)]

COALINGA REGIONAL MEDICAL
CENTER, A CALIFORNIA LOC V.
MICHAEL WILHELM/ATTY. FOR PL.
DISMISSED 10/5/20

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

A notice of dismissal was filed on October 5, 2020 dismissing the case with prejudice. Doc. #13. Therefore, this status conference will be dropped from calendar.

4. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[19-1108](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
10-7-2019 [[1](#)]

TULARE LOCAL HEALTHCARE
DISTRICT V. MARTINEZ, MD
MICHAEL WILHELM/ATTY. FOR PL.
DISMISSED 4/28/20, CLOSED 5/15/20

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Pursuant to the parties' stipulation, an order dismissing the case with prejudice was entered on April 28, 2020. Doc. #42. Therefore, this pre-trial conference will be dropped from calendar.

5. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[20-1002](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
1-14-2020 [[1](#)]

TULARE LOCAL HEALTHCARE
DISTRICT V. BAKER & HOSTETLER
RILEY WALTER/ATTY. FOR PL.

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

DISPOSITION: Continued to January 27, 2021 at 11:00 a.m.

NO ORDER REQUIRED.

Pursuant to the parties' stipulation, an order continuing the status conference to January 27, 2021 at 11:00 a.m. was entered on October 20, 2020. Doc. #35. Therefore, this status conference will be continued to January 27, 2021 at 11:00 a.m.