

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Wednesday, November 1, 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 AM

1.	<a href="#">17-12721</a> -B-11	AVALON CARE CENTER -	MOTION FOR RELIEF FROM
	<a href="#">DRJ</a> -1	CHOWCHILLA, LLC	AUTOMATIC STAY
	ROBIN CAMPBELL/MV		10-2-17 [ <a href="#">72</a> ]
	HAGOP BEDOYAN/Atty. for dbt.		
	KYLE SCHNEBERG/Atty. for mv.		

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part and denied in part.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing. Counsel for the debtor in possession will approve the order as to its form.

This motion was filed and served pursuant to LBR 9014-1(f)(1). The court has considered the opposition filed by the debtor in possession and the reply to the opposition.

*In re Kronemeyer* requires a court hearing a motion for relief from the automatic stay to apply the Curtis factors in making its decision. *In re Kronemeyer*, 405 B.R. 915, 921 (9th Cir. BAP 2009). Among the relevant Curtis factors here are (1) whether the relief will result in a partial or complete resolution of the issues; (2) the lack of any connection with or interference with the bankruptcy case; (3) whether the foreign proceeding involves the debtor as a fiduciary; (7) whether litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties; (10) the interest of judicial economy and the expeditious and economical determination of litigation for the parties; (11) whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and (12) the impact of the stay on the parties and the "balance of hurt." *In re Curtis*, 40 B.R. 795, 799-801 (Utah Bank. Ct. 1984).

The movant has established a prima facie case of cause for relief from the automatic stay. By permitting the potential creditor to continue the case in state court, it could result in a partial or complete resolution of the issue. There is no connection with the bankruptcy case, the foreign proceeding does not involve the debtor as a fiduciary, and this litigation, limited to permitting the creditor to liquidate the claim in state court, is not likely to prejudice the interests of other creditors or other interested parties. The parties were prepared to go to trial this past

July. Lastly, all parties would need to consent to have the bankruptcy court hear the matter.

These factors weigh in favor of lifting the stay for the movant, but only for the limited purpose of having the movant's claim liquidated in state court. The court is not ruling on the "alter-ego" issue. Stay relief proceedings are summary in nature. The stay will be modified to liquidate the claim only. No further proceedings regarding this claim shall occur without further order of the court.

In regard to the evidentiary objection to paragraph 12 of Anne Stuart's Declaration, the objection will be sustained. The foundation for the statements concerning insurance coverage and remaining limits are statements made without foundation.

2. [17-12721](#)-B-11 AVALON CARE CENTER - MOTION FOR COMPENSATION BY THE  
[KDG](#)-4 CHOWCHILLA, LLC LAW OFFICE OF KLEIN, DENATALE,  
GOLDNER, COOPER, ROSENLIB, &  
KIMBALL, LLP FOR HAGOP T.  
BEDOYAN, DEBTORS ATTORNEY(S)  
10-4-17 [[79](#)]

HAGOP BEDOYAN/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. [17-10327](#)-B-12 EDWARD/LISA UMADA CONTINUED STATUS CONFERENCE RE:  
CHAPTER 12 VOLUNTARY PETITION  
1-31-17 [[1](#)]  
PETER FEAR/Atty. for dbt.

**NO RULING.**

4. [17-10327](#)-B-12 EDWARD/LISA UMADA CONTINUED SCHEDULING CONFERENCE

FW-4  
EDWARD UMADA/MV

PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

RE: MOTION TO CONFIRM CHAPTER  
12 PLAN  
5-8-17 [[59](#)]

**NO RULING.**

5. [15-10039](#)-B-12 ANGELA PIMENTEL  
WW-1  
LUIS OLIVEIRA/MV  
G. WILLIAMS/Atty. for dbt.  
RILEY WALTER/Atty. for mv.  
RESPONSIVE PLEADING,  
CONTINUED TO 11/15/17 @ 9:30  
BY STIP AND ORDER

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
8-1-17 [[146](#)]

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

**DISPOSITION:**           **Continued to November 15, 2017 at 9:30 a.m.**

**ORDER:**                   **No appearance is necessary. An order granting the  
parties' stipulation has already been entered.**

**This matter will be continued to November 15, 2017 at 9:30 a.m.**

6. [17-11263](#)-B-11 SAMUEL CASTILLO

CONTINUED STATUS CONFERENCE  
RE:CHAPTER 11 VOLUNTARY  
PETITION  
4-3-17 [[1](#)]

PETER FEAR/Atty. for dbt.

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

**DISPOSITION:**           **Case is dismissed.**

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

**The November 14, 2017 order required the debtor to file a plan and disclosure statement by October 18, 2017. In lieu of that, the debtor was permitted to file and serve a status conference statement by the same date. Debtor filed a status conference statement, and admitting that he was not able to propose a feasible plan, and will not object to the court dismissing this case. Therefore, this case will be dismissed.**

7. [17-13797](#)-B-9 TULARE LOCAL HEALTHCARE MOTION FOR RELIEF FROM  
AB-1 DISTRICT AUTOMATIC STAY, MOTION TO  
NAVIGANT CYMETRIX ASSUME LEASE OR EXECUTORY  
CORPORATION/MV CONTRACT, MOTION FOR ADEQUATE  
PROTECTION, MOTION FOR  
ADMINISTRATIVE EXPENSES  
10-12-17 [[54](#)]

RILEY WALTER/Atty. for dbt.

LEIB LERNER/Atty. for mv.

**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 a proposed order.

Resolved by stipulation of the parties. No appearance is necessary.

8. [17-13797](#)-B-9 TULARE LOCAL HEALTHCARE MOTION FOR RELIEF FROM  
[RDC](#)-1 DISTRICT AUTOMATIC STAY  
JIAME CALDERON AND THREE MINOR 10-13-17 [[71](#)]  
CHILDREN OF JIAME CALDERON AND  
RILEY WALTER/Atty. for dbt.  
RAYMOND CHANDLER/Atty. for mv.

**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 Objecting Party shall submit a proposed order after hearing.

This motion was filed and served pursuant to LBR 9014-1(f)(2) and will proceed as scheduled.

The party seeking relief from the automatic stay must establish a prima facie case that cause exists. *In re Gould*, 401 B.R. 415, 426 (9th Cir. 2009). Once a prima facie case has been established, the burden shifts to the debtor to show that relief from the stay is not warranted. *Id.* The Ninth Circuit has adopted the "Curtis" factors in deciding whether to grant relief from the automatic stay to allow pending litigation to continue in another forum. *In re Kronmeyer*, 405 B.R. 915, 921 (9th Cir. 2009).

The movant has not established a prima facie case for cause for relief from the automatic stay. Movant's motion cites to procedural issues rather than establishing facts that would establish a prima facie case for cause. While this court cannot liquidate or estimate contingent personal injury tort claims without both parties' consent 28 U.S.C. § 157(B)(2)(b), (C)(2), that is one factor and not all the factors the court should consider when

evaluation a motion for stay relief to pursue litigation

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.

1:30 PM

1. [11-18400](#)-B-13 RICARDO/LORI RAMIREZ      MOTION TO AVOID LIEN OF WELLS  
FW-1      FARGO BANK, NA  
RICARDO RAMIREZ/MV      10-4-17 [[112](#)]  
GABRIEL WADDELL/Atty. for dbt.

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

**DISPOSITION:**      Denied without prejudice.

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

The court notes that the declaration filed in support of the motion does not state clearly how the debtors are entitled to their claimed exemption in property located on Columbia Avenue in Merced, CA. Debtor's have that burden on these motions. *Morgan v. FDIC (In re Morgan)*, 149 BR 147, 152 (9th Cir. BAP 1993). This is true even in the absence of an objection to the exemption. *Id.* The declaration says the debtors owned the property; not that they reside there or resided there when the petition was filed. The court did review the petition filed in 2011 (FRE 201) and notes the 3342 Columbia Avenue Street address was the address on the petition. The court is not required to marshal the facts for a moving party.

More problematic is FRBP 4003(b). The debtors' original schedules did not include an exemption claim for the subject real property. (Doc. #1). The property was claimed exempt by the debtors when they filed their amended schedules, October 4, 2017. (Doc. #16). When exemptions are amended, parties in interest have 30 days to file an objection. FRBP 4003(b)(1). This motion is scheduled before the period to object to the amended exemption expires. (November 3, 2017).

Counsel is also reminded that new Local Rules became effective September 26, 2017. New Rule 9014-1(d)(3)(B) in particular requires the moving party to include more information in Notices than the old Rule 9014-1(d)(3) did. The court urges counsel to review the new rules in order to be compliant in future matters. The new rules can be accessed on the court's website at <http://www.caeb.circ9.dcn/LocalRules.aspx>.

2. [17-13228](#)-B-13 BENJAMIN WRIGHT  
[MHM](#)-1  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO DISMISS CASE  
9-29-17 [[24](#)]

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

**DISPOSITION:**           This matter will be continued to November 16, 2017, at  
1:30 p.m.

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

The court has reviewed the trustee's motion and the debtor's opposition. Based on the pleadings this matter will be continued to November 16, 2017, at 1:30 p.m. If the debtor and the debtor's attorney are present at the appointed time of the continued §341 meeting, November 14, 2017, at 9:00 a.m, then the trustee may withdraw the motion and the matter will be dropped from calendar. If the trustee's motion is not withdrawn prior to the continued hearing, then the court intends to dismiss the case at the continued hearing.

3. [17-13047](#)-B-13 CAROL SHIELDS  
[DRJ](#)-4  
CAROL SHIELDS/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
MEDALLION BANK  
10-2-17 [[36](#)]

**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 2014 Catalina



Travel Trailer. 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 \$20,000.00. 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

Counsel is reminded that new Local Rules became effective September 26, 2017. New Rule 9014-1(d)(3)(B) in particular requires the moving party to include more information in Notices than the old Rule 9014-1(d)(3) did. The court urges counsel to review the new rules in order to be compliant in future matters. The new rules can be accessed on the court's website at <http://www.caeb.circ9.dcn/LocalRules.aspx>.

4. [17-13047](#)-B-13 CAROL SHIELDS  
[DRJ](#)-4  
CAROL SHIELDS/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
VALLEY FIRST CREDIT UNION  
10-2-17 [[40](#)]

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

**DISPOSITION:**        Denied without prejudice.

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

The docket control number for this matter and another Motion to Value collateral in the same case, matter #3 above, have identical docket control numbers. This is in violation of LBR 9014-1(c).

Counsel is also reminded that new Local Rules became effective September 26, 2017. New Rule 9014-1(d)(3)(B) in particular requires the moving party to include more information in Notices than the old Rule 9014-1(d)(3) did. The court urges counsel to review the new rules in order to be compliant in future matters. The new rules can be accessed on the court's website at <http://www.caeb.circ9.dcn/LocalRules.aspx>.

5. [12-18048](#)-B-13 CAROL CASTILLO  
GH-2  
CAROL CASTILLO/MV  
GARY HUSS/Atty. for dbt.

MOTION TO MODIFY PLAN  
9-15-17 [[65](#)]

**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.

Counsel is reminded that new Local Rules became effective September 26, 2017. New Rule 9014-1(d)(3)(B) in particular requires the moving party to include more information in Notices than the old Rule 9014-1(d)(3) did. The court urges counsel to review the new rules in order to be compliant in future matters. The new rules can be accessed on the court's website at <http://www.caeb.circ9.dcn/LocalRules.aspx>.

6. [17-13150](#)-B-13 GERARDO CORONA AND  
[MHM](#)-1 GUADALUPE SERRATO  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO DISMISS CASE  
9-29-17 [[20](#)]

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

**DISPOSITION:** The motion will be granted if all documents requested are not provided to the trustee by or on November 1, 2017. The trustee's reply states the documents needed for the trustee to analyze profit and loss and other issues have still not been supplied.

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

Unless the trustee has withdrawn his motion prior to the hearing, the motion will be granted without oral argument for cause shown.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules of Practice. The record shows that the debtors have failed to provide the trustee with all of the documentation required by 11 U.S.C. §521(a)(3) & (4). The debtors' response does not state a reason for the failure to provide the required documentation to the chapter 13 trustee, or that the default has been cured, and the trustee's motion has not been withdrawn. Accordingly, the case will be dismissed.

7. [17-13152](#)-B-13 JOANNA SIMPSON  
[MHM](#)-1  
MICHAEL MEYER/MV  
LAUREN RODE/Atty. for dbt.

MOTION TO DISMISS CASE  
9-29-17 [[22](#)]

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

**DISPOSITION:** Granted.

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

Based on the response filed by the Debtor, the motion will be granted without oral argument for cause shown. The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules of Practice. The Debtor has no opposition to the dismissal. Accordingly, the case will be dismissed.

8. [15-11558](#)-B-13 CAMERON STORRAR  
[RMP](#)-1  
SETERUS, INC./MV

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION  
FOR RELIEF FROM CO-DEBTOR STAY  
10-3-17 [[29](#)]

TRUDI MANFREDO/Atty. for dbt.  
RENEE PARKER/Atty. for mv.

**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 the motion on October 23, 2017. As such, the matter will  
be dropped from calendar.**

9. [17-13465](#)-B-13 HARDIAL BHULLAR

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
10-16-17 [[19](#)]

ROSALINA NUNEZ/Atty. for dbt.

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

**DISPOSITION:**        **If the required fees have not been paid at the time of  
hearing, then the case will be dismissed.**

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

**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.**

10. [17-12373](#)-B-13 KATHERINE RUTHERFORD  
[HDN-1](#)  
KATHERINE RUTHERFORD/MV  
HENRY NUNEZ/Atty. for dbt.

MOTION TO CONFIRM PLAN  
9-22-17 [[33](#)]

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

**DISPOSITION:**           Denied without prejudice.

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

The plan was not served in conformance with LBR 3015-1(d)(1), which requires service at least forty-two days prior to the hearing.

Counsel is also reminded that new Local Rules became effective September 26, 2017. New Rule 9014-1(d)(3)(B) in particular requires the moving party to include more information in Notices than the old Rule 9014-1(d)(3) did. The court urges counsel to review the new rules in order to be compliant in future matters. The new rules can be accessed on the court's website at <http://www.caeb.circ9.dcn/LocalRules.aspx>.

11. [12-19275](#)-B-13 LAURA REIS  
[FW-5](#)

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF FEAR WADDELL,  
P.C. FOR GABRIEL J. WADDELL,  
DEBTORS ATTORNEY(S)  
9-21-17 [[89](#)]

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.

Counsel is reminded that new Local Rules became effective September 26, 2017. New Rule 9014-1(d)(3)(B) in particular requires the moving party to

include more information in Notices than the old Rule 9014-1(d)(3) did. The court urges counsel to review the new rules in order to be compliant in future matters. The new rules can be accessed on the court's website at <http://www.caeb.circ9.dcn/LocalRules.aspx>.

12.	<a href="#">17-12881</a> -B-13 RUBEN/KARIMA PARKS	MOTION TO VALUE COLLATERAL OF
	<a href="#">JDW</a> -1	GM FINANCIAL
	RUBEN PARKS/MV	10-3-17 [ <a href="#">55</a> ]
	JOEL WINTER/Atty. for dbt.	
	RESPONSIVE PLEADING	

**TENTATIVE RULING:** This matter will proceed as a scheduling conference.

**DISPOSITION:** No disposition.

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

The hearing on this motion will be called as scheduled and will proceed as a scheduling conference.

The court notes the debtor can testify as to his/her opinion of value but not rely upon hearsay market reports. Respondent will also need to provide expert testimony on the valuation question.

This matter is now deemed to be a contested matter. Pursuant to Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall be prepared for the court to set an early evidentiary hearing.

Counsel is also reminded that new Local Rules became effective September 26, 2017. New Rule 9014-1(d)(3)(B) in particular requires the moving party to include more information in Notices than the old Rule 9014-1(d)(3) did. The court urges counsel to review the new rules in order to be compliant in future matters. The new rules can be accessed on the court's website at <http://www.caeb.circ9.dcn/LocalRules.aspx>.

13. [17-12881](#)-B-13 RUBEN/KARIMA PARKS  
[JDW](#)-2  
RUBEN PARKS/MV  
JOEL WINTER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
CAPITAL ONE AUTO  
10-3-17 [[60](#)]

**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 2013 Chevrolet Camaro. 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 \$19,282.00. 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

Counsel is reminded that new Local Rules became effective September 26, 2017. New Rule 9014-1(d)(3)(B) in particular requires the moving party to include more information in Notices than the old Rule 9014-1(d)(3) did. The court urges counsel to review the new rules in order to be compliant in future matters. The new rules can be accessed on the court's website at <http://www.caeb.circ9.dcn/LocalRules.aspx>.

14. [17-13096](#)-B-13 SUSAN COX

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
10-16-17 [[29](#)]

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

**NO ORDER REQUIRED.**

**No appearance is necessary. An order dismissing the case has already been entered.**