

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

November 13, 2018 at 9:30 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	17-24444-D-11	RAMON LOPEZ	MOTION TO APPROVE STIPULATION, MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH MARIA AND JAIME LOPEZ, MOTION TO APPROVE PAYMENT OF CLAIMS AND MOTION TO DISMISS CASE 10-16-18 [213]
----	---------------	-------------	---

Tentative ruling:

This is the omnibus motion of the chapter 11 trustee in this case for an order approving a stipulation and for various forms of relief including dismissal of the case. The U.S. Trustee has filed opposition. The court notes that the motion was not noticed and served in compliance with the court's local rules. First, there is no evidence of service of the motion, declarations, and exhibits on anyone. The only proof of service, DN 223, evidences service of the notice of hearing only, whereas the moving party was required to serve the notice of hearing, the motion, and all supporting declarations and exhibits on the United States Trustee, the debtor, the debtor's attorney, and parties requesting special notice. See LBR 9014-

1(d) (3) (B) (iv) .

Second, the notice of hearing provides a very limited amount of information. It does not sufficiently describe the nature of the relief requested and it fails to set forth the essential facts necessary for a party to determine whether to oppose the motion. Id.

Finally, the notice of hearing does not include the cautionary and other language required by LBR 9014-1(d) (3) (B) (ii) and (iii) .

The court is inclined to continue the hearing to permit the moving party to cure these service and notice defects or use the hearing as a status conference.

2. 17-24444-D-11 RAMON LOPEZ
UST-2

MOTION TO CONVERT CASE TO
CHAPTER 7 OR MOTION TO DISMISS
CASE
10-18-18 [226]