

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, December 4, 2014
Place: U.S. Courthouse, 510 19th Street
Bakersfield, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS 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.

9:00 A.M.

- | | | | |
|--|--------------------------------------|--------------------------------|---|
| 1. | <u>14-10609</u> -B-7 | ARYA KHATIBI | CONTINUED STATUS CONFERENCE RE: |
| | <u>14-1042</u> | | AMENDED COMPLAINT |
| | | BABICH V. KHATIBI | 10-2-14 [<u>33</u>] |
| | | NONA BABICH/Atty. for pl. | |
| | | RESPONIVE PLEADING | |
| 2. | <u>14-10609</u> -B-7 | ARYA KHATIBI | MOTION TO DISMISS ADVERSARY |
| | <u>14-1042</u> | PK-2 | PROCEEDING/NOTICE OF REMOVAL |
| | | BABICH V. KHATIBI | 10-16-14 [<u>35</u>] |
| | | PATRICK KAVANAGH/Atty. for mv. | |
| | | RESPONSIVE PLEADING | |
| 3. | <u>13-16845</u> -B-7 | KEYSTONE MINE MANAGEMENT | STATUS CONFERENCE RE: COMPLAINT |
| | <u>14-1112</u> | II | 9-17-14 [<u>1</u>] |
| | | GORSKI V. KEYSTONE MINING | |
| | | COMPANY ET AL | |
| | | LISA HOLDER/Atty. for pl. | |
| This matter will be trailed to the 10:00 a.m. calendar and called with the motion to dismiss. No appearance is necessary at 9:00 a.m. | | | |
| 4. | <u>10-16183</u> -B-7 | SALMA AGHA | ORDER TO APPEAR AND SHOW CAUSE |
| | <u>13-1086</u> | | WHY STAY OF ADVERSARY |
| | | AGHA V. CITIMORTGAGE, INC. ET | PROCEEDING SHOULD NOT BE |
| | | AL | VACATED |
| | | | 11-12-14 [<u>133</u>] |
| 5. | <u>10-16183</u> -B-7 | SALMA AGHA | MOTION TO DISMISS ADVERSARY |
| | <u>13-1086</u> | AAB-2 | PROCEEDING/NOTICE OF REMOVAL |
| | | AGHA V. CITIMORTGAGE, INC. ET | 10-28-14 [<u>123</u>] |
| | | AL | |
| | | ANDREW BAO/Atty. for mv. | |
| 6. | <u>13-10692</u> -B-7 | LUDOVICO PEREZ | STATUS CONFERENCE RE: COMPLAINT |
| | <u>14-1116</u> | | 9-30-14 [<u>1</u>] |
| | | MAURICIO'S GRILL AND CANTINA, | |
| | | INC. V. PEREZ | |
| | | KERI BLAND/Atty. for pl. | |

10:00 A.M.

1. [14-13821](#)-B-7 HENRY/PAULA REED MOTION TO CONVERT CASE FROM
PLG-2 CHAPTER 7 TO CHAPTER 13
HENRY REED/MV 10-29-14 [[18](#)]
STEVEN ALPERT/Atty. for dbt.

The motion will be denied without prejudice. The motion was not noticed to all creditors and the trustee has not stipulated to conversion in compliance with this court's order dated October 17, 2014. No appearance is necessary.

2. [14-13926](#)-B-7 VIRGINIA POOL MOTION TO SELL
JMV-1 11-3-14 [[14](#)]
JEFFREY VETTER/MV
D. GARDNER/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

3. [14-14040](#)-B-7 JIMMIE BRADEN MOTION TO REDEEM
PK-1 10-29-14 [[17](#)]
JIMMIE BRADEN/MV
PATRICK KAVANAGH/Atty. for dbt.

This motion to redeem the respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$9,350 for purposes of redemption pursuant to 11 U.S.C. §722. The moving party shall submit a proposed order consistent with this ruling and applicable law regarding the redemption of collateral. No appearance is necessary.

4. [13-16845](#)-B-7 KEYSTONE MINE MANAGEMENT MOTION TO DISMISS ADVERSARY
[14-1112](#) II PROCEEDING/NOTICE OF REMOVAL
GORSKI V. KEYSTONE MINING 10-21-14 [[11](#)]
COMPANY ET AL
MEIR WESTREICH/Atty. for mv.

5. [14-13564](#)-B-7 LEE/DEBORAH MCDOWELL MOTION TO CONVERT CASE FROM
PK-1 LEE MCDOWELL/MV CHAPTER 7 TO CHAPTER 13
PATRICK KAVANAGH/Atty. for dbt. 10-28-14 [[26](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The case will be converted to chapter 13. The court will enter a civil minute order. No appearance is necessary.

6. [14-13272](#)-B-7 JON-WILLIAM/MEGAN JACKSON ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
PATRICK KAVANAGH/Atty. for dbt. 11-18-14 [[35](#)]

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

7. [12-18995](#)-B-7 LORIN/KYMBERLI SMALLEY MOTION FOR COMPENSATION BY THE
TGF-6 LAW OFFICE OF THE GORSKI FIRM
FOR VINCENT A. GORSKI,
TRUSTEE'S ATTORNEY(S) .
NEIL SCHWARTZ/Atty. for dbt. 10-20-14 [[80](#)]

This motion will be continued to January 8, 2015, at 10:00 a.m., for filing of supplemental evidence. The applicant was employed to serve as the chapter 7 trustee's attorney. The trustee has not yet filed her/his final report. Based on the evidence presented in support of the motion, the court cannot tell if the applicant's services are concluded and cannot evaluate the necessity, reasonableness, and benefit of the applicant's services. No appearance is necessary.

8. 13-13062-B-7 CECILY WATERMAN MOTION TO COMPEL
KDG-6 JEFFREY VETTER/MV 11-24-14 [61]
LEONARD WELSH/Atty. for dbt.
LISA HOLDER/Atty. for mv.
OST 11/25/14

10:30 A.M.

1. [14-14708](#)-B-7 JERRY KLARCYK
CJO-1
GREEN TREE SERVICING LLC/MV
NEIL SCHWARTZ/Atty. for dbt.
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-27-14 [[10](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

2. [14-14812](#)-B-7 GARY MOORE
JCW-1
DEUTSCHE BANK NATIONAL TRUST
COMPANY/MV
NEIL SCHWARTZ/Atty. for dbt.
JENNIFER WONG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-13-14 [[11](#)]

3. [14-14333](#)-B-7 BARBARA PEREZ
APN-1
WELLS FARGO BANK, N.A./MV
STEVEN ALPERT/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-21-14 [[11](#)]

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

4. [14-14633](#)-B-7 ROBERT/ASHLEY BOONE
MBW-1
ALASKA USA FEDERAL CREDIT
UNION/MV
VINCENT GORSKI/Atty. for dbt.
JAMES BURBOTT/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-18-14 [[14](#)]

The motion will be continued to January 8, 2015, at 10:30 a.m. The form of the proof of service does not comply with LBR 9014-1(d)(1) and needs to be amended (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)).

Also, it appears from the record that the movant has not yet paid the filing fee for this motion. The court will not rule on the motion unless the filing fee is paid. The court will prepare a minute order. No appearance is necessary.

5. [14-14561](#)-B-7 KIMBERLY CROMPTON
TJP-1
CARFINANCE CAPITAL/MV
ROBERT WILLIAMS/Atty. for dbt.
THOMAS PRENOVOST/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-10-14 [[10](#)]

6. [14-13281](#)-B-7 JOSE BAUTISTA
RCO-1
PRIMARY RESIDENTIAL MORTGAGE,
INC./MV
CURTIS FLOYD/Atty. for dbt.
KRISTI WELLS/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-29-14 [[15](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

7. [13-16382](#)-B-7 MONIQUE JOHNSON
RCO-1
U.S. BANK NATIONAL
ASSOCIATION/MV
ROBERT WILLIAMS/Atty. for dbt.
KRISTI WELLS/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-1-14 [[49](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

8. [14-14782](#)-B-7 PAUL/SOCORRO BRIANO
ALP-1
BANK OF AMERICA, N.A./MV
FRANK SAMPLES/Atty. for dbt.
MATTHEW VAN FLEET/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-31-14 [[9](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

9. [14-11786](#)-B-7 LUAN STEINBERG-COLE
JLH-1
ALTAONE FEDERAL CREDIT
UNION/MV
PATRICK KAVANAGH/Atty. for dbt.
JOSEPH HORSWILL/Atty. for mv.
DISCHARGED

RESCHEDULED HEARING RE: MOTION
FOR RELIEF FROM AUTOMATIC STAY
10-16-14 [[32](#)]

10. [14-14386](#)-B-7 GONZALO/LIVIER VARGAS
JHW-1
TD AUTO FINANCE LLC/MV
JOHN GARNER/Atty. for dbt.
JENNIFER WANG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-3-14 [[15](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

11. [14-14786](#)-B-7 JUAN VILLAREAL
APN-1
SANTANDER CONSUMER USA INC./MV
AUSTIN NAGEL/Atty. for mv.
DISMISSED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-16-14 [[15](#)]

This matter will be dropped from calendar without a disposition. The case has been dismissed and the automatic stay has already terminated by operation of law. No appearance is necessary.

12. [14-14694](#)-B-7 NICHOLAS EDGECOMB
LEF-1
LOGIX FEDERAL CREDIT UNION/MV
ROBERT WILLIAMS/Atty. for dbt.
LAZARO FERNANDEZ/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-15-14 [[9](#)]

13. [14-13958](#)-B-7 DONNA MILEHAM
CJO-1
THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A./MV
BARRY BOROWITZ/Atty. for dbt.
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-20-14 [[16](#)]

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

11:00 A.M.

1. [14-14002](#)-B-7 JIMMIE/PATRICIA HANKINS AMENDED REAFFIRMATION AGREEMENT
WITH TOYOTA MOTOR CREDIT
CORPORATION
11-20-14 [[19](#)]

FRANK SAMPLES/Atty. for dbt.

This hearing to review and approve a reaffirmation agreement will be dropped from calendar. No hearing or order is required. The form of the Reaffirmation Agreement complies with 11 U.S.C. §§ 524(c) and 524(k), and it was signed by the debtor(s)' attorney with the appropriate attestations. Pursuant to 11 U.S.C. § 524(d), the court need not approve the agreement. Debtor(s)' counsel shall notify the Debtor(s) that no appearance is necessary.

2. [14-13942](#)-B-7 PATRICIA PEOPLES PRO SE REAFFIRMATION AGREEMENT
WITH KERN FEDERAL CREDIT UNION
10-29-14 [\[14\]](#)

3. [14-14548](#)-B-7 JUSTIN SULVETTA PRO SE REAFFIRMATION AGREEMENT
WITH SYSTEMS AND SERVICES
TECHNOLOGIES, INC.
11-14-14 [[12](#)]

DAVID HAGEN/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement.

Finally, the reaffirmation agreement is incomplete and does not meet the requirements of 11 U.S.C. § 524. It is therefore not enforceable against the debtors. *In re Lopez*, 274 B.R. 854, 861-62 (9th Cir. BAP 2002), *aff'd*, 345 F.3d 701 (9th Cir. CA 2003). No appearance is necessary.

4. [14-14864](#)-B-7 JAQUELINE HERNANDEZ

REAFFIRMATION AGREEMENT WITH
TOYOTA MOTOR CREDIT CORPORATION
10-26-14 [[15](#)]

FRANK SAMPLES/Atty. for dbt.

This hearing to review and approve a reaffirmation agreement will be dropped from calendar. No hearing or order is required. The form of the Reaffirmation Agreement complies with 11 U.S.C. §§ 524(c) and 524(k), and it was signed by the debtor(s)' attorney with the appropriate attestations. Pursuant to 11 U.S.C. § 524(d), the court need not approve the agreement. Debtor(s)' counsel shall notify the Debtor(s) that no appearance is necessary.

1:30 P.M.

1. [10-12701](#)-B-13 GEORGE FAZ
PK-6

CONTINUED AMENDED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF PATRICK KAVANAGH FOR PATRICK
KAVANAGH, DEBTOR'S ATTORNEY(S).
11-6-14 [[92](#)]

PATRICK KAVANAGH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2. [12-12302](#)-B-13 KENNETH HART
MHM-2
MICHAEL MEYER/MV
STEVEN STANLEY/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
10-9-14 [[69](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

3. [13-11605](#)-B-13 WILLIAM BARRETT AND
MHM-1 VALERIE CARMEAN
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
10-9-14 [[23](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules. The evidence shows there has been a material default of the confirmed plan. The debtors filed a responsive pleading, however the response was not supported by admissible evidence and the record does not show that the default has been cured. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

4. [13-10113](#)-B-13 WAYNE/ROSITA HELM
MHM-1
MICHAEL MEYER/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
10-9-14 [[69](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no responsive pleading. The evidence shows there has been a material default of the confirmed plan. The record does not show that the default has been cured. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

5. [14-14826](#)-B-13 SOO LEE
HANMI BANK/MV
PATRICK KAVANAGH/Atty. for dbt.
WILLIAM KIM/Atty. for mv.
OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR HANMI BANK
11-5-14 [[29](#)]
6. [13-16227](#)-B-13 DAVID/DIANA MITCHELL
RSW-3
DAVID MITCHELL/MV
ROBERT WILLIAMS/Atty. for dbt.
MOTION TO MODIFY PLAN
10-27-14 [[70](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

7. [10-11134](#)-B-13 JOHN/BEVERLY RABANAL
JCW-1
NATIONSTAR MORTGAGE LLC/MV
WILLIAM OLCOTT/Atty. for dbt.
JENNIFER WONG/Atty. for mv.
MOTION TO APPROVE LOAN
MODIFICATION
10-13-14 [[45](#)]

This motion for modification of the class 1 mortgage was fully noticed in compliance with the Local Rules. The trustee filed a responsive pleading. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtors to enter into a modification agreement on terms to be negotiated between the debtors and the mortgagee so long as modification of the mortgage does not interfere with the debtors' duties and trustee's administration of the chapter 13 plan.

The moving party shall submit a proposed order that states that modification of the mortgage terms shall not be construed as a modification of the confirmed plan and shall not abate the debtors' duty of performance unless and until an appropriate modified plan is confirmed. No appearance is necessary.

8. [11-11439](#)-B-13 SOPHIA WILLIAMS
PK-5

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF PATRICK KAVANAGH
FOR PATRICK KAVANAGH, DEBTOR'S
ATTORNEY(S).
11-6-14 [[116](#)]

PATRICK KAVANAGH/Atty. for dbt.

This matter will be continued to January 8, 2015, at 1:30 p.m., for the debtor to cure the default in plan payments and to resolve the funding issue addressed in the trustee's response. The court will prepare a minute order. No appearance is necessary.

9. [14-10744](#)-B-13 BUFORD LAND
CJO-1
ONEWEST BANK, N.A./MV
ROBERT WILLIAMS/Atty. for dbt.
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-7-14 [[76](#)]

This motion will be denied without prejudice. The notice was not served on the co-debtor at her current address as stated in the notice filed on September 22, 2014. The court intends to dismiss this case on the trustee's unopposed motion below. No appearance is necessary.

10. [14-10744](#)-B-13 BUFORD LAND
MHM-2
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
10-10-14 [[72](#)]

ROBERT WILLIAMS/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no responsive pleading. This case is now nine months old. The record shows that the debtor has failed to diligently prosecute this case and has been unable to confirm a chapter 13 plan. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

11. [14-14047](#)-B-13 FRANCES GONZALES
PD-1
U.S. BANK TRUST, N.A./MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY U.S.
BANK TRUST, N.A.
10-15-14 [[23](#)]

ROBERT WILLIAMS/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.
WITHDRAWN

The objection has been withdrawn. No appearance is necessary.

12. [14-13054](#)-B-13 RUTH ORTIZ
MHM-2
MICHAEL MEYER/MV
SUSAN SALEHI/Atty. for dbt.

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
11-7-14 [[61](#)]

13. [14-12955](#)-B-13 MILTON MINER

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION/MV

RANDALL NAIMAN/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION
7-23-14 [[44](#)]

This matter will be continued to January 8, 2015, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.

14. [11-16060](#)-B-13 JAMES/SANDRA BLOXOM
RSW-4
JAMES BLOXOM/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
10-28-14 [[76](#)]

15. [14-14166](#)-B-13 KENNETH/EVELYN HALLMAN
RSW-1
KENNETH HALLMAN/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CITIBANK, N.A.
10-21-14 [[13](#)]

16. [10-10468](#)-B-13 OSVALDO/ROSE VERA
MHM-4
MICHAEL MEYER/MV
JEFFREY HERNANDEZ/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
10-9-14 [[147](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

17. [14-14369](#)-B-13 ANGELITA BALUYOT
MHM-1

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
11-5-14 [[22](#)]

SUSAN SALEHI/Atty. for dbt.

This objection to confirmation was noticed as a preliminary hearing. The objection will be continued and set for a final hearing on January 8, 2015, at 1:30 p.m. Unless this case is voluntarily converted to chapter 7 or dismissed or the objection has been withdrawn, the debtor shall file and serve a written response not later than December 29, 2014. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 5, 2015. If the debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated and confirmation will be denied without a further hearing. The court will prepare a civil minute order.

18. [14-14071](#)-B-13 THEODORE/DEBRA PORWOLL
LKW-3

MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTOR'S
ATTORNEY(S).
11-5-14 [[45](#)]

LEONARD WELSH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

19. [11-61580](#)-B-13 GRANT SOUTHWELL
PK-3
GRANT SOUTHWELL/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO MODIFY PLAN
10-8-14 [[77](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

20. [12-18682](#)-B-13 EDGAR/DELIA ALCALA
RSW-5
EDGAR ALCALA/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
9-26-14 [[94](#)]

21. [11-16485](#)-B-13 MICHAEL MANN
PK-8
MICHAEL MANN/MV
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO MODIFY PLAN
10-14-14 [[141](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

22. [10-63390](#)-B-13 TIMOTHY/KIMBERLY ROMA
DMG-3
TIMOTHY ROMA/MV
D. GARDNER/Atty. for dbt.

MOTION TO MODIFY PLAN
10-14-14 [[56](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

23. [14-14098](#)-B-13 DONNA MACNEIL
PD-1
U.S. BANK TRUST, N.A./MV

STEVEN ALPERT/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY U.S.
BANK TRUST, N.A.
9-22-14 [[24](#)]

This matter will be continued to January 8, 2015, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.