

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Thursday, December 12, 2019  
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.

**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. [18-11651](#)-B-11      **IN RE: GREGORY TE VELDE**  
[MB-77](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF SAGASER, WATKINS & WIELAND, PC FOR IAN B. WIELAND, SPECIAL COUNSEL(S)  
11-14-2019    [\[2939\]](#)

MICHAEL COLLINS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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 motion will be GRANTED. Debtor's special counsel, The law office of Sagaser, Watkins & Wieland, PC for Ian B. Wieland, requests fees of \$12,331.00 and costs of \$197.43 for a total of \$12,528.43 for services rendered from March 16, 2019 through September 30, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . .[a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1)

Working to resolve a prepetition class action claim for alleged wage and hour employment violations, (2) Representing the debtor's principal regarding a state court civil harassment action, and (3) Representing the debtor on an OSHA appeal. The court finds the services reasonable and necessary and the expenses requested actual and necessary. The court notes the United States Trustee's reservation of rights. Doc. #2979.

Movant shall be awarded \$12,331.00 in fees and \$197.43 in costs.

2. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[MB-78](#)

MOTION FOR COMPENSATION FOR FRAZER, LLP, ACCOUNTANT(S)  
11-14-2019    [\[2945\]](#)

MICHAEL COLLINS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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 motion will be GRANTED. The chapter 11 Trustee's general accountants, Frazer, LLP, requests fees of \$65,749.50 for services rendered from July 1, 2019 through September 30, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Preparing the June, July, and August monthly operating reports, (2) Developing and maintaining rolling cash flow projections, and (3) Assisting in tax matters and analyzing financial data. The court

finds the services reasonable and necessary and the expenses requested actual and necessary. The court notes the United States Trustee's reservation of rights. Doc. #2981.

Movant shall be awarded \$65,749.50 in fees.

3. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[MB-79](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF SCHWABE WILLIAMSON &  
WYATT FOR ELIZABETH E. HOWARD, SPECIAL COUNSEL(S)  
11-14-2019    [[2951](#)]

MICHAEL COLLINS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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 motion will be GRANTED. The chapter 11 trustee's special counsel, The law office of Schwabe, Williamson & Wyatt for Elizabeth E. Howard, requests fees of \$5,265.00 for services rendered from July 1, 2019 through October 16, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Working on CAFO permit compliance, (2) Closing the State of Oregon v. Greg te Velde matter in Multnomah County Circuit Court, and (3) Providing general business advice. The court finds the services reasonable and necessary and the expenses requested actual and

necessary. The court notes the United States Trustee's reservation of rights. Doc. #2983.

Movant shall be awarded \$5,265.00 in fees.

4. [18-13677](#)-B-9     **IN RE: COALINGA REGIONAL MEDICAL CENTER, A  
CALIFORNIA LOCAL HEALTH CARE DISTRICT  
[WJH-9](#)**

CONTINUED OBJECTION TO CLAIM OF BECKMAN COULTER, INC., CLAIM  
NUMBER 3  
10-7-2019     [[434](#)]

COALINGA REGIONAL MEDICAL CENTER, A CALIFORNIA LOCAL  
RILEY WALTER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to January 22, 2020 at 9:30 a.m.

ORDER:                The court will issue an order.

The parties stipulated to a continuance. Doc. #478.

5. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT  
[FW-1](#)**

CONTINUED MOTION FOR ADMINISTRATIVE EXPENSES  
8-1-2019     [[1571](#)]

SIEMENS MEDICAL SOLUTIONS USA, INC./MV  
RILEY WALTER/ATTY. FOR DBT.  
PETER FEAR/ATTY. FOR MV.  
ORDER CONTINUING TO 1/22/20 @ 9:30

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

DISPOSITION:        Continued to January 22, 2020 at 9:30 a.m.

NO ORDER REQUIRED:    The court already issued an order. Doc. #1728.

6. [17-13797](#)-B-9     **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**  
[WW-108](#)

CONTINUED OBJECTION TO CLAIM OF SOUTHERN INYO HEALTHCARE  
DISTRICT, CLAIM NUMBER 235 AND/OR OBJECTION TO CLAIM OF SOUTHERN  
INYO HEALTHCARE DISTRICT, CLAIM NUMBER 238  
5-6-2019    [[1392](#)]

TULARE LOCAL HEALTHCARE DISTRICT/MV  
RILEY WALTER/ATTY. FOR DBT.  
STIPULATION WITHDRAWING CLAIMS, ORDER SIGNED 10/21/19

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Resolved by stipulation. Doc. #1695.

1:30 PM

1. [19-10609](#)-B-13     **IN RE: ROBERT MARQUEZ**  
[PBB-1](#)

MOTION TO MODIFY PLAN  
10-23-2019    [\[22\]](#)

ROBERT MARQUEZ/MV  
PETER BUNTING/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 is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

2. [19-11512](#)-B-13     **IN RE: TEOFILO/CHRISTY RODRIGUEZ**  
[SLL-3](#)

MOTION TO MODIFY PLAN  
10-31-2019    [\[78\]](#)

TEOFILO RODRIGUEZ/MV  
STEPHEN LABIAK/ATTY. FOR DBT.  
WITHDRAWN

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Movant withdrew the motion. Doc. #86.

3. [19-13918](#)-B-13     **IN RE: JOSHUA/KRISTEN CARTER**  
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.  
MEYER  
11-1-2019    [\[22\]](#)

GLEN GATES/ATTY. FOR DBT.  
WITHDRAWN

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            Objector withdrew the objection. Doc. #37.

4. [19-14132](#)-B-13     **IN RE: CLAYTON/KIMBERLY WHITE**  
[GB-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY BRIDGECREST CREDIT CO. LLC  
10-14-2019    [\[12\]](#)

BRIDGECREST CREDIT CO. LLC/MV  
PETER BUNTING/ATTY. FOR DBT.  
L. JAQUEZ/ATTY. FOR MV.

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

DISPOSITION:                    Overruled without prejudice.

ORDER:                            The court will issue an order.

This objection is OVERRULED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR"). The objection did not comply with LBR 3015-1(c)(4) and 9014-1(f)(2).



LBR 3015-1(c)(4) states "the notice of hearing shall inform the debtor, the debtor's attorney, and the trustee that no written response to the objection is necessary."

LBR 9014-1(f)(2)(C) states that motions filed on less than 28 days' notice, but at least 14 days' notice, require the movant to notify the respondent or respondents that no party in interest shall be required to file written opposition to the motion. Opposition, if any, shall be presented at the hearing on the motion. If opposition is presented, or if there is other good cause, the Court may continue the hearing to permit the filing of evidence and briefs.

Even though this motion was filed on greater than 28 days' notice, and normally the language under LBR 9014-1(f)(1)(B) would be necessary, LBR 3015-1(c)(4) makes an exception for objections to confirmation. The notice stated that written opposition was required and must be filed at least 14 days preceding the date of the hearing. Doc. #16. That is incorrect.

5. [19-14132](#)-B-13     **IN RE: CLAYTON/KIMBERLY WHITE**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.  
MEYER  
11-20-2019    [\[22\]](#)

PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION:     Continued to January 23, 2020 at 9:30 a.m.

ORDER:             The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, the debtors shall file and serve a written response not later than January 9, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by January 16, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 16, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

6. [19-13835](#)-B-13     **IN RE: JOSE VITOLAS**  
[MHM-2](#)

MOTION TO DISMISS CASE  
11-13-2019    [\[33\]](#)

MICHAEL MEYER/MV  
JAMES CANALEZ/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

ORDER:             The court will issue an order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

This matter 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 record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1) and/or (c)(4)). The debtor has failed to make all payments due under the plan. Accordingly, the case will be dismissed.

7. [19-13338](#)-B-13     **IN RE: EILEEN OWENS**  
[RS-1](#)

MOTION TO CONFIRM PLAN  
11-4-2019    [\[19\]](#)

EILEEN OWENS/MV  
RICHARD STURDEVANT/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 is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

8. [16-11844](#)-B-13      **IN RE: DALE/BRENDA KAUNDART**  
[FW-3](#)

MOTION TO WAIVE SECTION 1328 CERTIFICATE REQUIREMENT, AS TO JOINT DEBTOR  
11-6-2019    [53](#)

DALE KAUNDART/MV  
PETER FEAR/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 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.

This motion is GRANTED. Joint-debtor Brenda Kaundart passed away on July 17, 2019. Doc. #56. The evidence shows that Ms. Kaundart completed her course on personal financial management on October 15, 2016. Id. The evidence also shows that both debtors have complied with 11 U.S.C. § 1328(a) and LBR 5009-1(c). Therefore, the requirement that debtor Brenda Kaundart file a § 1328 certificate is waived, and after the chapter 13 trustee certifies that the case has been fully administered and is ready for closure, the case manager shall enter the debtor's discharge pursuant to applicable rules and law.

9. [19-13248](#)-B-13     **IN RE: GUILLERMINA OLIVA**  
[SW-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
11-20-2019    [\[23\]](#)

ALLY BANK/MV  
THOMAS GILLIS/ATTY. FOR DBT.  
ADAM BARASCH/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.

This motion is GRANTED.

The court first notes that the motion does not comply with LBR 4001-1(b). LBR 4007-1(b) is the rule regarding additional procedures for motions for relief from the automatic stay in chapter 12 and 13 cases. That rule was not complied with in this motion. Specifically, LBR 4001-1(b)(1)(B) or (b)(1)(C) were not complied with.

This motion and the declaration appear to be identical to the previously denied motion (SW-1), with the only difference being exhibit C.

Nevertheless, the motion states the vehicle is in Movant's possession. So, it appears the debtor is not claiming an interest in the vehicle, a 2014 Subaru Impreza. The motion states that over \$32,000.00 is owed under the contract and the value of the vehicle is \$22,725.00. The court finds that relief is warranted under 11 U.S.C. § 362(d) (2).

The 14-day stay of Fed. R. Bankr. P. 4001(a) (3) will be ordered waived because movant is in possession of the vehicle.

10. [19-14248](#)-B-13     **IN RE: DIANA RUELAS**  
[LLE-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY BANK OF THE SIERRA  
11-26-2019    [\[14\]](#)

BANK OF THE SIERRA/MV  
SCOTT LYONS/ATTY. FOR DBT.  
LORI ENRICO/ATTY. FOR MV.  
CASE DISMISSED 12/2/19

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            An order dismissing the case has already been entered. Doc. #21.

11. [19-14051](#)-B-13     **IN RE: RICHARD CERVANTES**  
[MHM-1](#)

MOTION TO DISMISS CASE  
11-13-2019    [\[22\]](#)

MICHAEL MEYER/MV  
BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION:                    Granted.

ORDER:                            The court will issue an order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

This matter 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 record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1) and/or (c)(4)). The debtor has failed to make all payments due under the plan. Accordingly, the case will be dismissed.

12. [19-13554](#)-B-13     **IN RE: GEORGE FONSECA**  
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL  
H. MEYER  
10-10-2019     [\[15\]](#)

THOMAS MOORE/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

13. [19-12058](#)-B-13     **IN RE: RICHARD/DAWN MARTINES**  
[MHM-4](#)

CONTINUED MOTION TO DISMISS CASE  
9-16-2019     [\[42\]](#)

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

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

DISPOSITION:     Continued to January 15, 2020 at 9:30 a.m.

ORDER:     The court will issue an order.

This matter is continued to January 15, 2020 at 9:30 a.m. to be heard in conjunction with the debtors' motion to confirm a modified plan. See TCS-2, doc. #87.

14. [19-12058](#)-B-13     **IN RE: RICHARD/DAWN MARTINES**  
[TCS-1](#)

CONTINUED MOTION TO CONFIRM PLAN  
10-11-2019    [\[48\]](#)

RICHARD MARTINES/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Denied as moot.

ORDER:                The court will issue an order.

This motion is DENIED AS MOOT. Debtors have filed an amended plan.  
See TCS-2, doc. #87.

15. [17-12560](#)-B-13     **IN RE: CHARLES/DAWN ONTIVEROS**  
[WLG-1](#)

CONTINUED MOTION TO MODIFY PLAN  
10-3-2019    [\[25\]](#)

CHARLES ONTIVEROS/MV  
NICHOLAS WAJDA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Dropped from calendar.

NO ORDER REQUIRED:    Movant withdrew the motion. Doc. #39.

16. [19-10965](#)-B-13     **IN RE: GUADALUPE RAMIREZ**  
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE  
9-16-2019    [\[32\]](#)

MICHAEL MEYER/MV  
SCOTT LYONS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Denied as moot.

ORDER:                The court will issue an order.

This motion is DENIED AS MOOT. The grounds of this motion are that debtor has failed to confirm a chapter 13 plan. Debtor's plan is confirmed on matter #17 below, SL-2. Therefore this motion is moot.

17. [19-10965](#)-B-13     **IN RE: GUADALUPE RAMIREZ**  
[SL-2](#)

MOTION TO CONFIRM PLAN  
10-23-2019    [\[50\]](#)

GUADALUPE RAMIREZ/MV  
SCOTT LYONS/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 is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

18. [19-14268](#)-B-13     **IN RE: JAMES LUCAS AND GARNET GREEN LUCAS**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
11-20-2019    [\[18\]](#)

SUSAN HEMB/ATTY. FOR DBT.

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

DISPOSITION:     Dropped from calendar.

NO ORDER REQUIRED:     Movant withdrew the objection. Doc. #23.



19. [18-11872](#)-B-13     **IN RE: LAURIE BUDRE**  
[FW-5](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C.  
FOR GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)  
11-12-2019    [\[106\]](#)

GABRIEL WADDELL/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 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.

This motion is GRANTED. Movant is awarded \$3,394.00 in fees and \$184.36 in costs.

20. [19-14173](#)-B-13     **IN RE: GONZALO ADAME AND MARTHA RAMIREZ DE  
ADAME  
[EMM-1](#)**

OBJECTION TO CONFIRMATION OF PLAN BY DEUTSCHE BANK NATIONAL  
TRUST COMPANY  
11-20-2019    [\[29\]](#)

DEUTSCHE BANK NATIONAL TRUST COMPANY/MV  
ERIC ESCAMILLA/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                  Overruled.

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 objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. 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.

Creditor Deutsche Bank National Trust Company, as certificate trustee on behalf of Bosco Credit II Trust Series 2010-1 ("Creditor") objects to plan confirmation because the plan fails to pay the full replacement value of Creditor's collateral, real property located at 149 East Beech Avenue in Reedley, CA 93654. Doc. #29.

Sections 1.04 and 3.08(c) of the plan require separately served and filed motions to value collateral for claims classified in class 2. Doc. #4. Creditor's claim appears to be in Class 2A, claims not reduced based on value of collateral. Creditor's objection states that the proposed plan intends to "value the subject property for the purpose of reducing the amount held by this Secured Creditor." The claim is in Class 2A, so the claim will not be reduced by the value of the collateral.

Additionally, the plan appears to list three separate creditors that have a security interest in the subject property: Employment Development Department (class 2A), Franklin Credit Management Corporation (class 2A), and Specialized Loan Servicing/SLS (class 4). Creditor does not appear on the plan, though Creditor appears to have filed a claim, claim #7, which names Specialized Loan Servicing, LLC. If Creditor's claim is in Class 4, then upon confirmation the automatic stay is modified to "allow the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract . . . ." See plan section 3.11.

Therefore, this objection is OVERRULED.

21. [19-14173](#)-B-13     **IN RE: GONZALO ADAME AND MARTHA RAMIREZ DE  
ADAME  
[KMM-1](#)**

OBJECTION TO CONFIRMATION OF PLAN BY DEUTSCHE BANK NATIONAL  
TRUST COMPANY  
11-13-2019    [\[25\]](#)

DEUTSCHE BANK NATIONAL TRUST COMPANY/MV  
ERIC ESCAMILLA/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Overruled without prejudice.

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

This objection is OVERRULED WITHOUT PREJUDICE. Constitutional due process requires that the movant make a *prima facie* showing that they are entitled to the relief sought. Here, the moving papers do not present "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" In re Tracht Gut, LLC, 503 B.R. 804, 811 (9th Cir. BAP, 2014), citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

Creditor Deutsche Bank National Trust Company's, ("Creditor") objection is that the plan does not account for the entire amount of the pre-petition arrearages that debtors owe to creditor and that the plan does not promptly cure Creditor's pre-petition arrears as required by 11 U.S.C. § 1322(b)(5). Doc. #25, claim #7.

Section 3.02 of the plan provides that it is the proof of claim, not the plan itself, that determines the amount that will be repaid under the plan. Doc. #4. Creditor's proof of claim, filed November 18, 2019, states a claimed arrearage of \$2,268.35. This claim is classified in class 4 - paid directly by debtors. If confirmed, the plan terminates the automatic stay for Class 4 creditors. Plan section 3.11. The debtors may need to modify the plan to account for the arrearage. If they do not and the plan is confirmed, Creditor will have stay relief. If the plan is modified, then this objection may be moot.

Therefore, this objection is OVERRULED.

22. [19-14373](#)-B-13     **IN RE: GEORGE/ROSA VILLEGAS**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
11-20-2019    [\[16\]](#)

THOMAS GILLIS/ATTY. FOR DBT.

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

DISPOSITION:        Continued to January 23, 2020 at 9:30 a.m.

ORDER:                The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, the debtors shall file and serve a written response not later than January 9, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by January 16, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 16, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

23. [18-12879](#)-B-13     **IN RE: GERALD STULLER AND BARBARA WILKINSON-STULLER**  
[EJS-1](#)

MOTION TO MODIFY PLAN  
10-17-2019    [\[114\]](#)

GERALD STULLER/MV  
ERIC SCHWAB/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to January 23, 2020 at 9:30 a.m.

ORDER:                The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' fully noticed motion to confirm their chapter 13 plan. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, the debtors shall file and serve a written response not later than January 9, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed

or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by January 16, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 16, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

24. [11-10380](#)-B-13     **IN RE: RICHARD/JACKIE OROZCO**  
[FW-3](#)

CONTINUED STATUS CONFERENCE RE: MOTION FOR SANCTIONS FOR  
VIOLATION OF THE DISCHARGE INJUNCTION  
9-6-2018    [\[95\]](#)

RICHARD OROZCO/MV  
PETER FEAR/ATTY. FOR DBT.

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            An order dismissing the motion has already  
been entered. Doc. #146.

25. [18-13681](#)-B-13     **IN RE: ARTURO/ELIZABETH ESPINOSA**  
[AP-1](#)

MOTION FOR CONSENT TO ENTER INTO LOAN MODIFICATION AGREEMENT  
11-4-2019    [\[81\]](#)

BANK OF AMERICA MORTGAGE/MV  
THOMAS GILLIS/ATTY. FOR DBT.  
WENDY LOCKE/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.

This motion is GRANTED. Movant Bank of America Mortgage ("Movant") asks for an order authorizing the debtors to enter into a loan modification with respect to the first deed of trust on the real property located at 36873 Franklin Avenue in Madera, CA 93638. Doc. #81. There has been no opposition to this motion. Debtors are authorized, but not required, to enter into the loan modification with Movant. The debtors shall continue to make all payments as required under the plan unless the plan is separately modified.

26. [19-12886](#)-B-13      **IN RE: RAYMOND/DEBORAH MARTIN**  
[RS-2](#)

MOTION TO CONFIRM PLAN  
10-23-2019    [\[49\]](#)

RAYMOND MARTIN/MV  
RICHARD STURDEVANT/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 is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

27. [19-14186](#)-B-13     **IN RE: HUMBERTO/NANCY VIDALES**  
[APN-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MEDALLION BANK  
10-31-2019    [\[17\]](#)

MEDALLION BANK/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.  
AUSTIN NAGEL/ATTY. FOR MV.

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

DISPOSITION:        Continued to December 19, 2019 at 1:30 p.m.

ORDER:                The court will issue an order.

This objection is continued to December 19, 2019 at 1:30 p.m. to be heard in conjunction with debtor's motion to value collateral of Medallion Bank (TCS-1, doc. #22).

28. [19-14186](#)-B-13     **IN RE: HUMBERTO/NANCY VIDALES**  
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY WELLS FARGO BANK, N.A.  
10-29-2019    [\[13\]](#)

WELLS FARGO BANK, N.A./MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:        Sustained.

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") 3015-1(c)(4) and 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 court notes that since this objection was filed, debtors have filed a modified plan, which would ordinarily moot this objection.

However, since the modified plan appears to treat movant's claim identically, the court will rule on the merits.

This objection is SUSTAINED. Creditor Wells Fargo Bank, N.A.'s ("Creditor") objection is that the plan does not account for the entire amount of the pre-petition arrearages that debtors owe to creditor and that the plan does not promptly cure Creditor's pre-petition arrears as required by 11 U.S.C. § 1322(b)(5). Doc. #15, claim #2.

Creditor filed its claim on October 18, 2019. Claim #2. The claim shows a pre-petition arrearage of \$1,608.64. Id. Debtors' first plan and the amended plan both place Creditor's claim in Class 4. Class 4 claims "mature after the completion of this plan, are not in default, and are not modified by this plan." Doc. #44, § 3.10.

Class 1 claims "include[s] delinquent secured claims that mature after the completion of this plan, including those secured by Debtor's principal residence." Doc. #44, § 3.07.

Unless this claim is objected to (the court has not seen that it has been), Creditor's claim should be in Class 1.

Section 3.02 of the plan provides that it is the proof of claim, not the plan itself, that determines the amount that will be repaid under the plan. Doc. #44. Creditor's proof of claim states a claimed arrearage of \$1,608.64. Plan section 3.07(b)(2) states that if a Class 1 creditor's proof of claim demands a higher or lower post-petition monthly payment, the plan payment shall be adjusted accordingly.

Debtors' plan misclassifies Creditor's claim and thereby also understates the amount of arrears. The plan lists no arrears. Id. Though plan section 3.02 provides that the proof of claim, and not the plan itself, that determines the amount that will be repaid, section 3.07(b)(2) requires that the payment be adjusted accordingly for a class 1 claim.

Therefore, this objection is SUSTAINED.



29. [19-14186](#)-B-13     **IN RE: HUMBERTO/NANCY VIDALES**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
11-20-2019    [[32](#)]

TIMOTHY SPRINGER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Overruled as moot.

ORDER:                The court will issue an order.

This objection is OVERRULED AS MOOT. Debtors filed a modified plan.  
Doc. #38, TCS-1.

30. [15-10287](#)-B-13     **IN RE: KYLE/LORENA BENGTON**  
[MHM-1](#)

MOTION TO DISMISS CASE  
11-5-2019    [[45](#)]

MICHAEL MEYER/MV  
GEORGE LOGAN/ATTY. FOR DBT.

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

DISPOSITION:        Dropped from calendar.

NO ORDER REQUIRED:    Movant withdrew the motion. Doc. #49.

31. [19-13588](#)-B-13     **IN RE: KEVIN SISEMORE**  
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL  
H. MEYER  
10-9-2019    [[13](#)]

DAVID JENKINS/ATTY. FOR DBT.

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

DISPOSITION:        Overruled as moot.

ORDER:                The court will issue an order.

This objection is OVERRULED AS MOOT. Debtor filed a modified plan.  
Doc. #22, DRJ-2.

32. [19-13793](#)-B-13     **IN RE: JOSE/ROSA ESPINO**  
[TOG-2](#)

CONTINUED MOTION TO CONFIRM PLAN  
9-26-2019    [\[22\]](#)

JOSE ESPINO/MV  
THOMAS GILLIS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Denied.

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

This motion is DENIED. By prior order of the court (doc. #31), debtor had either until November 27, 2019 to file and serve a written response to the chapter 13 trustee's objection to confirmation, or until December 5, 2019 to file, serve, and set for hearing a confirmable modified plan or the trustee's objection would be sustained on the grounds therein and the motion would be denied. Debtor has neither responded to the objection nor filed a modified plan. Therefore pursuant to the court's previous order, this motion is DENIED.

33. [19-14295](#)-B-13     **IN RE: RUBEN/MARIA QUINTANILLA**  
[RDW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY AJAX MORTGAGE LOAN TRUST  
2019-C, MORTGAGE-BACKED SECURITIES, SERIES 2019-C 11-22-2019  
[\[37\]](#)

AJAX MORTGAGE LOAN TRUST 2019-C, MORTGAGE-BACKED  
SCOTT LYONS/ATTY. FOR DBT.  
REILLY WILKINSON/ATTY. FOR MV.

TENTATIVE RULING:     This matter will proceed as scheduled.

DISPOSITION:     Sustained.

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") 3015-1(c)(4) 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 sustain the objection. 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.

This objection is SUSTAINED. In a previous hearing on a motion to extend the automatic stay, the court found that debtor's purported residence located at 2202 and 2202 ½ Sherman Avenue in Corcoran, CA 93212 was sold at a foreclosure sale pre-petition. It is therefore not part of the debtor's bankruptcy estate, this court has no jurisdiction over the property, and cannot be included in debtor's chapter 13 plan. The objection is SUSTAINED.