

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, December 19, 2018
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. [18-14502](#)-B-7 IN RE: ROBERTO VARELA
[BPC-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-28-2018 [\[10\]](#)

THE GOLDEN 1 CREDIT UNION/MV
THOMAS GILLIS
JARRETT OSBORNE-REVIS/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted unless opposed at the hearing.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. Unless opposition is presented at the hearing, the court intends to enter the debtor's and the trustee's defaults and enter the following ruling granting the motion for relief from stay. 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 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2017 Chevrolet Silverado Truck. Doc. #12. The collateral has a value between \$36,748.00 and \$43,706.00. Debtor owes \$51,285.94. *Id.*

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available

in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

2. [18-13919](#)-B-7 **IN RE: ANTONIA HILLS**
[CJC-4](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-21-2018 [[40](#)]

62 HUNDRED HOLLYWOOD NORTH
L.P./MV
CALVIN CLEMENTS/ATTY. FOR MV.
DISMISSED 12/7/18

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

DISPOSITION: Denied as moot.

NO ORDER REQUIRED. The case was dismissed on December 7, 2018.
Doc. #49.

The court notes that the docket control number was previously used on a previous motion for relief from stay (doc. #19), and therefore this motion did not comply with Local Rules of Practice 9004-2(a)(6), (b)(5), (b)(6), (e) and LBR 9014-1(c), (e)(3)

3. [18-14119](#)-B-7 **IN RE: MARVELO/ROSANA SAYSON**
[RAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-14-2018 [[12](#)]

DEUTSCHE BANK NATIONAL TRUST
COMPANY/MV
F. GIST
SEAN FERRY/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 for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' and the trustee's defaults will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a parcel of

real property commonly known as 4519 West Michigan Avenue, Fresno, California. Doc. #14. The collateral has a value of \$275,000.00 and the amount owed is \$295,778.35. Doc. #16.

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 California Civil Code § 2923.5.

The request for reasonable attorneys' fees and costs is denied. Movant has shown that there is no equity in the collateral. 11 U.S.C. §506(b); doc. #16.

A waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will not be granted. The movant has shown no exigency.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

4. [17-14420](#)-B-7 **IN RE: DOUGLAS/KRISTIE LEAHY**
[TMT-1](#)

MOTION TO SELL
11-13-2018 [[23](#)]

TRUDI MANFREDO/MV
MARK ZIMMERMAN
TRUDI MANFREDO/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed for higher and better bids only.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

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. 11 U.S.C. § 363(b)(1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

The trustee asks this court for authorization to sell a 9 mm Beretta, .22 Caliber Remington Rifle, 12 gauge MD 1897, and a 2007 Toyota Camry ("Assets") to debtors, subject to higher and better bids at the hearing, for \$6,260.00.

It appears that the sale of the Assets is a reasonable exercise of the trustee's business judgment. The net to the estate is \$3,210.00. Doc. #23. Trustee is currently holding the funds. *Id.*

Any prospective bidders for the firearms listed above must bid on all of the firearms as they are being sold together. Prospective bidders must bring certified funds to the hearing in the amount of \$600.00. The bidding will begin at \$700.00. The certified funds must be made out to "Trudi G. Manfredo, Chapter 7 Trustee," and is non-refundable if that bidder is the successful bidder and fails to perform. Prospective bidders must provide documentary evidence of the ability to pay the amount of their bid. If a third party is the successful bidder, the bidder must undergo a background check from a licensed gun dealer prior to the transfer of the firearms at the bidder's cost. The estimated cost of the background check is \$65.00.

Any prospective bidders on the 2007 Toyota Camry must bring certified funds to the hearing in the amount of \$5,660.00. The bidding will begin at \$5,760.00. The certified check must be made out to "Trudi G. Manfredo, Chapter 7 Trustee," and is non-refundable if that bidder is the successful bidder and fails to perform. Prospective bidders must also bring documentary evidence of the ability to pay the amount of their bid.

The provisions of Federal Bankruptcy Rule 6004(h) are waived.

5. [18-14126](#)-B-7 **IN RE: JESSICA SANCHEZ**
[VVF-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-27-2018 [\[13\]](#)

HONDA LEASE TRUST/MV
VINCENT FROUNJIAN/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted unless opposed at the hearing.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. Unless opposition is presented at the hearing, the court intends to enter the debtor's and the trustee's defaults and enter the following ruling granting the motion for relief from stay. 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 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2017 Acura RDX. Doc. #17. The collateral has a value of \$27,300.00 (Retail) and \$24,200.00 (Average Trade-in). Debtor owes \$32,372.29. *Id.*

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

6. [18-14028](#)-B-7 **IN RE: SAUL AGUNDEZ**
[EAT-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-13-2018 [\[21\]](#)

WELLS FARGO BANK, N.A./MV
DARLENE VIGIL/ATTY. FOR MV.
DISMISSED 12/6/18

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

DISPOSITION: Denied as moot.

NO ORDER REQUIRED. The case was dismissed on December 6, 2018.
Doc. #27.

7. [18-13331](#)-B-7 **IN RE: JUSTIN HOFFMAN**
[KDG-1](#)

MOTION TO AVOID LIEN OF INTERINSURANCE EXCHANGE OF THE
AUTOMOBILE CLUB
11-20-2018 [\[16\]](#)

JUSTIN HOFFMAN/MV
HAGOP BEDOYAN

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.

In order to avoid a lien under 11 U.S.C. § 522(f)(1) the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be

listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (9th Cir. BAP 2003), quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), aff'd 24 F.3d 247 (9th Cir. 1994).

A judgment was entered against the debtor in favor of Interinsurance Exchange of the Automobile Club in the sum of \$24,184.76 on October 7, 2005. Doc. #20. The abstract of judgment was recorded with Fresno County on September 22, 2006. *Id.* That judgment was renewed on December 9, 2014. *Id.* That lien attached to the debtor's interest in a residential real property in Fresno, CA. The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of \$160,000.00 as of the petition date. Doc. #1. The unavoidable liens totaled \$107,105.05 on that same date, consisting of a first deed of trust in favor of M & T Bank (doc. #1, Schedule D) and a second deed of trust in favor of California Housing Finance Agency, Single Family Lending Division, Subordinate Loan Processing Unit (*id.*). The debtor claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730(a)(s) in the amount of \$100,000.00. Doc. #1, Schedule C.

Movant has established the four elements necessary to avoid a lien under § 522(f)(1). After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

8. [18-10133](#)-B-7 **IN RE: JESSE/SHERRI SHIELDS**
[TMT-2](#)

MOTION TO SELL
11-13-2018 [\[32\]](#)

TRUDI MANFREDO/MV
SCOTT LYONS
TRUDI MANFREDO/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed for higher and better bids only.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

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. 11 U.S.C. § 363(b)(1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

The trustee asks this court for authorization to sell a 2002 Chevrolet Silverado, a 1999 Subaru Legacy Wagon, and a 1997 Ford Expedition for \$4,015.00, \$769.00, and \$969.00 respectively, for a total of \$5,753.00 ("Vehicles") to debtors, subject to higher and better bids at the hearing.

It appears that the sale of the Vehicles is a reasonable exercise of the trustee's business judgment. The net to the estate will be \$2,703.00. Doc. #32. The trustee is holding on to the funds. *Id.*

Any prospective bidders on the 2002 Chevy Silverado must bring certified funds to the hearing in the amount of \$4,186.00. The bidding will begin at \$4,286.00.

Any prospective bidders on the 1999 Subaru Legacy Wagon must bring certified funds to the hearing in the amount of \$904.00. The bidding for that vehicle will begin at \$1,004.00.

Any prospective bidders on the 1997 Ford Expedition must bring certified funds to the hearing in the amount of \$1,140.00. The bidding for that vehicle will begin at \$1,240.00.

The certified check(s) must be made out to "Trudi G. Manfredo, Chapter 7 Trustee," and is non-refundable if that bidder is the successful bidder and fails to perform. Prospective bidders must also bring documentary evidence of the ability to pay the amount of their bid.

The provisions of Federal Bankruptcy Rule 6004(h) are waived.

9. [18-13238](#)-B-7 **IN RE: DENISE DAWSON**
[JDR-3](#)

MOTION TO DELAY DISCHARGE
12-4-2018 [[29](#)]

DENISE DAWSON/MV
JEFFREY ROWE

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. Federal Rule of Bankruptcy Procedure 4004(c)(2) states "[n]otwithstanding Rule 4004(c)(1), on motion of the debtor, the court may defer the entry of an order granting a discharge for 30 days and, on motion within that period, the court may defer entry of the order to a date certain."

The order for the entry of discharge shall be delayed until December 19, 2019 to allow debtor time to file, serve, and prosecute an adversary proceeding.

10. [18-14639](#)-B-7 **IN RE: NANCY VILLARRUEL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
11-26-2018 [[20](#)]

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. 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.

11. [18-14442](#)-B-7 **IN RE: SALVADOR GARCIA**
[TMT-3](#)

MOTION TO SELL
11-21-2018 [\[16\]](#)

TRUDI MANFREDO/MV
PETER BUNTING

TENTATIVE RULING: This matter will proceed for higher and better
bids only.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The Moving Party
shall submit a proposed order after hearing.

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. 11 U.S.C. § 363(b)(1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

The trustee asks this court for authorization to sell a 2003 Chevrolet Avalanche to debtors for \$6,850.00, subject to higher and better bids at the hearing.

It appears that the sale of the 2003 Chevrolet Avalanche is a reasonable exercise of the trustee's business judgment. The net to the estate will be \$2,000.00. Doc. #16. The trustee is currently holding the funds. *Id.*

Any prospective bidders on the 2003 Chevrolet Avalanche must bring certified funds to the hearing in the amount of \$6,850.00. The bidding will begin at \$6,950.00.

The certified check must be made out to "Trudi G. Manfredo, Chapter 7 Trustee," and is non-refundable if that bidder is the successful

bidder and fails to perform. Prospective bidders must also bring documentary evidence of the ability to pay the amount of their bid.

The provisions of Federal Bankruptcy Rule 6004(h) are waived.

12. [18-13843](#)-B-7 **IN RE: KATHERINE PESINA**
[RLM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-20-2018 [\[13\]](#)

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY/MV
NEIL SCHWARTZ
RICHARD MAHFOUZ/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.

Movant State Farm Mutual Automobile Insurance Company requests relief from the automatic stay "for the limited purpose of permitting this claimant to proceed against the Debtor's auto insurance policy" in state court. Doc. #13.

When a movant prays for relief from the automatic stay to initiate or continue non-bankruptcy court proceedings, a bankruptcy court must consider the "Curtis factors" in making its decision. In re Kronemyer, 405 B.R. 915, 921 (9th Cir. B.A.P. 2009). The relevant factors in this case include:

(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;
- (4) whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases;
- (5) whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation;
- (6) whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the goods or proceeds in question;
- (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties;
- (8) whether the judgment claim arising from the foreign action is subject to equitable subordination under section 510(c);
- (9) whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under section 522(f);
- (10) the interests 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"

Relief from the stay may result in complete resolution of the issues and the matter in the state courts is unrelated to this bankruptcy. Movant has stated that they will only be looking to insurance proceeds and NOT property of the estate, so the interests of other creditors will not be prejudiced. The state court action is a not a matter the bankruptcy court can hear.

This motion will be granted only for the limited purpose of continuing with the state court action to liquidate the claim and to seek relief against the insurance policy, only. Any additional relief will require a further court order.

13. [18-14144](#)-B-7 **IN RE: LUCAS/JENNIFER LEES**
[PPR-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR
ADEQUATE PROTECTION
11-9-2018 [\[20\]](#)

PRESTIGE FINANCIAL SERVICES/MV
GLEN GATES
SYLVIA BLUME/ATTY. FOR MV.
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 for relief from stay was fully noticed in compliance with the Local Rules of Practice. The debtor filed non-opposition on November 21, 2018. Doc. #32. The trustee's default will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2011 Chevrolet Traverse. Doc. #22. The collateral has a value of \$11,025.00 and debtor owes \$18,241.63. *Id.*

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset and the debtors have indicated in their Statement of Intention that they intend to surrender the vehicle.

If adequate protection is requested, it will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

14. [18-13472](#)-B-7 **IN RE: JASON/SEGGAN SANDERS**
[RAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-13-2018 [\[21\]](#)

U.S. BANK NATIONAL
ASSOCIATION/MV
NICHOLAS WAJDA
SEAN FERRY/ATTY. FOR MV.

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

DISPOSITION: Granted in part as to the trustee's interest and
denied as moot in part as to the debtors' interest.

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

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The motion will be DENIED AS MOOT as to the debtors pursuant to 11 U.S.C. § 362(c)(2)(C). The debtors' discharge was entered on December 18, 2018. Docket #27. The motion will be GRANTED IN PART 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. The order shall provide the motion is DENIED AS MOOT as to the debtors.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a parcel of real property commonly known as 10810 Alondra Drive, Bakersfield, California. Doc. #24. The collateral has a value of \$257,000.00 and the amount owed is \$260,502.09. Doc. #25.

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 California Civil Code § 2923.5.

A waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will not be granted. The movant has shown no exigency.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

15. [18-10376](#)-B-7 **IN RE: AMMANDO/MARIA MORALEZ**
[TGM-4](#)

MOTION TO SELL FREE AND CLEAR OF LIENS
11-20-2018 [\[62\]](#)

PETER FEAR/MV
LAYNE HAYDEN
TRUDI MANFREDO/ATTY. FOR MV.
JOINT DEBTOR DISMISSED 05/23/2018;

TENTATIVE RULING: This matter will proceed for higher and better
bids only.

DISPOSITION: Granted 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.

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). Therefore, the defaults of the above-mentioned parties in interest are entered. 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 IN PART. Under 11 U.S.C. § 363(f), the trustee may sell estate property of the estate outside the ordinary course of business, after notice and a hearing, free and clear of "any interest in such property of an entity other than the estate, only if such entity consents," inter alia.

The trustee wishes to sell real property located at 31042 Heather Ave. in Madera, CA for \$190,000.00 to Compass Homes, Inc. ("Buyer"). Doc. #62. The property is presumptively community property. See Doc. #65; 11 U.S.C. § 541(a)(2), and California Family Code § 2581. Debtor's wife was dismissed from the case on May 23, 2018. Doc. #26.

Buyer has made a \$5,000.00 deposit, nonrefundable if Buyer fails to perform. The property is being sold "as is, where is" with no warranties made by the trustee.

The solar panel system attached to the residence is subject to a lease/purchase. As part of the sale, Buyer has agreed to assume the existing lease/purchase agreement currently owned by Mount Solar Partnership X, LLC c/o TESLA.

Pursuant to 11 U.S.C. § 365(p), the chapter 7 trustee had until 60 days after the case was filed to assume to solar panel system lease. That date has long since passed. The court does not see any document filed with the court showing that the trustee assumed the lease. Thus, the court is unable to order that the sale includes assumption of the existing solar panel system lease because the solar panel system is no longer property of the estate. However, if the lessor and Buyer consent, they may make their own agreement. The court will not require the parties to the sale to do anything since there is no estate interest.

Debtor's spouse has been diagnosed with Alzheimer's and debtor has a durable power of attorney, purportedly enabling him to sign any documents required by his wife to effectuate the sale. Doc. #65. The court is not finding the power of attorney is effective or is all that is necessary to sell Ms. Morales's interest. The power of attorney itself allows parties to rely upon its provisions. The court is adding nothing to that.

The trustee has produced evidence that a total of \$32,969.42 in state tax liens and \$37,211.50 (for a grand total of \$70,180.92) in federal tax liens are attached to the property. *Id.* Both the Franchise Tax Board and the Internal Revenue Service ("Tax Creditors") have consented to the sale free and clear of their liens. Doc. #66, exh. #6, 7. The Tax Creditors will be paid through escrow.

Because "such entit[ies have] consent[ed]," the trustee may sell the property located at 31042 Heather Avenue in Madera, CA to Buyer for \$190,000.00 and free and clear of the state and federal tax liens. The liens are transferred to the proceeds. The motion is GRANTED subject to the above limitations.

16. [18-14378](#)-B-7 **IN RE: ALEJANDRO/BRENDA RAMIREZ**
[APN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-19-2018 [\[11\]](#)

WELLS FARGO BANK, N.A./MV
R. BELL
AUSTIN NAGEL/ATTY. FOR MV.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion on November 27,
2018. Doc. #18.

17. [18-13280](#)-B-7 **IN RE: ALFONSO ZAMORA**
[JES-1](#)

MOTION TO EMPLOY BAIRD AUCTION & APPRAISALS AS AUCTIONEER,
AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES
11-21-2018 [\[20\]](#)

JAMES SALVEN/MV
MARK ZIMMERMAN

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. 11 U.S.C. § 328(a) permits employment of "professional persons" on "reasonable terms and conditions" including "contingent fee basis."

Trustee is authorized to employ Baird Auction & Appraisals ("Auctioneer") as auctioneer to sell property of the estate, a 1999 Buick LaSabre, at a public auction set for January 8, 2019 at 1328 N. Sierra Vista, Suite B in Fresno, CA. Trustee is also authorized to pay Auctioneer in accordance with that sale.

The trustee proposes to compensate Auctioneer on a percentage collected basis. The percentage is 15% of the gross proceeds from the sale, which includes expenses. Doc. #20. Trustee is also authorized to reimburse Auctioneer up to \$250.00 for expenses.

The court finds the proposed arrangement reasonable in this instance. If the arrangement proves improvident, the court may allow different compensation under 11 U.S.C. § 328(a).

18. [16-12687](#)-B-7 **IN RE: LORAIN GOODWIN MILLER**
[TGM-7](#)

OBJECTION TO CLAIM OF LORAIN GOODWIN, CLAIM NUMBER 8
11-5-2018 [[189](#)]

JAMES SALVEN/MV
TRUDI MANFREDO/ATTY. FOR MV.

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(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 objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor/claimant ("Debtor") filed claim no. 8 on November 18, 2016 in the amount of \$14,960.00 for "down payment for purchase of property." Claim #8. She claimed \$2,775.00 of that amount as priority under 11 U.S.C. § 507(a)(7). *Id.*

Movant objects on three grounds. First, that Debtor is not entitled to priority status because the claim is a deposit made into escrow for the purchase of commercial real property. Second, that the facts and issues of this claim were recently litigated, and the court

found in favor of the trustee. Third, the duty of the chapter 7 trustee is to liquidate a debtor's assets, not to give them back to the debtor. See 11 U.S.C. § 704. The court finds that the trustee's objections are valid. The debtor did not file a response.

Claim no. 8 filed by Debtor is disallowed in its entirety.

19. [16-12687](#)-B-7 **IN RE: LORAIN GOODWIN MILLER**
[TGM-8](#)

OBJECTION TO CLAIM OF LORAIN GOODWIN, CLAIM NUMBER 11
11-5-2018 [[195](#)]

JAMES SALVEN/MV
TRUDI MANFREDO/ATTY. FOR MV.

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(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 objection is SUSTAINED.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. BAP 2000).

Debtor/claimant ("Debtor") filed claim no. 11 on November 18, 2016 in the amount of \$1,549.20 for "down payment for purchase of property." Claim #8. She claimed the entire amount as priority under 11 U.S.C. § 507(a)(7). *Id.*

Movant objects on three grounds. First, that Debtor is not entitled to priority status because the claim is a deposit made into escrow for the purchase of commercial real property. Second, that the facts and issues of this claim were recently litigated, and the court found in favor of the trustee. Third, the duty of the chapter 7 trustee is to liquidate a debtor's assets, not to give them back to the debtor. See 11 U.S.C. § 704. The court finds that the trustee's objections are valid. The debtor did not file a response.

Claim no. 11 filed by Debtor is disallowed in its entirety.

20. [18-13291](#)-B-7 **IN RE: EDWARD/MURIEL JOSEPH**
[TMT-1](#)

MOTION TO SELL
11-20-2018 [\[19\]](#)

TRUDI MANFREDO/MV
DAVID JENKINS

TENTATIVE RULING: This matter will proceed for higher and better bids only.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

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. 11 U.S.C. § 363(b)(1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

The trustee asks this court for authorization to sell a 2013 Ford Edge to debtors for \$11,500.00, subject to higher and better bids at the hearing.

It appears that the sale of the 2013 Ford Edge is a reasonable exercise of the trustee's business judgment. The net to the estate will be \$8,450.00. Doc. #19. The trustee is currently holding those funds. *Id.*

Any prospective bidders on the 2013 Ford Edge must bring certified funds to the hearing in the amount of \$11,500.00. The bidding will begin at \$11,600.00.

The certified check must be made out to "Trudi G. Manfredo, Chapter 7 Trustee," and is non-refundable if that bidder is the successful bidder and fails to perform. Prospective bidders must also bring documentary evidence of the ability to pay the amount of their bid.

The provisions of Federal Bankruptcy Rule 6004(h) are waived.

21. [18-12597](#)-B-7 **IN RE: ISIDRO/BLANCA MAGANA**
[TMT-1](#)

MOTION TO SELL
11-13-2018 [[23](#)]

TRUDI MANFREDO/MV
MARK ZIMMERMAN
TRUDI MANFREDO/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed for higher and better bids only.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

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. 11 U.S.C. § 363(b)(1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

The trustee asks this court for authorization to sell a 2005 Hummer H2 to Isidro Ramos Magana for \$8,500.00, subject to higher and better bids at the hearing.

It appears that the sale of the 2005 Hummer H2 is a reasonable exercise of the trustee's business judgment. The net to the estate will be \$8,500.00. Doc. #23. The trustee is currently holding those funds. *Id.*

Any prospective bidders on the 2005 Hummer H2 must bring certified funds to the hearing in the amount of \$8,500.00. The bidding will begin at \$8,600.00. The certified check must be made out to "Trudi G. Manfredo, Chapter 7 Trustee," and is non-refundable if that bidder is the successful bidder and fails to perform. Prospective bidders must also bring documentary evidence of the ability to pay the amount of their bid.

The provisions of Federal Bankruptcy Rule 6004(h) are waived.

11:00 AM

1. [18-14337](#)-B-7 **IN RE: VERONICA GARCIA**

PRO SE REAFFIRMATION AGREEMENT WITH GOLDEN 1 CREDIT UNION
11-26-2018 [[12](#)]

NO RULING.

2. [18-13849](#)-B-7 **IN RE: GREGORY/CHRISTINE PIERCE**

REAFFIRMATION AGREEMENT WITH ALLY BANK
11-15-2018 [[13](#)]

TIMOTHY SPRINGER

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Debtor's counsel will inform debtor that no appearance is necessary.

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. In this case, the debtors' attorney affirmatively represented that they could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. §524(c) and is not enforceable.

1:30 PM

1. [18-10512](#)-B-7 **IN RE: ABDOL REZA RASTEGAR**
[18-1027](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
5-21-2018 [[1](#)]

FIRST NATIONAL BANK OF OMAHA
V. RASTEGAR
CORY ROONEY/ATTY. FOR PL.
DISMISSED 11/5/15, CLOSED 11/26/18

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: This adversary proceeding was dismissed. Doc.
#14.

2. [18-13516](#)-B-7 **IN RE: PETERANGELO/DEMITRA VALLIS**
[18-1073](#)

STATUS CONFERENCE RE: AMENDED COMPLAINT
10-22-2018 [[7](#)]

VALLIS ET AL V. RODRIGUEZ
HAGOP BEDOYAN/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to February 27, 2019 at 1:30 p.m.

ORDER: The court will issue an order.

The parties have elected to pursue the court's BDRP. For good cause, this status conference is continued to February 27, 2019 at 1:30 p.m. Joint or unilateral status reports shall be filed and served not later February 20, 2019.

3. [18-13218](#)-B-7 **IN RE: VAN LAI**
[18-1056](#)

ORDER TO SHOW CAUSE REGARDING DISMISSAL OF ADVERSARY
PROCEEDING
11-15-2018 [[21](#)]

LAI V. T2M INVESTMENTS, LLC ET
AL

NO RULING.

4. [17-13527](#)-B-7 **IN RE: BEKAFA WOLDEMESKEL**
[17-1089](#)

PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
2-1-2018 [[9](#)]

KEVORKIAN V. WOLDEMESKEL
J. ARMAS/ATTY. FOR PL.

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

DISPOSITION: This matter will be continued to January 16, 2019 at
 1:30 p.m.

ORDER: The court will issue the order.

Pursuant to the "Stipulation for Settlement" (doc. #35) filed with this court on November 7, 2018, the payment of the settlement "shall be made within thirty (30) days of the signing of this Agreement." The day by which that payment was to be made was December 7, 2019.

If that payment was made, then Plaintiff shall file a stipulation for dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) (made applicable by Federal Rule of Bankruptcy Procedure 7041) or a motion to dismiss under Fed. R. Civ. P. 41(a)(2) before the continued hearing. If that payment was not made, the Plaintiff shall file a motion for default and judgment pursuant to the stipulation.

If either motion is filed, the status conference will be dropped and the court will hear the motion when scheduled. If no motion for default and judgment or dismissal is filed prior to the continued hearing, the court will issue an order to show cause on why this case should not be dismissed for lack of prosecution.

5. [18-12834](#)-B-7 **IN RE: PHANECIA NEVAREZ**
[18-1072](#)

STATUS CONFERENCE RE: COMPLAINT
10-10-2018 [[1](#)]

NEVAREZ V. JONES ET AL
PETER BUNTING/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

6. [17-10236](#)-B-13 **IN RE: PAUL/KATHLEEN LANGSTON**
[17-1044](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
7-3-2017 [[17](#)]

LANGSTON ET AL V. INTERNAL
REVENUE SERVICE
GABRIEL WADDELL/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to February 13, 2019 at 1:30 p.m.

ORDER: The court will issue an order.

This matter is continued to February 13, 2019 at 1:30 p.m. to be heard in conjunction with those motions currently scheduled to be heard on that date.

7. [17-10236](#)-B-13 **IN RE: PAUL/KATHLEEN LANGSTON**
[17-1044](#) [US-1](#)

MOTION TO DISMISS PAUL LANGSTON'S AND KATHLEEN LANGSTON'S
CLAIM FOR ATTORNEY'S FEES
11-20-2018 [[55](#)]

LANGSTON ET AL V. INTERNAL
REVENUE SERVICE
JONATHAN HAUCK/ATTY. FOR MV.
CONTINUED TO 2/13/19 WITHOUT AN ORDER

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

DISPOSITION: Continued to February 13, 2019 at 1:30 p.m.

ORDER: The court will issue an order.

This matter is continued to February 13, 2019 at 1:30 p.m.

The court notes that the amended notice (doc. #73) states that the continuance was agreed upon by opposing counsel. However, the Local Rules of Practice ("LBR") do not permit a continuance without court order. LBR 9014-1(j). The court did not issue an order permitting this continuance. Unless movant submits such an order not later than January 16, 2019, this motion will be denied without prejudice for failure to comply with the Local Rules of Practice.

8. [17-14678](#)-B-7 **IN RE: SEAN MOONEY**
[18-1037](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-27-2018 [[1](#)]

FEAR V. MOONEY
TRUDI MANFREDO/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: This adversary proceeding was voluntarily
dismissed on December 7, 2018. Doc. #26.

9. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[17-1095](#)

CONTINUED STATUS CONFERENCE RE: NOTICE OF REMOVAL
12-28-2017 [[1](#)]

HEALTHCARE CONGLOMERATE
ASSOCIATES, LLC V. TULARE
HAGOP BEDOYAN/ATTY. FOR PL.
STIP & ORDER #161 CONTINUING TO 2/27/19

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

DISPOSITION: Continued to February 27, 2019 at 1:30 p.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #161.

10. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[17-1095](#) [OHS-1](#)

CONTINUED MOTION FOR REMAND
1-24-2018 [[17](#)]

HEALTHCARE CONGLOMERATE
ASSOCIATES, LLC V. TULARE
HAGOP BEDOYAN/ATTY. FOR MV.
STIP AND ORDER #154 CONTINUING TO 2/27/19

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

DISPOSITION: Continued to February 27, 2019 at 1:30 p.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #154.

11. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[17-1095](#) [OHS-2](#)

CONTINUED MOTION TO DISMISS COUNTERCLAIM AND/OR MOTION TO STRIKE
1-29-2018 [[21](#)]

HEALTHCARE CONGLOMERATE
ASSOCIATES, LLC V. TULARE
HAGOP BEDOYAN/ATTY. FOR MV.
STIP AND ORDER #142 CONTINUING TO 2/27/19

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

DISPOSITION: Continued to February 27, 2019 at 1:30 p.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #155.

12. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[17-1095](#) [OHS-3](#)

CONTINUED MOTION TO STRIKE
1-29-2018 [[26](#)]

HEALTHCARE CONGLOMERATE
ASSOCIATES, LLC V. TULARE
HAGOP BEDOYAN/ATTY. FOR MV.
STIP AND ORDER #55 CONTINUING TO 2/27/19

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

DISPOSITION: Continued to February 27, 2019 at 1:30 p.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #156.

13. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WW-32](#)

CONTINUED MOTION FOR EXAMINATION AND FOR PRODUCTION OF DOCUMENTS
5-30-2018 [[539](#)]

TULARE LOCAL HEALTHCARE
DISTRICT/MV
RILEY WALTER
STIP AND ORDER #900 CONTINUING TO 2/27/19

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

DISPOSITION: Continued to February 27, 2019 at 1:30 p.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #900.

14. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[18-1005](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
5-8-2018 [[27](#)]

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

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

DISPOSITION: Continued to February 27, 2019 at 1:30 p.m.

ORDER: The court will issue the order.

In light of the global settlement agreement, this status conference
is continued to February 27, 2019 at 1:30 p.m.

15. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[18-1005](#) [WW-1](#)

CONTINUED MOTION FOR SUMMARY JUDGMENT
7-2-2018 [[45](#)]

TULARE LOCAL HEALTHCARE
DISTRICT V. HEALTHCARE
RILEY WALTER/ATTY. FOR MV.
STIP AND ORDER #81 CONTINUING TO 2/27/19

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

DISPOSITION: Continued to February 27, 2019 at 1:30 p.m.

NO ORDER REQUIRED: The court already issued an order. Doc. #81.

16. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[18-1022](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-30-2018 [[1](#)]

TULARE LOCAL HEALTHCARE
DISTRICT V. LAVERS ET AL
RILEY WALTER/ATTY. FOR PL.

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

DISPOSITION: Continued to January 28, 2019 at 1:30 p.m.

NO ORDER REQUIRED: The court will issue the order.

Plaintiff shall file a motion for entry of default and judgment or dismissal before the continued hearing. If such a motion is filed, the status conference will be dropped and the court will hear the motion when scheduled. If no motion for default and judgment or dismissal is filed prior to the continued hearing, the court will issue an order to show cause on why this case should not be dismissed.