

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Tuesday, September 29, 2020  
Place: Department B - Courtroom #13  
Fresno, California

**ALL APPEARANCES MUST BE TELEPHONIC**  
**(Please see the court's website for instructions.)**

*Pursuant to District Court General Order 618, no persons are permitted to appear in court unless authorized by order of the court until further notice. All appearances of parties and attorneys shall be telephonic through CourtCall. The contact information for CourtCall to arrange for a phone appearance is: (866) 582-6878.*

**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. [20-10800](#)-B-11     **IN RE: 4-S RANCH PARTNERS, LLC**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION  
3-2-2020    [\[1\]](#)

RENO FERNANDEZ/ATTY. FOR DBT.

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

DISPOSITION:     Continued to October 20, 2020 at 9:30 a.m.

ORDER:             The court will issue an order.

A motion to intervene is being heard by the Honorable Jennifer E. Niemann on October 14, 2020. The outcome of that motion will determine whether the Honorable René Lastreto II must recuse himself from hearing this chapter 11 case. Therefore, this matter is continued to October 20, 2020 at 9:30 a.m. to be heard in conjunction with the continued scheduling conference on a motion for relief from stay [WJH-1] and for the Honorable Jennifer E. Niemann to hear and rule on the motion to intervene.

2. [20-10800](#)-B-11     **IN RE: 4-S RANCH PARTNERS, LLC**  
[MF-3](#)

CONFIRMATION HEARING RE: CHAPTER 11 PLAN  
7-13-2020    [\[132\]](#)

RENO FERNANDEZ/ATTY. FOR DBT.

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

DISPOSITION:     Continued to October 20, 2020 at 9:30 a.m.

ORDER:             The court will issue an order.

A motion to intervene is being heard by the Honorable Jennifer E. Niemann on October 14, 2020. The outcome of that motion will determine whether the Honorable René Lastreto II must recuse himself from hearing this chapter 11 case. Therefore, this matter is continued to October 20, 2020 at 9:30 a.m. to be heard in conjunction with the continued scheduling conference on a motion for relief from stay [WJH-1] and for the Honorable Jennifer E. Niemann to hear and rule on the motion to intervene.

3. [20-10800](#)-B-11 **IN RE: 4-S RANCH PARTNERS, LLC**  
[MF-5](#)

MOTION TO EMPLOY MCGINLEY & ASSOCIATES, INC. AS CONSULTANT(S)  
8-26-2020 [[162](#)]

4-S RANCH PARTNERS, LLC/MV  
RENO FERNANDEZ/ATTY. FOR DBT.  
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This matter was withdrawn by the movant on September 14, 2020. Doc. #235. Therefore, the motion will be dropped from calendar.

4. [20-10800](#)-B-11 **IN RE: 4-S RANCH PARTNERS, LLC**  
[MF-7](#)

MOTION TO EXTEND EXCLUSIVITY PERIOD TO OBTAIN ACCEPTANCE OF  
CHAPTER 11 PLAN FILED BY DEBTOR 4-S RANCH PARTNERS, LLC  
8-27-2020 [[174](#)]

4-S RANCH PARTNERS, LLC/MV  
RENO FERNANDEZ/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 20, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

A motion to intervene is being heard by the Honorable Jennifer E. Niemann on October 14, 2020. The outcome of that motion will determine whether the Honorable René Lastreto II must recuse himself from hearing this chapter 11 case. Therefore, this matter is continued to October 20, 2020 at 9:30 a.m. to be heard in conjunction with the continued scheduling conference on a motion for relief from stay [WJH-1] and for the Honorable Jennifer E. Niemann to hear and rule on the motion to intervene.

5. [20-10800](#)-B-11 **IN RE: 4-S RANCH PARTNERS, LLC**  
[MF-9](#)

CHAPTER 11 DISCLOSURE STATEMENT FILED BY DEBTOR 4-S RANCH  
PARTNERS, LLC  
8-28-2020 [[182](#)]

RENO FERNANDEZ/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 20, 2020 at 9:30 a.m.

ORDER: The court will issue an order.

A motion to intervene is being heard by the Honorable Jennifer E. Niemann on October 14, 2020. The outcome of that motion will determine whether the Honorable René Lastreto II must recuse himself from hearing this chapter 11 case. Therefore, this matter is continued to October 20, 2020 at 9:30 a.m. to be heard in conjunction with the continued scheduling conference on a motion for relief from stay [WJH-1] and for the Honorable Jennifer E. Niemann to hear and rule on the motion to intervene.

6. [19-10423](#)-B-12 **IN RE: KULWINDER SINGH AND BINDER KAUR**  
[FW-5](#)

STATUS CONFERENCE RE: MOTION TO MODIFY CHAPTER 12 PLAN  
2-25-2020 [[199](#)]

KULWINDER SINGH/MV  
DAVID JOHNSTON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

7. [20-12633](#)-B-11 **IN RE: SIMPLY ESSENTIALS, LLC, A DELAWARE  
LIMITED LIABILITY COMPANY**

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION  
8-10-2020 [[1](#)]

RILEY WALTER/ATTY. FOR DBT.

NO RULING.

The parties are advised that the Judicial Law Clerk for this Department, Mr. Leatham, has accepted a position with the Wanger Jones Helsley law firm. Mr. Leatham is screened from considering this and any other matters involving that firm until he is no longer employed by the court. The parties are urged to consult with their clients and determine whether they will ask the court to recuse from this matter notwithstanding the screen process involving Mr. Leatham.

8. [20-12496](#)-B-11     **IN RE: NORTHGRAND ESTATES, LLC**

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION  
7-29-2020    [[1](#)]

MICHAEL TOTARO/ATTY. FOR DBT.

NO RULING.

9. [20-12633](#)-B-11     **IN RE: SIMPLY ESSENTIALS, LLC, A DELAWARE  
LIMITED LIABILITY COMPANY**  
[WJH-13](#)

MOTION TO DISMISS CASE  
9-22-2020    [[87](#)]

SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY  
RILEY WALTER/ATTY. FOR DBT.  
OST 9/22/20

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 court will issue  
the order.

The parties are advised that the Judicial Law Clerk for this Department, Mr. Leatham, has accepted a position with the Wanger Jones Helsley law firm. Mr. Leatham is screened from considering this and any other matters involving that firm until he is no longer employed by the court. The parties are urged to consult with their clients and determine whether they will ask the court to recuse from this matter notwithstanding the screen process involving Mr. Leatham.

This Motion to Dismiss was set for hearing on the notice required by Local Rule of Practice ("LBR") 9014-1(f)(3) and an order shortening time. Consequently, the creditors, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

The Debtor seeks dismissal of this chapter 11 proceeding pursuant to 11 U.S.C. § 1112(b).

Unless opposition is presented at the scheduled hearing, the court intends to GRANT this motion. Under 11 U.S.C. § 1112(b), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause.

The Debtor has requested dismissal because it has consented to proceed in the Northern District of Iowa on an involuntary Chapter 7 petition commenced there. Doc. #90, Ex. A. As part of the consent process, the Debtor and involuntary petitioners have agreed to seek dismissal of this voluntary Chapter 11 case. Additionally, the Debtor contends that it is unable to reorganize. The Debtor claims to be a farmer and does not consent to conversion because it would "be a waste of judicial and administrative resources to maintain two bankruptcy estates." Doc. #89.

10. [20-12633](#)-B-11 **IN RE: SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY COMPANY**  
[WJH-1](#)

CONTINUED MOTION TO REJECT LEASE OR EXECUTORY CONTRACT  
8-14-2020 [9]

SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY  
RILEY WALTER/ATTY. FOR DBT.

NO RULING.

The parties are advised that the Judicial Law Clerk for this Department, Mr. Leatham, has accepted a position with the Wanger Jones Helsley law firm. Mr. Leatham is screened from considering this and any other matters involving that firm until he is no longer employed by the court. The parties are urged to consult with their clients and determine whether they will ask the court to recuse from this matter notwithstanding the screen process involving Mr. Leatham.

11. [20-12633](#)-B-11 **IN RE: SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY COMPANY**  
[WJH-2](#)

CONTINUED MOTION TO EMPLOY RILEY C. WALTER AS ATTORNEY(S)  
8-14-2020 [18]

SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY  
RILEY WALTER/ATTY. FOR DBT.

NO RULING.

The parties are advised that the Judicial Law Clerk for this Department, Mr. Leatham, has accepted a position with the Wanger

Jones Helsley law firm. Mr. Leatham is screened from considering this and any other matters involving that firm until he is no longer employed by the court. The parties are urged to consult with their clients and determine whether they will ask the court to recuse from this matter notwithstanding the screen process involving Mr. Leatham.

12. [20-12633](#)-B-11 **IN RE: SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY COMPANY**  
[WJH-5](#)

CONTINUED MOTION TO EMPLOY TERRY L. GIBSON AS SPECIAL COUNSEL  
8-14-2020 [[23](#)]

SIMPLY ESSENTIALS, LLC, A  
DELAWARE LIMITED LIABILITY  
RILEY WALTER/ATTY. FOR DBT.

NO RULING.

The parties are advised that the Judicial Law Clerk for this Department, Mr. Leatham, has accepted a position with the Wanger Jones Helsley law firm. Mr. Leatham is screened from considering this and any other matters involving that firm until he is no longer employed by the court. The parties are urged to consult with their clients and determine whether they will ask the court to recuse from this matter notwithstanding the screen process involving Mr. Leatham.

13. [20-12633](#)-B-11 **IN RE: SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY COMPANY**  
[WJH-6](#)

CONTINUED MOTION TO BORROW  
8-25-2020 [[60](#)]

SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY  
RILEY WALTER/ATTY. FOR DBT.

NO RULING.

The parties are advised that the Judicial Law Clerk for this Department, Mr. Leatham, has accepted a position with the Wanger Jones Helsley law firm. Mr. Leatham is screened from considering this and any other matters involving that firm until he is no longer employed by the court. The parties are urged to consult with their clients and determine whether they will ask the court to recuse from this matter notwithstanding the screen process involving Mr. Leatham.

14. [20-12633](#)-B-11 **IN RE: SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY COMPANY**  
[WJH-7](#)

CONTINUED MOTION TO REJECT LEASE OR EXECUTORY CONTRACT  
8-19-2020 [[38](#)]

SIMPLY ESSENTIALS, LLC, A DELAWARE LIMITED LIABILITY  
RILEY WALTER/ATTY. FOR DBT.

NO RULING.

The parties are advised that the Judicial Law Clerk for this Department, Mr. Leatham, has accepted a position with the Wanger Jones Helsley law firm. Mr. Leatham is screened from considering this and any other matters involving that firm until he is no longer employed by the court. The parties are urged to consult with their clients and determine whether they will ask the court to recuse from this matter notwithstanding the screen process involving Mr. Leatham.

1:30 PM

1. [19-12927](#)-B-7    **IN RE: CEDAR MILL FARMS, LLC**  
[DK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
8-28-2020    [\[89\]](#)

JADJ LAND HOLDINGS, LLC/MV  
DEAN KIRBY/ATTY. FOR MV.  
RESPONSIVE PLEADING

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

DISPOSITION:        Denied without prejudice.

ORDER:                The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

The notice did not contain the language required under LBR 9014-1(d)(3)(B) and 9014-1(f)(1).

The court urges movant to review the LBR before filing another motion.

2. [19-14941](#)-B-7    **IN RE: JOSE PALAFOX ORTEGA AND OLGA PALAFOX**  
[ICE-1](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT  
WITH RODEL PALAFOX  
8-26-2020    [\[28\]](#)

IRMA EDMONDS/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 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. It appears from the moving papers that the chapter 7 trustee has considered the standards of In re Woodson, 839 F.2d 610, 620 (9th Cir. 1987) and In re A & C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986):

- a. the probability of success in the litigation;
- b. the difficulties, if any, to be encountered in the matter of collection;
- c. the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; and
- d. the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

Accordingly, it appears that the compromise pursuant to Federal Rule of Bankruptcy Procedure 9019 is a reasonable exercise of the trustee's business judgment. The order should be limited to the claims compromised as described in the motion.

The trustee requests approval of a settlement agreement for a claim which accrued pre-petition in favor of the estate and against Rodel Palafox, the debtors' son, in the sum of \$2,000.00. The subject claim appeared to be a preferential payment or fraudulent conveyance by the debtors to their son in November 2019 and within one year preceding the bankruptcy case. Doc. #28. The claim was settled for the full value of the preferential payment: \$2,000.00. Doc. #30. The trustee has been paid in full. Id.

Under the terms of the proposed compromise, the claim will be settled in favor of the debtors' estate for \$2,000.00 and the estate will release Rodel Palafox as to the preference payment. Id.

On a motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Fed. R. Bankr. P. 9019. Approval of a compromise must be based upon considerations of fairness and equity. In re A & C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986). The court must consider and balance four factors: 1) the probability of success in the litigation; 2) the difficulties, if any, to be encountered in the matter of collection; 3) the complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and 4) the paramount interest of the creditors with a proper deference to their reasonable views. In re Woodson, 839 F.2d 610, 620 (9th Cir. 1988).

The court concludes that the Woodson factors balance in favor of approving the compromise. That is: 1) while the probability of success is likely high and there does not appear to be any defense to the trustee's claim, success is never guaranteed. The trustee contends that the settlement provides as much money to the

bankruptcy as was owed at the time of filing. The settlement achieves the trustee's goals of restoring the full value of money into the estate to what it should have been at the time of filing. 2) Prompt payment has resolved the need for continued litigation. Collection is not an issue because the trustee has already been paid in full and this settlement has saved the estate litigation costs. 3) The litigation would require an analysis of law and facts. The trustee believes the settlement is fair and reasonable given the nature of the claim between the parties. 4) The trustee has exercised her business judgment to provide what she believes to be an economically advantageous result for the bankruptcy estate. The settlement is for the full amount requested by the trustee and there has not been any opposition. The settlement is equitable and fair.

Therefore, the court concludes the compromise to be in the best interests of the creditors and the estate. The court may give weight to the opinions of the trustee, the parties, and their attorneys. In re Blair, 538 F.2d 849, 851 (9th Cir. 1976). Furthermore, the law favors compromise and not litigation for its own sake. Id. Accordingly, the motion will be granted.

This ruling is not authorizing the payment of any fees or costs associated with the litigation.

3. [11-16248](#)-B-7     **IN RE: DEAN/DEBRA THOMPSON**  
[MAZ-2](#)

MOTION TO AVOID LIEN OF L.A. COMMERCIAL GROUP, INC.  
8-25-2020   [\[35\]](#)

DEAN THOMPSON/MV  
MARK ZIMMERMAN/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. 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 L.A. Commercial Group, Inc. in the sum of \$11,121.28 on October 4, 2010. Doc. #37. The abstract of judgment was recorded with Tulare County on October 25, 2010. Id. That lien attached to the debtor's interest in a residential real property in Tulare, 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 \$125,000.00 as of the petition date. Doc. #38. The unavoidable liens totaled \$131,940.82 on that same date, consisting of a first deed of trust in favor of BAC Home Loans. Doc. #38, Schedule D. The debtor claimed an exemption pursuant to Cal. Civ. Proc. Code § 703.140(b)(1) in the amount of \$1.00. Doc. #38, 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).

4. [11-16248](#)-B-7     **IN RE: DEAN/DEBRA THOMPSON**  
[MAZ-3](#)

MOTION TO AVOID LIEN OF BUREAU USA  
8-25-2020   [\[40\]](#)

DEAN THOMPSON/MV  
MARK ZIMMERMAN/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. 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 Creditors Bureau USA in the sum of \$4,559.52 on November 1, 2010. Doc. #42. The abstract of judgment was recorded with Tulare County on November 4, 2010. Id. That lien attached to the debtor's interest in a residential real property in Tulare, 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 \$125,000.00 as of the petition date. Doc. #43. The unavoidable liens totaled \$131,940.82 on that same date, consisting of a first deed of trust in favor of BAC Home Loans. Doc. #43, Schedule D. The debtor claimed an exemption pursuant to Cal. Civ. Proc. Code § 703.140(b)(1) in the amount of \$1.00. Doc. #43, 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).

5. [11-16248](#)-B-7     **IN RE: DEAN/DEBRA THOMPSON**  
[MAZ-4](#)

MOTION TO AVOID LIEN OF BANK OF AMERICA LEASING AND CAPITAL LLC  
8-25-2020    [[45](#)]

DEAN THOMPSON/MV  
MARK ZIMMERMAN/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:         Denied as moot.

ORDER:                The court will issue the order.

This motion is DENIED AS MOOT. This case was filed on May 1, 2011 (doc. #1), the debtor received their discharge on September 12, 2011 (doc. #13), and the case was closed on February 25, 2013 (doc. #24). The case was reopened on August 25, 2020. Doc. #28.

A judgment was entered against the debtor in favor of Banc of America Leasing & Capital, LLC, in the sum of \$128,709.36 on September 22, 2010. Doc. #45. The abstract of judgment was recorded with Tulare County on November 23, 2010. Id. That lien attached to the debtor's interest in a residential real property in Tulare, CA.

California Code of Civil Procedure ("CCP") § 697.310(b) states: "[u]nless the money judgment is satisfied or the judgment lien is released, subject to Section 683.180 (renewal of judgment), a judgment lien created under this section continues until 10 years from the date of entry of the judgment." The date of entry of Banc of America Leasing & Capital's judgment was September 22, 2010. Doc. #45. The 10-year deadline has passed and the judgment has expired. Therefore, the lien cannot be avoided. No evidence is presented that the judgment was renewed. So, the property at issue is not currently encumbered with this abstract of judgment based on movant's evidence. This motion is DENIED AS MOOT.

6. [19-12754](#)-B-7     **IN RE: SUPER TRUCK LINES INC.**  
[RTW-2](#)

MOTION FOR COMPENSATION FOR RATZLAFF TAMBERI AND WONG,  
ACCOUNTANT(S)  
8-28-2020    [[308](#)]

RATZLAFF TAMBERI & WONG/MV  
THOMAS HOGAN/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.

The motion will be GRANTED. Trustee's certified public accountancy firm, Ratzlaff Tamberi & Wong, requests fees of \$2,046.00 and costs of \$27.50 for a total of \$2,073.50 for services rendered from March 9, 2020 through August 13, 2020. Doc. #308.

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) Reviewing the petition, the trustee accounting information, and prior years of income tax returns; and (2) Preparation of extension of time to file for corporation income tax returns, federal and state corporation income tax returns, and a fee application. Doc. #312.

Movant shall be awarded \$2,046.00 in fees and \$27.50 in costs.

7. [18-15061](#)-B-7     **IN RE: JHINGER TRUCKING, INC**  
[RTW-2](#)

MOTION FOR COMPENSATION FOR RATZLAFF TAMBERI & WONG,  
ACCOUNTANT(S)  
8-28-2020     [\[77\]](#)

RATZLAFF TAMBERI & WONG/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.

The motion will be GRANTED. Trustee's certified public accountancy firm, Ratzlaff Tamberi & Wong, requests fees of \$2,024.00 and costs of \$20.00 for a total of \$2,044.00 for services rendered from March 9, 2020 through August 17, 2020. Doc. #79.

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) Reviewing the petition, the trustee accounting information, and prior years of income tax returns; and (2) Preparation of extension of time to file for corporation income tax returns, federal and state corporation income tax returns, and a fee application. Doc. #81.

Movant shall be awarded \$2,024.00 in fees and \$20.00 in costs.

8. [18-15061](#)-B-7     **IN RE: JHINGER TRUCKING, INC**  
[RWR-3](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF COLEMAN & HOROWITT,  
LLP FOR KELSEY A. SEIB, TRUSTEES ATTORNEY(S)  
8-27-2020     [\[71\]](#)

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.

The motion will be GRANTED. Trustee's counsel, Kelsey Seib for Coleman and Horowitz, LLP, requests fees of \$8,422.50 and costs of \$261.45 for a total of \$8,683.95 for services rendered from April 22, 2019 through August 20, 2020.

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) Reviewing and analyzing debtor's bank statements, checks, and other financial documents, (2) Drafting an adversary proceeding for recovery of a pre-petition transfer, (3) Negotiating a settlement agreement, and (4) Preparing and finalizing employment and fee applications. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$8,422.50 in fees and \$261.45 in costs.

9. [20-12475](#)-B-7     **IN RE: AGUSTIN/KANDI MOSQUEDA**  
[ALG-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
8-28-2020    [\[10\]](#)

FIRST TECH FEDERAL CREDIT UNION/MV  
D. GARDNER/ATTY. FOR DBT.  
ARNOLD GRAFF/ATTY. FOR MV.

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

DISPOSITION:     Denied without prejudice.

ORDER:             The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

The notice did not contain the language required under LBR 9014-1(d)(3)(B)(iii), which requires movants to notify respondents that they can determine whether the matter has been resolved without oral argument or if the court has issued a tentative ruling by checking the Court's website at [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov) after 4:00 p.m. the day before the hearing.

10. [20-12778](#)-B-7     **IN RE: FORTUNATA PECSON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
9-9-2020    [\[20\]](#)

\$335.00 FILING FEE PAID 9/14/20

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

DISPOSITION:     The OSC will be vacated.

ORDER:            The court will issue an order.

The record shows that the filing fee has been paid in full on September 14, 2020. Therefore, the Order to Show Cause will be vacated.

11. [20-12479](#)-B-7     **IN RE: JOSE GUERRERO**  
[SL-1](#)

CONTINUED MOTION TO COMPEL ABANDONMENT  
8-4-2020    [\[14\]](#)

JOSE GUERRERO/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 is GRANTED

This motion was continued because the chapter 7 trustee ("Trustee") opposed. Trustee opposed because he was concerned about an unencumbered asset being removed from an amended schedule. Debtor stated that the property, a truck, was actually leased and they amended the schedules to show as such.

Debtor filed a declaration on August 25, 2020 stating the above. Doc. #26. Trustee was to file any opposition not later than September 18, 2020. No opposition has been filed. The court notes that the § 341 meeting of creditors was held on September 3, 2020 and this is a no distribution case. Based on those facts, the court sees no reason to hold another hearing on this matter.

11 U.S.C. §554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." In order to grant a motion to abandon property, the

bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. In re Vu, 245 B.R. 644, 647 (9th Cir. B.A.P. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset . . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." In re K.C. Mach. & Tool Co., 816 F.2d 238, 246 (6th Cir. 1987). And in evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. In re Johnson, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). In re Galloway, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at 16-17 (B.A.P. 9th Cir. 2014).

Debtor asks this court to compel the chapter 7 trustee to abandon the estate's interest in debtor's sole proprietorship trucking business. Doc. #14. The assets include good will and a class A drivers' license. ("Business Assets").

The court finds that the Business Assets are of inconsequential value and benefit to the estate. The Business Assets were accurately scheduled and are exempt from the bankruptcy estate. Therefore, this motion is GRANTED.

The order shall include a specific list of the property abandoned.

12. [20-12779](#)-B-7      **IN RE: MARIA RODRIGUEZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
9-9-2020    [\[12\]](#)

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 fee due at the time of the hearing, filing fee of \$335.00, has not been paid prior to the hearing, the case will be dismissed on the grounds stated in the Order to Show Cause.

13. [19-13887](#)-B-7    **IN RE: NICHOLAS/TINA THOMPSON**  
[ICE-1](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT  
WITH MANDI CLINE  
8-25-2020    [\[29\]](#)

IRMA EDMONDS/MV  
NICHOLAS WAJDA/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. It appears from the moving papers that the chapter 7 trustee ("Trustee") has considered the standards of In re Woodson, 839 F.2d 610, 620 (9th Cir. 1987) and In re A & C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986):

- a.    the probability of success in the litigation;
- b.    the difficulties, if any, to be encountered in the matter of collection;
- c.    the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; and
- d.    the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

Accordingly, it appears that the compromise pursuant to Federal Rule of Bankruptcy Procedure 9019 is a reasonable exercise of Trustee's business judgment. The order should be limited to the claims compromised as described in the motion.

Trustee requests approval of a settlement agreement between the estate and Mandi Cline, debtor Tina Thompson's sister ("Thompson"). Doc. #29. Under the terms of the compromise, Thompson will pay the

estate \$2,000.00, and the estate will release all its claims as to the preference payment against Thompson. Id.

On a motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Fed. R. Bankr. P. 9019. Approval of a compromise must be based upon considerations of fairness and equity. In re A & C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986). The court must consider and balance four factors: 1) the probability of success in the litigation; 2) the difficulties, if any, to be encountered in the matter of collection; 3) the complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and 4) the paramount interest of the creditors with a proper deference to their reasonable views. In re Woodson, 839 F.2d 610, 620 (9th Cir. 1988).

The court concludes that the Woodson factors balance in favor of approving the compromise. That is: Trustee believes the probability of success is high, but understands that the transfer may have just been innocent; collection is not an issue as the estate has already received the funds; the litigation is not complex, but moving forward would decrease the net to the estate due to the legal fees; and the creditors will greatly benefit from the net to the estate, that would otherwise not exist; the settlement is equitable and fair.

Therefore, the court concludes the compromise to be in the best interests of the creditors and the estate. The court may give weight to the opinions of the trustee, the parties, and their attorneys. In re Blair, 538 F.2d 849, 851 (9th Cir. 1976). Furthermore, the law favors compromise and not litigation for its own sake. Id. Accordingly, the motion will be granted.

This ruling is not authorizing the payment of any fees or costs associated with the litigation.

14. [20-11796](#)-B-7 **IN RE: YADWINDER SINGH**  
[UST-1](#)

MOTION TO APPROVE STIPULATION TO DISMISS CHAPTER 7 CASE WITHOUT  
ENTRY OF DISCHARGE  
8-27-2020 [\[17\]](#)

TRACY DAVIS/MV  
LAYNE HAYDEN/ATTY. FOR DBT.  
TREVOR FEHR/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 stipulation between the United States Trustee and debtor is approved.