



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, January 8, 2026
Department A - Courtroom #11
Fresno, California

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at, Courtroom #11 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of 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, and all parties will need to appear at the hearing unless otherwise ordered.** 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.

1. 25-13604-A-13 **IN RE: OLGA WRIGHT**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-8-2025 [12]

LILIAN TSANG/MV
JERRY LOWE/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to January 29, 2026 at 9:30 a.m.

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

Olga Wright ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on October 27, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor has not commenced making plan payments and is therefore delinquent in the amount of \$2,466.10, with another plan payment coming due December 25, 2025; and (2) the meeting of creditors has not yet concluded. Doc. #12. Debtor's 341 meeting of creditors has been continued to January 12, 2026 at 10:00 a.m. See court docket entry entered on December 2, 2025.

On January 2, 2026, Debtor filed a response to Trustee's objection stating that Debtor has made the two plan payments as required. Doc. #15. Debtor acknowledges that Debtor has not provided an updated, valid, unexpired ID to Trustee. Id.

Because Debtor's 341 meeting of creditors needs to be concluded to resolve this objection to confirmation, and that meeting has been continued to January 12, 2026, the court is inclined to continue the hearing on this objection to confirmation to January 29, 2026 at 9:30 a.m.

2. 25-13710-A-13 **IN RE: FIDEL MAZON**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-22-2025 [18]

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

3. 22-11711-A-13 **IN RE: CHRISTINA MARTINEZ**
RSW-1

MOTION TO MODIFY PLAN
11-3-2025 [80]

CHRISTINA MARTINEZ/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(2). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the modified chapter 13 plan. Tr.'s Opp'n, Doc. #87. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

4. 25-11717-A-13 **IN RE: ADRIENNE HUMKEY**
LGT-3

MOTION TO DISMISS CASE
11-20-2025 [47]

LILIAN TSANG/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

5. 25-13118-A-13 **IN RE: MARI RUB FERRELL**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
11-5-2025 [21]

LILIAN TSANG/MV

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Mari Rub Ferrell ("Debtor") filed a voluntary petition under chapter 13 on September 16, 2025 along with a chapter 13 plan ("Plan") on September 22, 2025. Doc. #1, 12. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor has failed to provide any of the required documents including, but not limited to (a) 2024 income tax returns and (b) pay advices for the 60 days prior to filing; and (2) the meeting of creditors has not yet concluded. Doc. #21. The court continued this matter to January 8, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by December 23, 2025; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by December 31, 2025. Order, Doc. #35.

On December 17, 2025, Trustee filed a supplemental objection to confirmation stating (1) a meeting of creditors has not been held because Debtor has failed to appear at her continued meeting of creditors; (2) Debtor has failed to provide copies of pay advices from Orchards Post Acute; (3) Debtor's Plan is not feasible because Debtor's Plan is blank as to priority debt at Section 3.12, and blank for dividend to Class 7 nonpriority unsecured claims at Section 3.14; and (4) amended schedules are required to be filed. Doc. #37.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Trustee's objection. Debtor has not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

6. 25-13118-A-13 **IN RE: MARI RUB FERRELL**
LGT-2

MOTION TO DISMISS CASE
11-19-2025 [27]

LILIAN TSANG/MV
RESPONSIVE PLEADING

NO RULING.

7. 21-12222-A-13 IN RE: **JAMES/CARLA MOORE**
RSW-3

MOTION TO MODIFY PLAN
11-18-2025 [72]

CARLA MOORE/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew the opposition, stating the debtors have resolved the issues raised in Trustee's opposition. See Opp'n, Doc. #78; Opp'n Withdrawal, Doc. #82. The failure of creditors, 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 non-responding parties in interest are entered. 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). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

8. 25-13322-A-13 IN RE: **CARLOS ALVARENGA**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
11-6-2025 [15]

DAVID BOONE/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on December 23, 2025. Doc. #32.

9. 25-11923-A-13 **IN RE: IRIS MURILLO**
RSW-3

MOTION TO CONFIRM PLAN
12-3-2025 [47]

IRIS MURILLO/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

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 at least 35 days' notice prior to the hearing date as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew the opposition, stating the debtor has resolved the issues raised in Trustee's opposition. See Opp'n, Doc. #54; Opp'n Withdrawal, Doc. #57. The failure of creditors, 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 non-responding parties in interest are entered. 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). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

10. 25-13729-A-13 **IN RE: GENEVA FARR**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-22-2025 [31]

LILIAN TSANG/MV
JERRY LOWE/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Geneva Farr ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on November 3, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) Debtor needs to provide verification of her monthly medical expenses in the amount of \$2,100.00 for Trustee to confirm Debtor is paying all of her monthly discretionary income into the Plan, and (2) an amended petition needs to be

filed to include Debtor's full name as referenced on her social security card. Doc. #31.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

11. 25-13330-A-13 **IN RE: IAN CORNELL**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
11-7-2025 [13]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

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

Ian Alexander Cornell ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on October 1, 2025. Doc. #1, 9. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) a motion to value the collateral of OneMain Financial Group LLC ("Creditor") needs to be filed in order for Trustee to determine whether Debtor's Plan is feasible, and (2) Debtor's disclosure of compensation of attorney states a portion of the attorney's fees will be paid by Arag Legal Insurance, which is not addressed in the Plan, and such language needs to be accurately disclosed in an order confirming plan. Doc. #13.

Debtor's motion to value collateral of Creditor was filed and set for hearing on January 8, 2026. Doc. #21-24. The court has granted that motion by final ruling, matter #12 below. Further, in Debtor's response, Debtor agrees to amending the disclosure of compensation in an order confirming plan. Doc. #25. It appears that all outstanding issues raised in Trustee's objection to confirmation have been resolved.

Accordingly, unless withdrawn prior to the hearing, this objection to confirmation will be OVERRULED.

MOTION TO VALUE COLLATERAL OF ONEMAIN FINANCIAL
12-11-2025 [21]

IAN CORNELL/MV
ROBERT WILLIAMS/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 at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #24. However, Federal Rule of Bankruptcy Procedure ("Rule") 9014 requires service of a motion to value collateral be made pursuant to Rule 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Ian Alexander Cornell ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing the Debtor's 2015 Honda Civic ("Vehicle"), which is the collateral of OneMain Financial Group, LLC ("Creditor"). Doc. #21.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age

and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtor asserts the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Ian Cornell, Doc. #23. Debtor asserts a replacement value of the Vehicle of \$3,000.00 and asks the court for an order valuing the Vehicle at \$3,000.00. Doc. #21. Creditor filed a proof of claim on October 17, 2025, asserting a secured claim of \$9,050.00. Claim 4. Debtor is competent to testify as to the value of the Vehicle, and absent opposition to this motion, Debtor's opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

The motion is GRANTED. Creditor's secured claim will be fixed at \$3,000.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

13. 24-11232-A-13 **IN RE: LORETTA ANDREWS**
JRL-3

MOTION TO MODIFY PLAN
11-17-2025 [53]

LORETTA ANDREWS/MV
JERRY LOWE/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 at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

14. 23-10943-A-7 **IN RE: DE QIANG/AMY FENG**
LGT-1

MOTION TO DISMISS CASE
12-8-2025 [156]

LILIAN TSANG/MV
MICHAEL REID/ATTY. FOR DBT.
CONVERTED TO CH. 7 12/29/25

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

A notice of voluntary conversion to a case under chapter 7 was entered on December 24, 2025. Doc. #160. Therefore, this motion will be DENIED AS MOOT.

15. 24-10744-A-13 **IN RE: ROSA GODOY**
RSW-1

CONTINUED MOTION TO MODIFY PLAN
10-8-2025 [24]

ROSA GODOY/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

16. 25-12646-A-13 **IN RE: MANUEL RAMIREZ MENDIOLA**
RSW-2

CONTINUED MOTION TO CONFIRM PLAN
10-23-2025 [23]

MANUEL RAMIREZ MENDIOLA/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This motion to confirm plan is OVERRULED AS MOOT. The debtor filed a first amended plan on December 15, 2025 (RSW-3, Doc. #49), with a motion to confirm that plan set for hearing on January 15, 2026 at 9:30 a.m. Doc. ##46-51.

17. 25-13646-A-13 **IN RE: TINA PEACOCK**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-8-2025 [15]

LILIAN TSANG/MV
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Tina Delozier Peacock ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on October 30, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) a motion to value the collateral of Regional Acceptance Corporation needs to be filed for Trustee to determine feasibility of the Plan; (2) Debtor has not filed tax returns for 2021 and 2022; and (3) the meeting of creditors has not yet concluded. Doc. #15. Debtor's 341 meeting of creditors has been continued to January 12, 2026 at 2:00 p.m. See court docket entry entered on December 2, 2025.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

18. 25-13550-A-13 **IN RE: THEONNA HILL**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-8-2025 [13]

LILIAN TSANG/MV

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtor filed a first amended plan on December 23, 2025 (Doc. #17), although a motion to confirm the modified plan has not yet been filed or set for hearing.

19. 23-10755-A-13 **IN RE: MICHAEL/CYNTHIA LOMONACO**
LGT-1

CONTINUED MOTION TO DISMISS CASE
11-5-2025 [72]

LILIAN TSANG/MV
PETER BUNTING/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

20. 23-10755-A-13 **IN RE: MICHAEL/CYNTHIA LOMONACO**
PBB-3

MOTION TO MODIFY PLAN
11-24-2025 [79]

CYNTHIA LOMONACO/MV
PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

21. 25-13059-A-13 **IN RE: DINORAH CORDOVA**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
10-23-2025 [23]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

22. 25-13059-A-13 **IN RE: DINORAH CORDOVA**
RSW-2

MOTION TO AVOID LIEN OF FORD MOTOR CREDIT COMPANY, LLC
12-11-2025 [33]

DINORAH CORDOVA/MV
ROBERT WILLIAMS/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 at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #37. However, Federal Rule of Bankruptcy Procedure ("Rule") 9014 requires service of a motion to avoid lien be made pursuant to Rule 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Dinorah Lizbeth Cordova ("Debtor"), the debtor in this chapter 13 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Ford Motor Credit Company LLC ("Creditor") on the residential real property commonly referred to

as 4012 Brae Burn Drive, Bakersfield, California (the "Property"). Doc. #33; Schedule C, Doc. #9; Schedule D, Doc. #9.

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). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtor filed the bankruptcy petition on September 10, 2025. Doc. #1. A judgment was entered against Debtor in the amount of \$18,166.32 in favor of Creditor on November 6, 2009. Ex. 4, Doc. #36. The abstract of judgment was recorded pre-petition in Kern County on June 5, 2019, as document number 219065240. Ex. 4, Doc. #36. The lien attached to Debtor's interest in the Property located in Kern County. Doc. #33. The Property also is encumbered by a lien in favor of the California Franchise Tax Board in the amount \$40,294.85, the Internal Revenue Service in the amount of \$16,557.03, and Newrez LLC dba Shellpoint MTG in the amount of \$527,184.55. Schedule D, Doc. #9. Debtor claimed an exemption of \$395,000.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #9. Debtor asserts a market value for the Property as of the petition date at \$674,700.00. Schedule A/B, Doc. #9. There appears to be a senior judicial lien recorded in Kern County on October 3, 2018 with respect to a lien held by Enrique Moreno, Sr. entered on March 30, 2017 for \$54,553.97. Ex. 4, Doc. #40.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$18,166.32
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$638,590.40
Amount of Debtor's claim of exemption in the Property	+	\$395,000.00
		\$1,051,756.72
Value of Debtor's interest in the Property absent liens	-	\$674,700.00
Amount Creditor's lien impairs Debtor's exemption		\$377,056.72

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

MOTION TO AVOID LIEN OF ENRIQUE MORENO, SR.
12-11-2025 [38]

DINORAH CORDOVA/MV
ROBERT WILLIAMS/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 at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #42. However, Federal Rule of Bankruptcy Procedure ("Rule") 9014 requires service of a motion to avoid lien be made pursuant to Rule 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Dinorah Lizbeth Cordova ("Debtor"), the debtor in this chapter 13 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Enrique Moreno, Sr. ("Creditor") on the residential real property commonly referred to as 4012 Brae Burn Drive, Bakersfield, California (the "Property"). Doc. #38; Schedule C, Doc. #9; Schedule D, Doc. #9.

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). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595

(B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtor filed the bankruptcy petition on September 10, 2025. Doc. #1. A judgment was entered against Debtor in the amount of \$54,553.97 in favor of Creditor on March 30, 2017. Ex. 4, Doc. #40. The abstract of judgment was recorded pre-petition in Kern County on October 3, 2018, as document number 218130834. Ex. 4, Doc. #40. The lien attached to Debtor's interest in the Property located in Kern County. Doc. #40. The Property also is encumbered by a lien in favor of the California Franchise Tax Board in the amount \$40,294.85, the Internal Revenue Service in the amount of \$16,557.03, and Newrez LLC dba Shellpoint MTG in the amount of \$527,184.55. Schedule D, Doc. #9. Debtor claimed an exemption of \$395,000.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #9. Debtor asserts a market value for the Property as of the petition date at \$674,700.00. Schedule A/B, Doc. #9. Debtor also set for hearing a motion to avoid one junior judicial lien on the Property, which is being granted (see calendar matter #22 above).

Applying the statutory formula:

Amount of Creditor's judicial lien		\$54,553.97
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$584,036.43
Amount of Debtor's claim of exemption in the Property	+	\$395,000.00
		\$1,033,590.40
Value of Debtor's interest in the Property absent liens	-	\$674,700.00
Amount Creditor's lien impairs Debtor's exemption		\$358,890.40

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

MOTION TO VALUE COLLATERAL OF FORD MOTOR CREDIT COMPANY, LLC
12-11-2025 [43]

DINORAH CORDOVA/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if record sufficiently supplemented.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 non-responding parties in interest are entered. Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, and the court needs clarification before it can grant this motion.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service forms. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #46, 51. However, Federal Rule of Bankruptcy Procedure ("Rule") 9014 requires service of a motion to value collateral be made pursuant to Rule 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Dinorah Lizbeth Cordova ("Debtor"), the debtor in this chapter 13 case, moves the court pursuant to 11 U.S.C. § 1322(c)(2) for an order valuing Debtor's real property located at 5408 Dolfield Avenue, Bakersfield, California (the "Property"), which is the collateral of Ford Motor Credit Company LLC ("Creditor"). Doc. #43. However, because the Property is not Debtor's principal residence (see Schedule C, Doc. #9), it appears Debtor may be seeking a valuation of the Property under 11 U.S.C. § 1322(b)(2), which permits Debtor to "modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor's principal residence, or of holders of unsecured claims, or leave unaffected the rights of holders of any class of claims." At the hearing, Debtor should be prepared to clarify for the record under what statute(s) Debtor seeks relief.

Assuming that Debtor is moving under 11 U.S.C. § 1322(b)(2), the determination of secured status is provided for under 11 U.S.C. § 506. Bankruptcy Code section 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." 11 U.S.C. § 506(a)(1). A determination under section 506(a) that a creditor is wholly unsecured effectively excuses the debtor from treating the creditor's claim as secured under the chapter 13 plan.

Debtor filed this chapter 13 case on September 10, 2025. Doc. #1. On September 24, 2025, Debtor filed schedules that listed the Property's value as \$310,000.00. Schedule A/B, Doc. #9. According to Debtor's Schedule D, the Property is encumbered by a first deed of trust in favor of Valley Mortgage Investments in the amount of \$186,868.05, a second deed of trust in favor of Valdez Estate in the amount of \$95,000.00, a judgment lien in favor of Enrique Moreno Sr. in the amount of \$54,553.97, and a judgment lien in favor of Creditor in the amount of \$18,166.32. Schedule D, Doc. #9; Doc. #43.

Debtor believes the value of the Property as of the petition date is \$310,000.00 based on "paying attention to the property values in the area" and that "[p]roperties comparable to mine in the neighborhood are selling for about the same price or less." Decl. of Dinorah Cordova, Doc. #45. Debtor asserts the Property is worth less than the combined amount owed on the deeds of trust and senior judicial lien, therefore, there is insufficient equity in the Property to support Creditor's lien and asks the court for an order valuing Creditor's lien at \$0.00. Id.

Debtor is competent to testify about the value of her own Property. See, e.g., In re Darosa, 422 B.R. 173, 175 (Bankr. D. Mass. 2010) (citing cases). In the absence of contrary evidence, as in this case, Debtor's opinion of the Property's value may be conclusive. See Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

Accordingly, if Debtor can clarify the record the statutory basis upon which Debtor seeks relief as discussed above, the motion will be GRANTED. Based on the evidence offered in support of the motion, Creditor's junior priority secured claim will be fixed at \$0.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

25. 25-13059-A-13 **IN RE: DINORAH CORDOVA**
RSW-5

MOTION TO VALUE COLLATERAL OF ENRIQUE MORENO, SR.
12-11-2025 [47]

DINORAH CORDOVA/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if record sufficiently supplemented.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 non-responding parties in interest are entered. Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, and the court needs clarification before it can grant this motion.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #50. However, Federal Rule of Bankruptcy Procedure ("Rule") 9014 requires service of a motion to value collateral be made pursuant to Rule 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Dinorah Lizbeth Cordova ("Debtor"), the debtor in this chapter 13 case, moves the court pursuant to 11 U.S.C. § 1322(c)(2) for an order valuing the Debtor's real property located at 5408 Dolfield Avenue, Bakersfield, California (the "Property"), which is the collateral of Enrique Moreno, Sr. ("Creditor"). Doc. #47. However, because the Property is not Debtor's principal residence (see Schedule C, Doc. #9), it appears Debtor may be seeking a valuation of the Property under 11 U.S.C. § 1322(b)(2), which permits Debtor to "modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor's principal residence, or of holders of unsecured claims, or leave unaffected the rights of holders of any class of claims." At the hearing, Debtor should be prepared to clarify for the record under what statute(s) Debtor seeks relief.

Assuming that Debtor is moving under 11 U.S.C. § 1322(b)(2), the determination of secured status is provided for under 11 U.S.C. § 506. Bankruptcy Code section 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." 11 U.S.C. § 506(a)(1).

Debtor filed this chapter 13 case on September 10, 2025. Doc. #1. On September 24, 2025, Debtor filed schedules that listed the Property's value as \$310,000.00. Schedule A/B, Doc. #9. According to Debtor's Schedule D, the Property is encumbered by a first deed of trust in favor of Valley Mortgage Investments in the amount of \$186,868.05, a second deed of trust in favor of Valdez Estate in the amount of \$95,000.00, and a judgment lien in favor of Creditor in the amount of \$54,553.97. Schedule D, Doc. #9; Doc. #43.

Debtor believes the value of the Property as of the petition date is \$310,000.00 based on "paying attention to the property values in the area" and that "[p]roperties comparable to mine in the neighborhood are selling for about the same price or less." Doc. #47; Decl. of Dinorah Cordova, Doc. #49. Debtor asserts the Property is worth less than the combined amount owed on the deeds of trust and, therefore, there is sufficient equity in the Property to partially support Creditor's lien in the amount of \$14,065.97 and asks the court for an order valuing Creditor's lien at \$14,065.97. Id.

Debtor is competent to testify about the value of her own Property. See, e.g., In re Darosa, 422 B.R. 173, 175 (Bankr. D. Mass. 2010) (citing cases). In the absence of contrary evidence, as in this case, Debtor's opinion of the Property's value may be conclusive. See Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

Accordingly, if Debtor can clarify the record the statutory basis upon which Debtor seeks relief as discussed above, the motion will be GRANTED. Based on the evidence offered in support of the motion, Creditor's junior priority secured claim will be fixed at \$14,065.97. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

26. 25-11061-A-13 **IN RE: ARNULFO MUÑOZ-GONZALES**
NSV-3

CONTINUED MOTION TO CONFIRM PLAN
10-14-2025 [80]

ARNULFO MUÑOZ-GONZALES/MV
NIMA VOKSHORI/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on December 31, 2025. Doc. #99.

27. 25-12265-A-13 **IN RE: MANUEL/RISSY MONTOYA**
DEI-1

MOTION TO VALUE COLLATERAL OF EXETER FINANCE LLC
11-29-2025 [44]

RISSY MONTOYA/MV
ANTHONY EGBASE/ATTY. FOR DBT.
DONALD IWUCHUKWU/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue and set for an evidentiary hearing over disputed valuation.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The affected secured creditor timely filed written opposition on December 18, 2025. Doc. #75. The failure of other creditors, 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 non-responding parties in interest are entered.

As a procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6). Here, a motion to substitute attorney and another motion to

value collateral were filed and assigned a Docket Control Number of DEI-1. Doc. ##38,39. Therefore, a new DCN should have been used for any subsequent motion filed by counsel for the movant, including the instant motion. The court encourages counsel to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules.

Manuel A. Montoya and Rissy Y. Montoya (together, "Debtors"), the debtors in this chapter 13 case, move the court for an order valuing Debtors' 2018 Ford Explorer SUV ("Vehicle"), which is the collateral of Exeter Finance LLC ("Creditor"). Doc. #44.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtors assert the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Debtors, Doc. #47. Debtors assert a replacement value of the Vehicle of \$7,006.00 and ask the court for an order valuing the Vehicle at \$7,006.00. Doc. #44. As the owners, Debtors' opinion of value is evidence of the value of the Vehicle. See Fed. R. Evid. 701; see also Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Creditor filed a proof of claim on July 15, 2025, asserting a secured claim of \$16,825.00. Claim 3. Creditor opposes the motion and believes the Vehicle should be valued at no less than \$12,650.00. Doc. #75.

It appears there is a dispute regarding the value of Creditor's secured claim for purposes of this valuation motion, and that disputed material factual issue must be resolved before the relief requested in the motion can be granted or denied. The court is inclined set an evidentiary hearing on this motion.

MOTION TO VALUE COLLATERAL OF AMERICAN CREDIT ACCEPTANCE
11-29-2025 [39]

RISSY MONTOYA/MV
ANTHONY EGBASE/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 at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

As a procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6). Here, a motion to substitute attorney was filed and assigned a Docket Control Number of DEI-1. Doc. ##38. Therefore, a new DCN should have been used for any subsequent motion filed by counsel for the movant, including the instant motion. The court encourages counsel to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules.

Manuel A. Montoya and Rissy Y. Montoya (together, "Debtors"), the debtor in this chapter 13 case, moves the court for an order valuing the Debtors' 2018 Mercedes Benz CLA 250 Coupe 4D ("Vehicle"), which is the collateral of American Credit Acceptance ("Creditor"). Doc. #39.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less

than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtors assert the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Debtors, Doc. #40. Debtors assert a replacement value of the Vehicle of \$6,758.00 and ask the court for an order valuing the Vehicle at \$6,758.00. Doc. #39. Debtors are competent to testify as to the value of the Vehicle. Creditor filed a proof of claim on July 8, 2025, asserting a secured claim of \$27,099.62. Claim 1. Debtors are competent to testify as to the value of the Vehicle, and absent opposition to this motion, Debtors' opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

The motion is GRANTED. Creditor's secured claim will be fixed at \$6,758.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

29. 25-13166-A-13 **IN RE: ADAM GEORGE**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
11-7-2025 [19]

LILIAN TSANG/MV
DISMISSED 12/18/25

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on December 18, 2025. Doc. #30. Therefore, this objection to confirmation of the plan is OVERRULED AS MOOT.

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT, WAIVE SECTION 1328 CERTIFICATE REQUIREMENT, CONTINUE CASE ADMINISTRATION, SUBSTITUTE PARTY, AS TO DEBTOR
12-10-2025 [16]

FORTINO TORRES/MV
SUSAN SILVEIRA/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 at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Marisol Torres ("Movant"), the surviving daughter and successor of Fortino Torres ("Debtor"), the debtor in this chapter 13 case, requests the court name Movant as the successor to the deceased Debtor, permit the continued administration of this chapter 13 case, and waive the § 1328 certification requirements. Doc. #16.

Upon the death of a debtor in chapter 13, Federal Rule of Bankruptcy Procedure ("Rule") 1016 provides that the case may be dismissed or may proceed and be concluded in the same manner, so far as possible, as though the death had not occurred upon a showing that further administration is possible and in the best interest of the parties. Fed. R. Bankr. P. 1016. Debtor died on October 6, 2025. Decl. of Marisol Torres, Doc. #19.

Movant is qualified to represent Debtor's estate in the bankruptcy case. Torres Decl., Doc. #19. Movant took care of Debtor prior to his passing and assisted him in his financial matters including the preparation and filing of this bankruptcy case. Id. Movant will be able to make the proposed payments in Debtor's chapter 13 plan. Id. No objections have been filed in response to this motion. The court finds appointing Movant to be representative to proceed with case administration is in the best interest of the parties and creditors.

With respect to a waiver of Debtor's certification requirements for entry of discharge under 11 U.S.C. § 1328, Debtor failed to meet the post-petition financial education requirements before Debtor died. Torres Decl., Doc. #19.

Debtor's death demonstrates an inability to provide certifications required, and the certification requirements will be waived.

Accordingly, Movant's application to be appointed representative of Debtor's estate for the further administration of this bankruptcy case is GRANTED. Movant's motion to waive Debtor's § 1328 certification requirements is GRANTED.

31. 22-10471-A-13 **IN RE: THERESA GUERRERO**
PLG-3

MOTION TO MODIFY PLAN
11-3-2025 [51]

THERESA GUERRERO/MV
RABIN POURNAZARIAN/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 at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

32. 25-12871-A-13 **IN RE: DANIEL/IVY ROCHA**
PLG-1

MOTION TO MODIFY PLAN
11-14-2025 [25]

IVY ROCHA/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

33. 25-13275-A-13 **IN RE: JUAN CARLOS MIRANDA AND CARRIE BONILLA**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
11-7-2025 [27]

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtors filed a first amended modified plan on December 19, 2025 (MAZ-2, Doc. #41), with a motion to confirm the modified plan set for hearing on January 29, 2026 at 9:30 a.m. Doc. ##37-42.

34. 25-10076-A-13 **IN RE: JUSTIN/THAYER MENG**
RSW-2

MOTION TO MODIFY PLAN
11-17-2025 [53]

THAYER MENG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d) (2). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to confirm the modified chapter 13 plan. Tr.'s Opp'n, Doc. #59. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

35. 25-13576-A-13 IN RE: JAMES/TERESA CAZARES
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-8-2025 [13]

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on January 7, 2026. Doc. #17.

36. 25-12178-A-13 IN RE: MERELYN ESTILLORE
SL-1

MOTION TO CONFIRM PLAN
11-14-2025 [39]

MERELYN ESTILLORE/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 at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

37. 25-13478-A-13 **IN RE: MARC ZENDEJAS**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G TSANG
12-2-2025 [25]

LILIAN TSANG/MV
DAVID FOYIL/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Marc Anthony Zendejas ("Debtor") filed a voluntary petition under chapter 13 on October 15, 2025 as well as a chapter 13 plan ("Plan") on October 29, 2025. Doc. ##1, 12. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because a motion to value the collateral of TD Auto Finance needs to be filed before Trustee can determine feasibility of the Plan. Doc. #25.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

38. 25-13478-A-13 **IN RE: MARC ZENDEJAS**
SKI-1

OBJECTION TO CONFIRMATION OF PLAN BY TD BANK, N.A.
11-12-2025 [20]

TD BANK, N.A./MV
DAVID FOYIL/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Marc Anthony Zendejas ("Debtor") filed a voluntary petition under chapter 13 on October 15, 2025 as well as a chapter 13 plan ("Plan") on October 29, 2025. Doc. ##1, 12. TD Bank, N.A., successor in interest to TD Auto Finance LLC ("Creditor") objects to confirmation of the Plan because (1) the Plan does not schedule post-petition or pre-confirmation adequate protection payments to

Creditor; (2) Debtor has not filed a motion to value the collateral of Creditor's claim; and (3) the Plan proposes to pay 8.59% interest on Creditor's claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #20.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Creditor shall file and serve a reply, if any, by February 5, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

39. 25-14079-A-13 **IN RE: SULEMA AVINA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-22-2025 [12]
CASE DISMISSED 12/20/25

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

An order dismissing the case was entered on December 30, 2025. Doc. #14. The order to show cause will be dropped as moot. No appearance is necessary.

40. 25-11581-A-13 **IN RE: LOUIE MONSIBAIS**
LGT-1

CONTINUED MOTION TO DISMISS CASE
8-27-2025 [26]

ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

41. 25-11581-A-13 **IN RE: LOUIE MONSIBAIS**
RSW-2

CONTINUED MOTION TO CONFIRM PLAN
10-23-2025 [35]

LOUIE MONSIBAIS/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

42. 25-13784-A-13 **IN RE: ARMANDO/MONICA OLIVARES**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-22-2025 [21]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Armando Olivares and Monica Virginia Olivares (together, "Debtors") filed a voluntary petition under chapter 13 and a chapter 13 plan ("Plan") on November 10, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because a motion to value the collateral of GM Financial needs to be filed before Trustee can determine feasibility of the Plan. Doc. #21.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

43. 25-13784-A-13 **IN RE: ARMANDO/MONICA OLIVARES**
SKI-1

AMENDED OBJECTION TO CONFIRMATION OF PLAN BY AMERICREDIT FINANCIAL SERVICES, INC.

12-23-2025 [24]

AMERICREDIT FINANCIAL SERVICES, INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Armando Olivares and Monica Virginia Olivares (together, "Debtors") filed a voluntary petition under chapter 13 and a chapter 13 plan ("Plan") on November 10, 2025. Doc. #1, 3. Americredit Financial Services, Inc. dba GM Financial ("Creditor") objects to confirmation of the Plan because (1) Debtors have not filed a motion to value the collateral of Creditor's claim, and (2) the Plan proposes to pay 8.00% interest on Creditor's claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #24.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Creditor shall file and serve a reply, if any, by February 5, 2026.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

44. 25-12985-A-13 **IN RE: RICHARD ROSSNER**
LGT-1

MOTION TO DISMISS CASE
12-4-2025 [17]

LILIAN TSANG/MV
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion to dismiss on January 2, 2026. Doc. #24.

45. 25-13288-A-13 **IN RE: JOSE LOPEZ-LOPEZ AND BLANCA LOPEZ**
KMM-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TOYOTA MOTOR CREDIT CORPORATION
11-11-2025 [25]

TOYOTA MOTOR CREDIT CORPORATION/MV
SCOTT LYONS/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Jose Silvano Lopez-Lopez and Blanca Naney Lopez (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on September 30, 2025. Doc. #1, 3. Toyota Motor Credit Corporation ("Creditor") objects to confirmation of the Plan because (1) Debtors' motion to value collateral of Creditor listed in Class 2(B) is disputed by Creditor with respect to the value, and (2) the Plan is not feasible until the motion to value the collateral of Creditor is decided. Doc. #25. The court continued this matter to January 8, 2026 and ordered Debtors to file and serve a written response to Creditor's objection by December 23, 2025; or if Debtors elected to withdraw this plan, then Debtors had to file, serve, and set for hearing a confirmable modified plan by December 31, 2025. Doc. #36.

Having reviewed the docket in this case, the court finds Debtors have not voluntarily converted this case to chapter 7 or dismissed this case, and Creditor's objection has not been withdrawn. Further, Debtors have not filed and served any written response to Creditor's objection. Debtors have not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Creditor's objection to the Plan is SUSTAINED on the grounds set forth in Creditor's objection.

46. 25-13288-A-13 **IN RE: JOSE LOPEZ-LOPEZ AND BLANCA LOPEZ**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
11-10-2025 [19]

LILIAN TSANG/MV
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Jose Silvano Lopez-Lopez and Blanca Naney Lopez (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on September 30, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to

confirmation of the Plan because (1) the Plan is not feasible until the motion to value the collateral is decided, and (2) Trustee has not received a copy of Debtors' 2024 amended income tax returns. Doc. #19. The court continued this matter to January 8, 2026 and ordered Debtors to file and serve a written response to Trustee's objection by December 23, 2025; or if Debtors elected to withdraw this plan, then Debtors had to file, serve, and set for hearing a confirmable modified plan by December 31, 2025. Doc. #38.

Having reviewed the docket in this case, the court finds Debtors have not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtors have not filed and served any written response to Trustee's objection. Debtors have not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

47. 25-13191-A-13 **IN RE: SHANNON SIMPSON**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
12-18-2025 [33]

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Shannon Elaine Simpson ("Debtor") filed a voluntary petition under chapter 13 on September 23, 2025 along with a chapter 13 plan ("Plan") on November 12, 2025. Doc. #1, 20. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor has failed to provide admissible evidence that the Plan is mathematically feasible; (2) Debtor needs to file amended documents that accurately reflect and provide for Debtor's secured claims; (3) a modified plan needs to be filed in order for Debtor to propose a feasible plan without speculation; (4) Debtor is delinquent in plan payments in the amount of \$3,660.00, with an additional plan payment in the amount of \$1,830.00 coming due on December 25, 2025; (5) Debtor needs to file taxes for 2022, 2023, and 2024; (6) an amended disclosure of compensation form needs to be filed; and (7) the meeting of creditors has not yet concluded. Doc. #33. Debtor's 341 meeting of creditors has been continued to January 12, 2026 at 2:00 p.m. See court docket entry entered on December 16, 2025.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtor does not timely

file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

48. 24-10892-A-13 **IN RE: MADELYN BERNARDINO**
TCS-4

MOTION TO MODIFY PLAN
11-26-2025 [51]

MADELYN BERNARDINO/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

49. 25-13193-A-13 **IN RE: ERIN STEVENSON**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
10-28-2025 [23]

MATTHEW DECAMINADA/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. The debtor filed a modified plan on January 5, 2026 (MJD-002, Doc. #47), with a motion to confirm the modified plan set for hearing on February 12, 2026 at 9:30 a.m. Doc. ##43-47, 50.

As an informative matter, the certificate of service filed with the motion to confirm does not comply with Local Rule of Practice 3015-1(d)(1), which requires that a motion to confirm a modified plan must be served on parties in interest at least thirty-five (35) days prior to the hearing. Because there is no attachment to the certificate of service (Doc. #50) filed with the motion, the court cannot determine whether the proper parties were served.

50. 25-13193-A-13 **IN RE: ERIN STEVENSON**
LGT-2

MOTION TO DISMISS CASE
12-1-2025 [26]

MATTHEW DECAMINADA/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

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

Erin David Stevenson ("Debtor") filed a voluntary petition under chapter 13 on September 23, 2025. Doc. #1. The chapter 13 trustee ("Trustee") filed a motion to dismiss this chapter 13 case because, among other things, Debtor has failed to provide Trustee with the most recent mortgage statement and Debtor is currently delinquent in the amount of \$4,736.00 in plan payments. Doc. #26, 39.

On January 5, 2026, Debtor filed a modified plan on January 5, 2026 (MJD-002, Doc. #47), with a motion to confirm the modified plan set for hearing on February 12, 2026 at 9:30 a.m. Doc. #43-47, 50.

Because it appears that confirmation of the modified plan may resolve most of the grounds for dismissal of this bankruptcy case, the court is inclined to continue the hearing on this motion to February 12, 2026 at 9:30 a.m.

51. 25-13194-A-13 **IN RE: DAMIAN LOPEZ**
JCW-1

OBJECTION TO CONFIRMATION OF PLAN BY CAPITAL ONE AUTO FINANCE
11-14-2025 [37]

CAPITAL ONE AUTO FINANCE/MV
JENNIFER WONG/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

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

Damian Bailon Lopez ("Debtor") filed a voluntary petition under chapter 13 on September 23, 2025 as well as a chapter 13 plan ("Plan") on October 24, 2025. Doc. #1, 22. Capital One Auto Finance, a division of Capital One, N.A. ("Creditor"), objects to confirmation of the Plan on two grounds. First, the vehicle secured by Creditor's claim is not subject to a cramdown and must be paid pursuant to the terms of the contract. Doc. #37. Second, Creditor argues that the Plan fails to list and provide for full payment of Creditor's secured

claim and fails to pay interest on the secured claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #37.

Bankruptcy Code § 1325(a)(5) permits confirmation of a chapter 13 plan so long as provisions are made "with respect to each allowed secured claim provided for by the plan." 11 U.S.C. § 1325(a)(5). However, a chapter 13 plan need not "provide for" a secured claim. See Shook v. CBIC (In re Shook), 278 B.R. 815, 826-27 (B.A.P. 9th Cir. 2002). The failure to "provide for" Creditor's lien in a confirmed chapter 13 plan does not affect the lien's validity. Bisch v. United States (In re Bisch), 159 B.R. 546, 549 (B.A.P. 9th Cir. 1993) (failure to provide for the secured debt and lien in the chapter 13 plan allowed an IRS tax lien to survive the bankruptcy process); see also Nomellini v. IRS (In re Nomellini), 577 B.R. 851, 856-57 (N.D. Cal. 2017) (same). Moreover, while Creditor may be entitled to post-petition interest to the extent provided under 11 U.S.C. § 506(b), the court need not make that determination because Debtor's Plan does not "provide for" Creditor's secured claim. See United States v. Ron Pair Enter., 489 U.S. 235 (1989).

Accordingly, the objection will be OVERRULED.

52. 25-13194-A-13 **IN RE: DAMIAN LOPEZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-8-2025 [41]

LILIAN TSANG/MV

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Damian Bailon Lopez ("Debtor") filed a voluntary petition under chapter 13 on September 23, 2025 as well as a chapter 13 plan ("Plan") on October 24, 2025. Doc. #1, 22. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) the Plan is missing pertinent information regarding the duration of the Plan, amount of priority claims, amount to general unsecured claim holders, and whether the property of the estate shall or shall not vest upon confirmation; (2) Debtor's plan payments are delinquent in the amount of \$800.00, with an additional plan payment in the amount of \$400.00 coming due on December 25, 2025; (3) Debtor has failed to provide required documents including, but not limited to: (a) proof of identification, (b) proof of social security number, (c) pay advices for the 60 days prior to filing, and (d) 2024 tax returns; and (4) the meeting of creditors has not yet concluded. Doc. #41. Debtor's 341 meeting of creditors has been continued to January 12, 2026 at 10:00 a.m. See court docket entry entered on December 2, 2025.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

53. 25-13795-A-13 **IN RE: CHRISTOPHER MORRIS**
JCW-1

OBJECTION TO CONFIRMATION OF PLAN BY AMERICAN HONDA FINANCE CORPORATION
12-23-2025 [16]

AMERICAN HONDA FINANCE CORPORATION/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Christopher John Morris ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on November 10, 2025. Doc. ##1, 3. American Honda Finance Corporation, its assignees and/or successors, by and through its servicing agent Honda Financial Services ("Creditor"), objects to confirmation of the Plan because the Plan fails to pay (1) the full replacement value of Creditor's collateral, and (2) the applicable prime plus interest rate, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #16.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Creditor shall file and serve a reply, if any, by February 5, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

54. 25-13795-A-13 IN RE: CHRISTOPHER MORRIS
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-22-2025 [13]

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

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

Christopher John Morris ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on November 10, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor needs to amend Schedule D to accurately reflect Debtor's secured claims; (2) a motion to value the collateral of American Honda Finance needs to be filed in order for Trustee to determine whether Debtor's Plan is feasible; and (3) Debtor has not provided the requested pay advices for the sixty (60) days prior to the filing of bankruptcy for his employment with MyCarPark.com and has not provided a declaration that details why pay advices cannot be provided. Doc. #13.

On December 31, 2025, Debtor filed a response to Trustee's objection acknowledging that Debtor has not provided all required pay advices to Trustee and stating that Debtor is in the process of filing an objection to the secured claim as well as a motion to value collateral. Doc. #20. Debtor requests that the hearing on this objection to confirmation be continued to February 5, 2026 at 9:30 a.m. to be heard with hearing on a motion to value and objection to claim. Id. However, an objection to claim has not yet been filed and cannot be set for hearing on less than 30 days' notice prior to the hearing pursuant to Local Rule of Practice 3007-1(b).

Because an objection to claim has not yet been filed and cannot be set for hearing on less than 30 days' notice prior to the hearing, the court is inclined to continue the hearing on this objection to confirmation to February 12, 2026 at 9:30 a.m.

55. 20-13596-A-13 IN RE: KEITH/MICHELLE LOGAN
LGT-1

MOTION TO DISMISS CASE
12-8-2025 [51]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-22-2025 [18]

LILIAN TSANG/MV
DAVID JOHNSTON/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 12, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Brian Costa ("Debtor") filed a voluntary petition under chapter 13 on October 27, 2025, and a chapter 13 plan ("Plan") on November 12, 2025. Doc. #1, 11. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor's plan payments are delinquent in the amount of \$325.00, with an additional plan payment in the amount of \$325.00 coming due on December 25, 2025; (2) Debtor has failed to provide required documents including, but not limited to (a) proof of identification, (b) proof of social security number, (c) pay advices for the 60 days prior to filing, (d) 2024 tax returns, (e) six months of profit and loss statements for Brian Costa LLC, (f) business questionnaire for Brian Costa LLC, and (g) bank statements; and (3) the meeting of creditors has not yet concluded. Doc. #18. Debtor's 341 meeting of creditors has been continued to January 12, 2026 at 3:00 p.m. See court docket entry entered on December 16, 2025.

This objection will be continued to February 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 29, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by February 5, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than February 5, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

1. 25-13811-A-7 **IN RE: LAURA LEDIAEV**
25-1048 CAE-1

STATUS CONFERENCE RE: COMPLAINT
11-13-2025 [1]

LEDIAEV V. UNITED STATES DEPARTMENT OF EDUCATION
RESPONSIVE PLEADING

NO RULING.

2. 24-12115-A-7 **IN RE: MICHAEL/TATUM SCOTT**
24-1042 FW-2

MOTION IN LIMINE TO PROHIBIT PLAINTIFF FROM INTRODUCING ANY DOCUMENTS FOR REFUSAL TO PROVIDE WRITTEN RESPONSES, MOTION IN LIMINE FOR DISMISSAL OF THE PLAINTIFF'S CLAIMS COMPLAINT AGAINST DEFENDANT, MOTION IN LIMINE FOR ENTRY OF DEFAULT JUDGMENT

12-11-2025 [39]

NOLEN V. SCOTT
PETER SAUER/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The plaintiff filed untimely written opposition on December 30, 2025. Doc. #54. The defendant filed a response on January 2, 2026. Doc. #55. This matter will proceed as scheduled.

As a procedural matter, the opposition (Doc. #54) does not comply with LBR 9004-1(c), which requires that all pleadings and non-evidentiary documents shall be signed by the party involved if that party is appearing in propria persona. Here, the motion is not signed by anyone. Doc. #54.

As a further procedural matter, the opposition filed by the plaintiff does not comply with LBR 9014-1(f)(1)(B) because the opposition was not served and filed with the court by the plaintiff at least fourteen (14) days preceding the date of the hearing. The opposition was filed and served on December 30, 2025, which was only nine (9) days before hearing and is untimely. However, because the defendant responded to the opposition and there is an upcoming trial date, in the interests of judicial economy and efficient administration, the court will consider the plaintiff's untimely and unsigned opposition.

Tatum Rae Scott ("Defendant") moves in limine to prohibit Paul Nolen ("Plaintiff") from introducing any documents due to Plaintiff's refusal to provide written responses to request for production pursuant to Federal Rule of

Civil Procedure ("Rule") 34, as made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7034, and to require a negative inference sanction pursuant to Rule 37(e) (2) (A) and (2) (C). Doc. #39.

"Although the Federal Rules of Evidence do not explicitly authorize *in limine* rulings, the practice has developed pursuant to the [trial] court's inherent authority to manage the course of trials." Luce v. United States, 469 U.S. 38, n.4 (1984) (italics in original).

A motion in limine is a request for the court's guidance concerning an evidentiary question. Judges have broad discretion when ruling on motions in limine. However, a motion in limine should not be used to resolve factual disputes or weigh evidence. To exclude evidence on a motion in limine the evidence must be inadmissible on all potential grounds. Unless evidence meets this high standard, evidentiary rulings should be deferred until trial so that questions of foundation, relevancy and potential prejudice may be resolved in proper context.

Cabardo v. Patacsil (In re Patacsil), 2023 Bankr. LEXIS 394, at *3-4 (E.D. Cal. Feb. 13, 2023) (citing Hays v. Clark County Nev., 2008 U.S. Dist. LEXIS 44927, at *7 (Nev. 2008)).

Rule 34(b) Analysis

Rule 34(b) (2) (B) and 34(b) (2) (C) reads as follows:

(B) Responding to Each Item. For each item or category, the response must either state that inspection and related activities will be permitted as requested or state with specificity the grounds for objecting to the request, including the reasons. The responding party may state that it will produce copies of documents or of electronically stored information instead of permitting inspection. The production must then be completed no later than the time for inspection specified in the request or another reasonable time specified in the response.

(C) Objections. An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest.

Fed. R. Civ. P. 34(b) (2) (B); Fed. R. Civ. P. 34(b) (2) (C).

On June 11, 2025, Defendant's counsel propounded discovery requests on Plaintiff, including requests for production of documents. Ex. A, Doc. #42. Defendant's counsel served this discovery request on Plaintiff at the address on Plaintiff's complaint and did not receive any notice from the post office that there were issues with the service. Decl. of Peter Sauer, Doc. #41; Ex. B, Doc. #42. After receiving no response to this discovery request within 30 days, Defendant's counsel sent a letter on July 16, 2025 notifying Plaintiff that no discovery responses had been received by Plaintiff and requesting a date by which Defendant's counsel would be receiving those responses. Ex. C, Doc. #42.

On July 21, 2025, Defendant's counsel had a telephone call with Plaintiff to discuss the discovery requests in which Plaintiff requested Defendant's counsel resend the discovery request to Plaintiff, which was done following the telephone call. Sauer Decl., Doc. #41. On July 23, 2025, Plaintiff provided Defendant's counsel via email some limited documents in response to the request

for production of documents, although no responses to the requests for production were provided. Id.; Ex. D, Doc. #42.

A key counterclaim of Defendant involves Plaintiff's personal and business use of Defendant's vehicle during the two years that the vehicle was in Plaintiff's exclusive custody, and parts of Defendant's request for production is specifically related to this claim. Id. Due to the lack of any written responses to Defendant's requests for production, and in consideration of the limited number of documents produced, counsel for Defendant emailed Plaintiff on September 16, 2025 to specifically notify Plaintiff of Plaintiff's incomplete responses. Ex. E, Doc. #42. No response to this email was received from Plaintiff. Sauer Decl., Doc. #41.

On October 23, 2025, Defendant's Pretrial Statement was filed that raised the issue of Plaintiff's failure to cooperate with discovery requests. Doc. #33. During the pretrial conference on October 30, 2025, Defendant's counsel raised the discovery issue and notified the court that the instant motion would be filed. Sauer Decl., Doc. #41. Additionally, following the pretrial conference, Defendant's counsel met and conferred in-person with Plaintiff outside the courtroom about numerous matters. Id. Although Plaintiff and Defendant's counsel have communicated since the pretrial conference, Plaintiff has not interposed any objections to Defendant's discovery requests and has not replied to any correspondence regarding Defendant's request for production. Id.

On December 30, 2025, Plaintiff opposed this motion stating Defendant's counsel has made requests not related to Plaintiff's claim for relief. Doc. #54. Plaintiff asserts he has responded to Defendant's requests and all discovery concerning Plaintiff's filing have been turned over to Defendant except for emails between Plaintiff and Defendant. Id. Finally, Plaintiff believes he has been subjected to interrogatories, admissions and request for discovery that have no bearing on Plaintiff's complaint. Id. Defendant believes Plaintiff's opposition is inaccurate because Plaintiff's beliefs of what is relevant or pertinent to the adversary proceeding do not excuse Plaintiff from complying with the rules or cooperating with discovery requests. Doc. #55.

By this motion in limine, Defendant requests that Plaintiff be precluded from referring to, utilizing, or presenting any documentary evidence of any kind in the trial of this matter because Plaintiff failed to provide written responses to Defendant's request for production. However, the court is reluctant to exclude all evidence pertaining to Plaintiff because Plaintiff has provided some information in response to Defendant's discovery requests.

The court believes it would be prejudicial to Plaintiff if the documents already produced by Plaintiff are not allowed into evidence and denies Defendant's motion in limine to the extent the motion seeks to prevent Plaintiff from using documents already produced to Defendant. In addition, the court will not, at this time, disallow Plaintiff from introducing any documents not already produced to Defendant. However, the court's denial of this motion in limine does not automatically mean any additional evidence introduced by Plaintiff will be admitted at trial. Rather, the denial of this motion is a preliminary ruling and is without prejudice to Defendant objecting to any additional evidence Plaintiff seeks to introduce at trial. See Ind. Ins. Co. v. Gen. Elec. Co., 326 F. Supp. 2d 844, 846 (N.D. Ohio 2004) (Denial of a motion in limine does not necessarily mean that all evidence contemplated by the motion will be admitted at trial. Denial merely means that without the context of trial, the court is unable to determine whether the evidence in question should be excluded.)

Therefore, Defendant's motion in limine is DENIED pursuant to Rule 37(b).

Rule 37(e) Analysis

Rule 37(e) reads as follows:

(E) Failure to Preserve Electronically Stored Information. If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court:

(1) upon finding prejudice to another party from loss of the information, may order measures no greater than necessary to cure the prejudice; or

(2) only upon finding that the party acted with the intent to deprive another party of the information's use in the litigation may:

(A) presume that the lost information was unfavorable to the party;

(B) instruct the jury that it may or must presume the information was unfavorable to the party; or

(C) dismiss the action or enter a default judgment.

Fed. R. Civ. P. 37(e).

Here, Defendant raises Rule 37(e) (2) (A) and (2) (C) as potential consequences that the court may invoke against Plaintiff. Defendant does not seek consequences under Rule 37(e) (2) (B) because Defendant does not believe Rule 37(e) (2) (B) to be applicable because this proceeding is a bench trial.

First, the court agrees that because this adversary proceeding is a bench trial and not a jury trial, there is no evidence to support granting this motion pursuant to Rule 37(e) (2) (B). "In the case of a jury trial, a court's ruling at the outset gives counsel advance notice of the scope of certain evidence so that admissibility is settled before attempted use of the evidence before the jury. Because the judge rules on this evidentiary motion, in the case of a bench trial, a threshold ruling is generally superfluous. It would be, in effect, 'coals to Newcastle,' asking the judge to rule in advance on prejudicial evidence so that the judge would not hear the evidence." United States v. Heller, 551 F.3d 1108, 1111 (9th Cir. 2009).

Turning to Rule 37(e) (2) (A), information is "lost" for purposes of Rule 37(e) only if the information is irretrievable from another source. Oracle Am., Inc. v. Hewlett Packard Enter. Co., 328 F.R.D. 543, 552 (N.D. Cal. 2018). It does not appear that the electronic information held by Plaintiff and not previously produced is lost or irretrievable for purposes of Rule 37(e) (2) (A) nor has any evidence been provided to the court to show that the electronic information held by Plaintiff is lost or irretrievable.

Lastly, terminating sanctions under Rule 37(e) (2) (C) are "very severe." Connecticut Gen. Life Ins. Co. v. New Images of Beverly Hills, 482 F.3d 1091, 1096 (9th Cir. 2007). However, they are appropriate when the court finds "willfulness, fault, or bad faith." Leon v. IDX Systems Corp., 464 F.3d 951, 958 (9th Cir. 2006). Based on the evidence before the court, the court does not find Plaintiff's noncompliance with the request for production of documents is due to willfulness, fault, or bad faith. Further, the court does not see Plaintiff's failure to respond to Defendant's discovery warrants severe reprimanding to justify dismissal of this action or entry of default judgment.

The court is not inclined to impose negative inference as a sanction and finds that sanctions are not warranted pursuant to Rule 37(e) (2) (A) or (2) (C).

Conclusion

Accordingly, Defendant's motion in limine is DENIED.

3. 24-12115-A-7 **IN RE: MICHAEL/TATUM SCOTT**
24-1042 FW-3

MOTION IN LIMINE TO PROHIBIT PLAINTIFF FROM INTRODUCING ANY EVIDENCE REFERRED TO OR RELIED UPON IN ANSWERING THE DEFENDANTS INTERROGATORIES 12-11-2025 [44]

NOLEN V. SCOTT
PETER SAUER/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part and denied 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 the hearing.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The plaintiff filed untimely written opposition on December 30, 2025. Doc. #54. The defendant filed a timely response on January 2, 2026. Doc. #57. This matter will proceed as scheduled.

As a procedural matter, the opposition (Doc. #54) does not comply with LBR 9004-1(c), which requires that all pleadings and non-evidentiary documents shall be signed by the party involved if that party is appearing in propria persona. Here, the motion is not signed by anyone. Doc. #54.

As a further procedural matter, the opposition filed by the plaintiff does not comply with LBR 9014-1(f)(1)(B) because the opposition was not served and filed with the court by the plaintiff at least fourteen (14) days preceding the date of the hearing. The opposition was filed and served on December 30, 2025, which was only nine (9) days before hearing and is untimely. However, because the defendant responded to the opposition and there is an upcoming trial date, in the interests of judicial economy and efficient administration, the court will consider the plaintiff's untimely and unsigned opposition.

Tatum Rae Scott ("Defendant") moves in limine, pursuant to Federal Rule of Civil Procedure ("Rule") 33 as made applicable to adversary proceedings by Federal Rule of Bankruptcy Procedure 7033, to prohibit Paul Nolen ("Plaintiff") from relying on, introducing, referring to, or otherwise using in the trial any information contained in the incomplete and unverified answers to interrogatories and, to the extent any interrogatory was not answered, assessing a negative inference or requiring Plaintiff to answer the same under oath at trial. Doc. #44.

"Although the Federal Rules of Evidence do not explicitly authorize *in limine* rulings, the practice has developed pursuant to the [trial] court's inherent authority to manage the course of trials." Luce v. United States, 469 U.S. 38, n.4 (1984) (italics in original).

A motion in limine is a request for the court's guidance concerning an evidentiary question. Judges have broad discretion when ruling on motions in limine. However, a motion in limine should not be used to resolve factual disputes or weigh evidence. To exclude evidence on a motion in limine the evidence must be inadmissible on all potential grounds. Unless evidence meets this high standard, evidentiary rulings should be deferred until trial so that questions of foundation, relevancy and potential prejudice may be resolved in proper context.

Cabardo v. Patacsil (In re Patacsil), 2023 Bankr. LEXIS 394, at *3-4 (E.D. Cal. Feb. 13, 2023) (citing Hays v. Clark County Nev., 2008 U.S. Dist. LEXIS 44927, at *7 (Nev. 2008)).

Rule 33(b) (3) reads as follows:

(3) Answering Each Interrogatory. Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath.

Fed. R. Civ. P. 34(b) (3).

On June 11, 2025, Defendant's counsel issued discovery requests to Plaintiff, including interrogatories. Ex. A, Doc. #47. Defendant's counsel served this discovery request on Plaintiff at the address on Plaintiff's complaint and did not receive any notice from the post office that there were issues with the service. Decl. of Peter Sauer, Doc. #46; Ex. B, Doc. #47. After receiving no response to this discovery request within 30 days, Defendant's counsel sent a letter on July 16, 2025 notifying Plaintiff that no discovery responses had been received by Plaintiff and requesting a date by which Defendant's counsel would be receiving those responses. Ex. C, Doc. #47.

On July 21, 2025, Defendant's counsel had a telephone call with Plaintiff to discuss the discovery requests in which Plaintiff requested Defendant's counsel resend the discovery request to Plaintiff, which was done following the telephone call. Sauer Decl., Doc. #46. On July 23, 2025, Defendant received via email late, unverified, incomplete, and largely nonresponsive answers to interrogatories. Id. Specifically, Defendant propounded sixteen (16) interrogatories, and Plaintiff responded to ten (10) interrogatories with unverified responses and did not provide an answer to the remaining six (6) interrogatories. Doc. #44; Ex. D, Doc. #47.

On October 23, 2025, Defendant's Pretrial Statement was filed that raised the issue of Plaintiff's failure to cooperate with discovery requests. Doc. #33. During the pretrial conference on October 30, 2025, Defendant's counsel raised the discovery issue and notified the court that the instant motion would be filed. Sauer Decl., Doc. #41. Additionally, following the pretrial conference, Defendant's counsel met and conferred in-person with Plaintiff outside the Courtroom about numerous matters. Id. Although Plaintiff and Defendant's counsel have communicated since the pretrial conference, Plaintiff has not provided the required responses to Defendant's discovery requests. Id.

On December 30, 2025, Plaintiff opposed this motion stating Defendant's counsel has made requests not related to Plaintiff's claim for relief. Doc. #54. Plaintiff asserts he has responded to Defendant's requests and all discovery concerning Plaintiff's filing have been turned over to Defendant except for emails between Plaintiff and Defendant. Id. Finally, Plaintiff believes he has been subjected to interrogatories, admissions and request for discovery that have no bearing on Plaintiff's complaint. Id. Defendant asserts that

Plaintiff's opposition does not raise any opposition or evidence to support the denial of this motion. Doc. #57.

Plaintiff's responses to Defendant's Interrogatories are considered only partially responsive because Plaintiff only responded to ten out of the sixteen interrogatories requested while leaving the remaining six interrogatories blank. Rule 34(b) (2)(B) contemplates a response "[f]or each item or category" included in the discovery requests. Fed. R. Civ. P. 34(b) (2)(B), incorporated by Fed. R. Bankr. P. 7034. Defendant also claims that Plaintiff's responses are unverified and therefore should not be admitted. Doc. #44. However, Plaintiff's "unverified interrogatories" do not appear to provide information that Defendant did not already know based on Plaintiff's other discovery responses. Further, Plaintiff's answers to Defendant's interrogatories were signed by Plaintiff pursuant to Rule 33(b) (5), which required that answers to an interrogatory to be signed by the person making them. Therefore, it appears that Plaintiff's "unverified" interrogatory responses are admissible as it otherwise comports with the Federal Rules of Evidence. Moreover, the denial of a motion in limine does not automatically mean any additional evidence introduced by Plaintiff will be admitted at trial. Rather, the denial of this motion is a preliminary ruling and is without prejudice to Defendant objecting to any additional evidence Plaintiff seeks to introduce at trial. See Ind. Ins. Co. v. Gen. Elec. Co., 326 F. Supp. 2d 844, 846 (N.D. Ohio 2004) (Denial of a motion in limine does not necessarily mean that all evidence contemplated by the motion will be admitted at trial. Denial merely means that without the context of trial, the court is unable to determine whether the evidence in question should be excluded.)

Turning to the interrogatories for which there is a blank response (Nos. 4, 5, 13, 14, 15, and 16), the court finds that Plaintiff did not respond sufficiently to those interrogatory requests because the interrogatories have not been responded to in the manner required by the Rules. The Rules provide that "an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond." Fed. R. Civ. P. 37(a)(4), incorporated by Fed. R. Bankr. P. 7037. Therefore, the court deems that Plaintiff has failed to disclose, answer, or respond to Interrogatory Nos. 4, 5, 13, 14, 15, and 16, and Plaintiff may not provide further answers to those interrogatories in the future. The court denies Defendant's request to have the court assess a negative inference or require Plaintiff to answer the same under oath at trial because Defendant has not provided a legal basis for granting such relief.

Accordingly, Defendant's motion in limine is GRANTED IN PART as to Plaintiff's blank responses for Interrogatories Nos. 4, 5, 13, 14, 15, and 16. Plaintiff may not provide further answers to Interrogatories Nos. 4, 5, 13, 14, 15, and 16 in the future. Defendant's Motion in Limine is DENIED IN PART as to Plaintiff's responses for Interrogatories Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12. Plaintiff may rely on, introduce, refer to, or otherwise use information contained in Plaintiff's responses for Interrogatories Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12 in the trial of this matter. This ruling is without prejudice to Defendant making further objections to the introduction of such evidence at the trial in this matter.

4. 24-12115-A-7 **IN RE: MICHAEL/TATUM SCOTT**
24-1042 FW-4

MOTION IN LIMINE TO PROHIBIT PLAINTIFF FROM INTRODUCING ANY EVIDENCE CONTRARY TO MATTERS DEEMED ADMITTED
12-11-2025 [49]

NOLEN V. SCOTT
PETER SAUER/ATTY. FOR MV.

NO RULING.

5. 25-12920-A-7 **IN RE: TITO/STACEY LUNA**
25-1049 CAE-2

ORDER TO SHOW CAUSE FOR FAILURE TO FILE CORPORATE DISCLOSURE STATEMENT
12-3-2025 [8]

VALLEY OXYGEN, LLC V. LUNA ET AL

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

DISPOSITION: The order to show cause is vacated.

ORDER: The court will issue an order.

The record shows that the missing corporate disclosure statement was filed on December 5, 2025. Doc. #11. Therefore, this order to show cause is VACATED.

6. 25-10233-A-7 **IN RE: GERARDO CLAVEL CARTAGENA**
25-1019 CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-8-2025 [1]

BROWN V. CLAVEL
STUART BROWN/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

7. 23-10740-A-7 **IN RE: EID AWIMER**
25-1034 CAE-1

STATUS CONFERENCE RE: COMPLAINT
7-23-2025 [1]

AWIMER V. SPOUS POWER ENERGY

NO RULING.

8. 19-15081-A-13 **IN RE: CHRISTOPHER/KERRI TYSON**
25-1023 CAE-1

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
6-2-2025 [6]

TYSON ET AL V. AMERICAN EDUCATION SERVICES
SCOTT LYONS/ATTY. FOR PL.

NO RULING.

9. 19-15081-A-13 **IN RE: CHRISTOPHER/KERRI TYSON**
25-1023 SL-2

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT TO DETERMINE
DISCHARGEABILITY OF STUDENT LOAN DEBT
12-10-2025 [28]

TYSON ET AL V. AMERICAN EDUCATION SERVICES
SCOTT LYONS/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 at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the defendant 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 Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

Christopher James Tyson and Kerri Lynne Tyson (together, "Plaintiffs") move for an order granting leave to file a second amended complaint pursuant to Federal Rule of Civil Procedure ("Rule") 15, made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7015, and LBR 7015-1 to remove American Education Services ("Defendant") as the defendant and instead name The Collegiate Student Loan Trust 200-3 and The National Collegiate Student Loan Trust 2006-2 (together, "Potential Defendants") as the defendants in this adversary proceeding. Doc. #28. No opposition has been filed in response to this motion.

Plaintiffs initiated this adversary proceeding by filing a complaint on May 30, 2025 ("Complaint"). Complaint, Doc. #1. The Complaint was previously amended on June 2, 2025 ("Amended Complaint"). Doc. #6. Defendant did not file an answer

to the Amended Complaint, and the default of Defendant was entered on September 22, 2025. Doc. #14. Plaintiffs and Defendant subsequently filed a stipulation to set aside that entry of default and to dismiss Defendant from the adversary proceeding because Defendant holds no right, title or interest in any of Mr. Tyson's student loans, which are the subject of this adversary proceeding. Doc. #21.

Rule 15(a) permits a party to amend its pleading once as a matter of course within 21 days after serving it, 21 days after service of a responsive pleading, or 21 days after a motion under Rule 12(b), (e), or (f), whichever is earlier. Rule 15(a). In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. Rule 15(a)(2). The court should freely give leave when justice so requires. Id.

Courts should consider four factors in determining whether to grant leave to amend a complaint: bad faith, undue delay, prejudice to the opposing party, and futility of the amendments. Foman v. Davis, 371 U.S. 178, 182 (1962). Prejudice to the opposing party is the strongest factor. In the absence of prejudice, or a "strong showing" of the other factors, "[t]here is a presumption that leave to amend should be granted." Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003); Shaw v. Burke, No. 17-cv-2386, 2018 WL 2459720, at *3 (C.D. Cal. May 1, 2018).

- (1) Bad faith: Plaintiffs assert Plaintiffs met and conferred with Defendant sometime after September 25, 2025, which resulted in the parties discovering that the owners of the student loans that are the subject of this adversary proceeding are actually Potential Defendants and not Defendant. Doc. #28; Decl. of Scott Lyons, Doc. #31. There is no indication that Plaintiffs have acted in bad faith. This factor supports granting leave to amend the Amended Complaint.
- (2) Undue delay: The Amended Complaint was originally filed on June 2, 2025May 30, 2025. The new information in which Potential Defendants were discovered to be the owners of Mr. Tyson's student loans was not discovered until the parties met and conferred sometime after September 25, 2025. Doc. #28; Lyons Decl., Doc. #31. Because this new information was recently discovered, this factor weighs in favor of granting leave to amend the Amended Complaint.
- (3) Prejudice to opposing party: Plaintiffs assert that no prejudice will arise to Potential Defendants because the amendment only adds Potential Defendants as necessary parties so the court has the proper parties before it and can make its finding to determine the dischargeability of Plaintiff's loans. Doc. #28; Lyons Decl., Doc. #31. Neither Defendant nor Potential Defendants have opposed this motion or shown the court that Defendant or Potential Defendants will suffer any prejudice by the court granting Plaintiffs leave to file another amended complaint. This factor weighs in favor of granting leave to amend the Amended Complaint.
- (4) Futility of the amendment: Plaintiffs assert the amendment is necessary to add Potential Defendants as the correct parties so the court can properly decide the case on its merits. Plaintiffs have provided a copy of the proposed second amended complaint that includes Potential Defendants in place of Defendant. Ex. A, Doc. #30. This factor weighs in favor of granting leave to amend the Amended Complaint.

On balance, the factors weigh in favor of granting the motion for leave to amend the Amended Complaint.

Accordingly, the motion is GRANTED. Plaintiff shall file the second amended complaint no later than February 5, 2026. Because Plaintiff is naming new defendants, a new summons shall be issued when the second amended complaint is filed.

10. 24-12084-A-7 **IN RE: JANETTE MAPANAO**
24-1045 SLL-1

CONTINUED MOTION FOR SUMMARY JUDGMENT
10-9-2025 [29]

JASSAR V. MAPANAO
STEPHEN LABIAK/ATTY. FOR MV.
STIPULATED JUDGMENT 12/10/25

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

A judgment in favor of the plaintiff was entered on December 10, 2025. Doc. #44. Accordingly, this motion for summary judgment is DENIED AS MOOT. This adversary may be administratively closed when appropriate.