



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, January 14, 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. 22-10416-A-11 **IN RE: KR CITRUS, INC., A CALIFORNIA CORPORATION**
WJH-18

CONTINUED MOTION BY RILEY C. WALTER TO WITHDRAW AS ATTORNEY
1-2-2025 [472]

KR CITRUS, INC., A CALIFORNIA CORPORATION/MV
RILEY WALTER/ATTY. FOR DBT.
MOTION WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on December 19, 2025. Doc. #515.

2. 25-14031-A-11 **IN RE: JOSE CORTEZ RAMOS**
CAE-1

STATUS CONFERENCE RE: VOLUNTARY PETITION
12-3-2025 [1]

JOSE CORTEZ RAMOS/ATTY. FOR MV.
DISMISSED 12/22/25

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This bankruptcy case was dismissed on December 22, 2025. Doc. #16.

3. 25-13943-A-11 **IN RE: FRANCISCO RODRIGUEZ**
CAE-1

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
11-24-2025 [1]

DISMISSED 12/15/25

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This bankruptcy case was dismissed on December 15, 2025. Doc. #16.

4. 24-13373-A-11 **IN RE: HILLER AIRCRAFT CORPORATION**
CAE-1

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
11-21-2024 [1]

LEONARD WELSH/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to June 10, 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.

Because the debtor's monthly operating reports are current, the court intends to continue this status conference to June 10, 2026 at 9:30 a.m. based on the debtor's status report filed on January 6, 2026. Doc. #128. The court will require the debtor to file and serve an updated status report no later than June 3, 2026.

11:00 AM

1. 25-13186-A-7 **IN RE: ANN DORSEY**

PRO SE REAFFIRMATION AGREEMENT WITH CAPITAL ONE AUTO FINANCE
12-23-2025 [19]

NO RULING.

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

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-30-2025 [27]

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the amendment filing fees now due have been paid.

2. 25-13542-A-7 **IN RE: OSCAR LORA**
NES-1

MOTION TO AVOID LIEN OF COLLECT ACCESS LLC
12-12-2025 [12]

OSCAR LORA/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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). Collect Access, LLC ("Creditor") filed timely written opposition opposing the valuation of the property asserted by the debtor. Doc. #18. 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. Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has not done here.

As a procedural matter, declaration and exhibit filed by Creditor do not comply with LBR 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. Here, the declaration filed in support of the opposition and supporting exhibit were filed as a single document. E.g., Doc. #20. In the future, a declaration and the supporting exhibits should be filed as separate documents. In addition, in the future the exhibit document should be consecutively numbered in the manner set forth in LBR 9004-2(d)(3) and should have an index at the start of the document that lists and identifies by exhibit number/letter each exhibit individually and states the page number at which the exhibit is found within the exhibit document as required by LBR 9004-2(d)(2).

Oscar Lora ("Debtor"), the debtor in this chapter 7 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 Creditor on the residential real property commonly referred to as 7004 Akers Road, Bakersfield, California 93313 (the "Property"). Doc. #12; Schedule C, Doc. #1; Schedule D, Doc. #1.

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)).

Debtor filed his bankruptcy petition on October 21, 2025. A judgment was entered against Debtor in the amount of \$82,219.62 in favor of Creditor on August 28, 2025. Ex. A, Doc. #15. A judgment was recorded in Kern County on October 7, 2025, as document number 225118926. Ex. A, Doc. #15. The lien attached to Debtor's interest in the Property located in Kern County. Id. The Property also is encumbered by a lien in favor of Valley Strong Credit Union in the amount \$242,245.00 and a lien in favor of Valley Strong Federal Credit Union in the amount of \$26,289.00. Schedule D, Doc. #1. Debtor claimed an exemption of \$5,746.38 in the Property under California Code of Civil Procedure § 703.140. Schedule C, Doc. #1.

Debtor includes the cost of a hypothetical sale when calculating the value of his interest in the Property. In Schedule A/B, Debtor asserts a market value for the Property of \$387,500.00 but deducts an estimated 8% costs of a hypothetical sale leaving the value of his interest in the Property at \$356,500.00 on his Schedules and for this motion. Schedule A/B, Doc. #1; Decl. of Oscar Lora, Doc. #16; Doc. #12. In support of its opposition, Creditor filed the appraisal of the Property by Brian J. Spear that values the Property at \$385,000.00 as of October 21, 2025. Decl. of Brian J. Spear, Doc. #20.

However, deducting the costs of sale from the market value of the Property for purposes of this motion to avoid lien is contrary to In re Aslanyan, which this court finds persuasive and follows, in which Judge McManus held "[l]iquidation costs or closing costs are not deducted from market value in the context of a motion to avoid a judicial lien." No. 17-24195, 2017 Bankr. LEXIS 4363, at *4 (Bankr. E.D. Cal. Dec. 20, 2017); In re Wolmer, 494 B.R. 783, 784 (Bankr. D. Conn. 2013); In re Barrett, 370 B.R. 1, 3 (Bankr. D. Me. 2007) ("[A] bevy of courts have opted against including hypothetical sales costs and other transaction costs in the valuation of collateral for the purpose of determining the fate of a judicial lien."); In re Sheth, 225 B.R. 913, 918-19 (Bankr. N.D. Ill. 1998); In re Sumerell, 194 B.R. 818, 827 (Bankr. E.D. Tenn. 1996); In re Abrahimzadeh, 162 B.R. 676, 678 (Bankr. N.J. 1994); In re Yackel, 114 B.R. 349, 351 (Bankr. N.D.N.Y. 1990). "When the bankruptcy court determines a debtor's exemption rights in property, 11 U.S.C. § 522(a)(2) directs it to value property at 'market value as of the date of the filing of the petition' There is no provision in section 522(a)(2) or in the statutory formula in section 522(f)(2)(A) mandating that a debtor's likely costs of sale be taken into account when ascertaining market value." Aslanyan, 2017 Bankr. LEXIS 4363, at *4.

Eliminating Debtor's improper deduction of 8% estimated cost of sale, using Debtor's market value of the Property, and applying the statutory formula:

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Amount of Creditor's judicial lien		\$82,219.62
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$268,534.00
Amount of Debtor's claim of exemption in the Property	+	\$5,746.38
		\$356,500.00
Value of Debtor's interest in the Property absent liens	-	\$387,500.00
Amount Creditor's lien impairs Debtor's exemption		-\$31,000.00

Application of the arithmetical formula required by § 522(f) (2) (A) shows that Creditor's judicial lien does not impair Debtor's exemption in the Property.

Even if the court used the real property value of \$356,500.00, the motion would still be denied because there is sufficient equity in the Property after considering consensual liens and Debtor's claimed homestead exemption to fully provide for Creditor's judicial lien.

Applying the statutory formula assuming Debtor's claimed value for the Property:

Amount of Creditor's judicial lien		\$82,219.62
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$268,534.00
Amount of Debtor's claim of exemption in the Property	+	\$5,746.38
		\$356,500.00
Value of Debtor's interest in the Property absent liens	-	\$356,500.00
Amount Creditor's lien impairs Debtor's exemption		\$0.00

Application of the arithmetical formula required by § 522(f) (2) (A) shows that no part of Creditor's judicial lien impairs Debtor's exemption in the Property.

Accordingly, this motion is DENIED.

3. 25-13471-A-7 **IN RE: VERNICE BENNETT**
BMJ-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
12-24-2025 [16]

FIRST NATIONAL BANK AND TRUST COMPANY OF WEATHERFORD/MV
PETER SAUER/ATTY. FOR DBT.
FERNANDO ALMARAZ/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Service of the motion and supporting papers does not comply with the Federal Rules of Bankruptcy Procedure ("Rule"). Rule 4001(a)(1) requires that a motion "for relief from an automatic stay provided by the Code . . . shall be made in accordance with Rule 9014[.]" Rule 9014 states that "[t]he motion shall be served in the manner provided for service of a summons and complaint by Rule 7004[.]" Rule 7004 requires service by first class mail on both the debtor and the chapter 7 trustee.

Here, there is no attachment to the certificate of service filed with the motion (Doc. #23) showing the parties on which the motion and supporting documents were served. Because the certificate of service does not have an attachment, the court cannot determine whether the debtor and the chapter 7 trustee were served by first-class mail as required by Rule 7004(b)(9) and (b)(1), respectively.

As an informative matter, the certificate of service filed in connection with the motion (Doc. #23) was filed as a fillable version of the court's Official Certificate of Service form (EDC Form 7-005, Rev. 10/2022) instead of being printed prior to filing with the court. The version that was filed with the court can be altered because it is still the fillable version. In the future, the declarant should print the completed certificate of service form prior to filing and not file the fillable version.

Accordingly, this motion is DENIED WITHOUT PREJUDICE.

4. 25-12777-A-7 **IN RE: RODOLFO CEBALLOS TAPIA**
ICE-1

MOTION TO EMPLOY BAIRD AUCTION & APPRAISAL AS AUCTIONEER(S)
12-15-2025 [17]

IRMA EDMONDS/MV
SCOTT LYONS/ATTY. FOR DBT.
IRMA EDMONDS/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 creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Irma Edmonds ("Trustee"), the chapter 7 trustee of the bankruptcy estate of Rodolfo Ceballos Tapia, moves the court for an order authorizing the employment of Baird Auctions & Appraisals ("Auctioneer") to sell a 2005 Toyota Camry, VIN: 4T1BE32K25U083744 (the "Property") at public auction at Auctioneer's location at 1328 N. Sierra Vista, Suite B, Fresno, California. Doc. #17.

Section 327(a) of the Bankruptcy Code provides, in relevant part, "the trustee, with the court's approval, may employ . . . auctioneers . . . that do not hold

or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title." 11 U.S.C. § 327(a). The trustee may, with the court's approval, employ an auctioneer on any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, on a fixed or percentage fee basis, or on a contingent fee basis. 11 U.S.C. § 328(a). An application to employ a professional on terms and conditions to be pre-approved by the court must unambiguously request approval under § 328. See Circle K. Corp. v. Houlihan, Lokey, Howard & Zukin, Inc., 279 F.3d 669, 671 (9th Cir. 2002).

The court finds that Auctioneer is a disinterested person as defined by 11 U.S.C. § 101(14) and does not hold or represent an interest adverse to the estate. Decl. of Jeffrey Baird, Doc. #19. Trustee requires Auctioneer's services to advertise the sale of the Property, assist in storing the Property until sold, and assist in other matters related to the auction sale of the Property. Doc. #17. Trustee has agreed to pay Auctioneer a commission of 15% of the gross sale price and estimated expenses of \$500.00. Doc. #17. Trustee unambiguously requests pre-approval of payment to Auctioneer pursuant to § 328. Id.

Accordingly, this motion is GRANTED. Trustee is authorized to employ and pay Auctioneer for services as set forth in the motion. Trustee shall submit a form of order that specifically states that employment of Auctioneer has been approved pursuant to 11 U.S.C. § 328.

5. 25-12777-A-7 **IN RE: RODOLFO CEBALLOS TAPIA**
ICE-2

MOTION TO SELL AND/OR MOTION FOR COMPENSATION FOR BAIRD AUCTION & APPRAISAL,
AUCTIONEER(S)
12-15-2025 [21]

IRMA EDMONDS/MV
SCOTT LYONS/ATTY. FOR DBT.
IRMA EDMONDS/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 creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process

requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Irma Edmonds ("Trustee"), the chapter 7 trustee of the bankruptcy estate of Rodolfo Ceballos Tapia, moves the court for an order authorizing Trustee to: (1) sell a 2005 Toyota Camry, VIN: 4T1BE32K25U083744 (the "Property") at public auction at the location of Baird Auctions & Appraisals ("Auctioneer") at 1328 N. Sierra Vista, Suite B, Fresno, California; and (2) pay Auctioneer's commission and expenses. Tr.'s Mot., Doc. #21.

Pursuant to 11 U.S.C. § 363(b)(1), the trustee, after notice and a hearing, may "use, sell, or lease, other than in the ordinary course of business, property of the estate." Proposed sales under § 363(b) are reviewed to determine whether they are: (1) in the best interests of the estate resulting from a fair and reasonable price; (2) supported by a valid business judgment; and (3) proposed in good faith. In re Alaska Fishing Adventure, LLC, 594 B.R. 883, 887 (Bankr. D. Alaska 2018) (citing 240 N. Brand Partners, Ltd. v. Colony GFP Partners, L.P. (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996)). "In the context of sales of estate property under § 363, a bankruptcy court 'should determine only whether the trustee's judgment [is] reasonable and whether a sound business justification exists supporting the sale and its terms.'" Alaska Fishing Adventure, 594 B.R. at 889 (quoting 3 COLLIER ON BANKRUPTCY ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.)). "[T]he trustee's business judgment is to be given great judicial deference." Id. at 889-90 (quoting In re Psychometric Sys., Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007)).

Trustee believes that approval of the sale on the terms set forth in the motion is in the best interests of creditors and the estate. Doc. #21; Decl. of Irma Edmonds, Doc. #23. Trustee's experience indicates that a sale of the Property at public auction will yield the highest net recovery to the estate. Doc. #21; Edmonds Decl., Doc. #23. The proposed sale is made in good faith.

The court has authorized the employment of Auctioneer pursuant to 11 U.S.C. § 328. See DCN ICE-1, calendar matter #4 above. Trustee requires Auctioneer's services to advertise the sale of the Property, assist in storing the Property until sold, and assist in other matters related to the auction sale of the Property. Tr.'s Mot., Doc. #21. Trustee has agreed to pay Auctioneer a commission of 15% of the gross sale price and estimated expenses of \$500.00. Id. Trustee unambiguously requested pre-approval of payment to Auctioneer pursuant to 11 U.S.C. § 328. Doc. ##17, 21.

Accordingly, this motion is GRANTED. Trustee's business judgment is reasonable and the proposed sale of the Property at public auction is in the best interests of creditors and the estate. The arrangement between Trustee and Auctioneer is reasonable in this instance. Trustee is authorized to sell the Property and pay Auctioneer on the terms set forth in the motion.