



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
HONORABLE RENÉ LASTRETO II  
Department B – Courtroom #13  
Fresno, California**

**Hearing Date: Tuesday, January 30, 2024**

Unless otherwise ordered, all hearings before Judge Lastreto are simultaneously: (1) **IN PERSON** in Courtroom #13 (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.

Parties in interest and members of the public may connect to ZoomGov, free of charge, using the information provided:

**Video web address:** <https://www.zoomgov.com/j/1618545094?pwd=Vy9PRXFtaWpvZnBmc3pLSS9IaHROZz09>

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Please join at least 10 minutes before the start of your hearing. You are required to give the court 24 hours advance notice on [Court Calendar](#).

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Review the court's [Zoom Procedures and Guidelines](#) for these and additional instructions.
3. Parties appearing through CourtCall are encouraged to review the [CourtCall Appearance Information](#).

**Unauthorized Recording is Prohibited:** Any recording of a court proceeding held by video or teleconference, including "screenshots" 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.

**Post-Publication Changes:** 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 any possible updates.

11:00 AM

1. [23-12541](#)-B-7     **IN RE: CLARENCE/SANDRALEE HURST**

REAFFIRMATION AGREEMENT WITH AFFCU  
1-8-2024    [\[17\]](#)

TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:     Dropped.

ORDER:             The court will issue an order.

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

A Reaffirmation Agreement between Clarence and Sandralee Hurst ("Debtors") and Air Force Federal Credit Union for a 2107 Toyota Corolla was filed on January 8, 2024. Doc. #17.

The court is not approving or denying approval of the reaffirmation agreement. Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to Rule 4008(a), "The reaffirmation agreement shall be accompanied by a cover sheet, prepared as prescribed by the appropriate Official Form." The reaffirmation agreement, in the absence of a cover sheet, does not meet the requirements of Rule 4008(a).

The Debtors shall have 14 days to refile the reaffirmation agreement including a cover sheet.

1:30 PM

1. [22-11907](#)-B-7      **IN RE: FREON LOGISTICS**  
[DMG-17](#)

MOTION FOR COMPENSATION FOR D. MAX GARDNER, TRUSTEES  
ATTORNEY(S)  
12-19-2023    [\[1167\]](#)

LEONARD WELSH/ATTY. FOR DBT.  
D. GARDNER/ATTY. FOR MV.

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

DISPOSITION:      Granted.

ORDER:              The Moving Party shall submit a proposed order that  
conforms with the opinion below.

D. Max Gardner, Attorney-at-Law. ("Applicant") seeks approval of a *First Interim Application for Payment of Fees and Expenses* under 11 U.S.C. §§ 330 and 331 of the Bankruptcy Code for professional services rendered and reimbursement for expenses incurred as attorney for Jeffrey M. Vetter, Trustee in the above-styled case ("Trustee"). Doc. #1167.

Applicant was employed to perform services under § 327 of the Code pursuant to an order of this court dated December 28, 2022. Doc. #415. This is Applicant's first interim request for compensation.

Applicant seeks **\$87,318.00** in fees based on **230.7** billable hours from December 12, 2022, through December 20, 2023. Docs. 1167, 1170. According to the billing records presented as an exhibit, Applicant has submitted two invoices, both dated December 18, 2023, which request compensation in total as follows:

Invoice	Hours Billed	Fees	Expenses
#10027	182.60	\$68,799.50	\$5,947.49
#10026	48.10	\$18,518.50	\$0.00
	<b>230.7</b>	<b>\$87,318.00</b>	<b>\$5,947.49</b>

Doc. #1170.

11 U.S.C. § 330(a)(1)(A) and (B) permit approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3). Previous interim compensation awards under 11 U.S.C. § 331, if any, are subject to final review under § 330.

Applicant's services here included, without limitation: asset analysis and recovery; asset disposition; attorney travel time (billed at 1/2 rate); case administration; claim administration and objections; fee/employment applications; litigation work in the Chico St. adversary proceeding; meetings of creditors; and relief from stay proceedings. Docs. 1167, 1170. The court finds the services and expenses reasonable, actual, and necessary. The Trustee has reviewed the Application and finds the requested fees and expenses to be reasonable. Doc. #133.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest has responded, and the defaults of all such parties are entered.

This Application is GRANTED. The court will approve on an interim basis under 11 U.S.C. §331 compensation in the amount of **\$87,318.00** in fees and **\$5,947.49** in expenses. The court grants the Application for a total award **\$93,265.49** as an administrative expense of the estate. The Trustee is authorized to pay the approved sums in his discretion.

2. [23-12230](#)-B-7     **IN RE: PALWINDER GHARU**  
[HRH-2](#)

MOTION TO EXTEND DEADLINE TO FILE A COMPLAINT OBJECTING TO  
DISCHARGEABILITY OF A DEBT  
12-27-2023    [\[29\]](#)

BMO BANK N.A./MV  
SUNITA SOOD/ATTY. FOR DBT.  
RAFFI KHATCHADOURIAN/ATTY. FOR MV.  
MOTION WITHDRAWN,

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

DISPOSITION:     Withdrawn.

No order is required.

On January 18, 2024, BMO Bank N.A. f/k/a BMO Harris Bank, N.A.  
withdrew its *Motion to Extend Deadline to File a Complaint Objecting  
to Dischargeability of a Debt*. Docs. ##29, 35. Accordingly, this  
motion is WITHDRAWN.

3. [23-10867](#)-B-7     **IN RE: NARPINDER KAUR**  
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-18-2023    [\[43\]](#)

WELLS FARGO BANK, N.A./MV  
T. O'TOOLE/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.  
DISCHARGED 1/12/24

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

DISPOSITION:     Granted in part and denied as moot in part.

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

Wells Fargo Bank, N.A. ("Movant") seeks relief from the automatic  
stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2019  
Hyundai Santa Fe ("Vehicle"). Doc. #43.

Narpinder Kaur ("Debtor") did not file opposition and the Vehicle  
was surrendered to the Movant on November 29, 2023. Debtor's  
Statement of Intention indicated that the Vehicle would be  
surrendered. Doc. #46. No other party in interest timely filed  
written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by  
Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the  
creditors, the debtors, the U.S. Trustee, or any other party in  
interest to file written opposition at least 14 days prior to the

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

11 U.S.C. § 362(c)(2)(C) provides that the automatic stay of § 362(a) continues until a discharge is granted. The debtors' discharge was entered on January 12, 2024. Doc. #49. Therefore, the automatic stay terminated with respect to the Debtor on January 12, 2024. Doc. #49. This motion will be DENIED AS MOOT IN PART as to the Debtor's interest and will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor has missed seven (7) post-petition payments in the amount of \$4,591.43. Doc. #47. Additionally, Movant recovered possession of the Vehicle pre-petition on November 29, 2023. *Id.* Since the Vehicle has been recovered, the only issue is disposition of the collateral.

The court also finds that the Debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because Debtor is in chapter 7. *Id.* The Vehicle is valued at \$20,475.00 and Debtor owes \$31,762.97. Doc. #47.

Accordingly, the motion will be GRANTED IN PART as to the trustee's interest pursuant to § 362(d)(1) and (d)(2) and DENIED AS MOOT IN PART as to the debtor's interest under § 362(c)(2)(C).

4. [23-12890](#)-B-7     **IN RE: MAXIMILLIAN STUPAR**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
1-10-2024    [\[13\]](#)

GRISELDA TORRES/ATTY. FOR DBT.  
\$338.00 FILING FEE PAID 1/10/24

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

DISPOSITION:     The OSC will be vacated.

ORDER:             The court will issue an order.

The record shows that the \$338.00 filing fee was paid on January 10, 2024. Accordingly, this order to show cause will be VACATED.