



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Judge **Fredrick E. Clement**
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: FEBRUARY 2, 2026
CALENDAR: 10:30 A.M. CHAPTER 7 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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 **Court 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 the 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:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text:

"[Since posting its original rulings, the court has changed its intended ruling on this matter]".

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate *ex parte* application. Fed. R. Civ. P. 60(a) *incorporated* by Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated* by Fed. R. Bankr. P. 9023.

1. 25-27210-A-7 **IN RE: MICHAEL BIGGERS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-5-2026 [12]

1/12/2026 FINAL FILING PAID \$338

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

2. 24-90324-A-7 **IN RE: ENRIQUE OLmos**
KMT-6

MOTION FOR COMPENSATION BY THE LAW OFFICE OF KRONICK,
MOSKOVITZ, TIEDEMANN & GIRARD FOR GABRIEL P. HERRERA,
TRUSTEES ATTORNEY(S)

1-5-2026 [92]

GARY FRALEY/ATTY. FOR DBT.
DEBTOR DISCHARGED: 10/24/24

Final Ruling

Application: Allowance of First and Final Compensation and Expense Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by Fed. R. Bankr. P. 7055*, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 7 case, Gabriel P. Herrera, attorney for the trustee, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$9,000.00 and reimbursement of expenses in the amount of \$154.77.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. §

330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Attorney Herrera's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$9,000.00 and reimbursement of expenses in the amount of \$154.77.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

3. 25-27129-A-7 **IN RE: THOMAS/NICOLE SANDERS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-6-2026 [14]

ANDREW GRIFFIN/ATTY. FOR DBT.
1/12/2026 FINAL FILING FEE PAID \$338

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

4. 25-27139-A-7 **IN RE: SHARIQ KHAN**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
1-6-2026 [13]

CLIFFORD CHIGBU/ATTY. FOR DBT.

Tentative Ruling

The court has ordered debtor's counsel to correct the e-mail and mailing address discrepancy that exists between counsel's PACER account and the voluntary petition. A discrepancy still exists. Counsel has filed a response stating that they have corrected the issue, ECF No. 19. An amended petition has not been filed and the clerk's office has not received the changes mentioned in counsel's response.

If the counsel believes that the voluntary petition lists the correct physical address, including suite number, and correct e-mail address, then changes will need to be made on PACER. If these changes have been made, then the counsel's PACER account is likely not linked to the Electronic Court Filing (ECF) system. The clerk's office has assistance available to link this account and correct the issue.

If counsel believes that the voluntary petition has listed an incorrect physical address and e-mail address, counsel can remedy the outstanding issue by filing an amended petition with the correct information.

The court will issue a civil minute order.

5. 25-22557-A-7 **IN RE: KENNETH/JENNIFER KOCH**
ALG-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-6-2026 [24]

JAMES BEIRNE/ATTY. FOR DBT.
ARNOLD GRAFF/ATTY. FOR MV.
FREDERICK D. HESLEY, III, TRUSTEE OF THE
HESLEY FAMILY TRUST DATED JUNE 14, 2013 VS.

No Ruling

6. 24-21966-A-7 **IN RE: VILLA MARCHE STOCKTON ACQUISITIONS,**
LP
DNL-8

MOTION TO SELL FREE AND CLEAR OF LIENS
1-5-2026 [103]

KYRA ANDRASSY/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Sell Property

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted to the extent provided below

Order: Prepared by moving party

Property: 1119 Rosemarie Lane, Stockton, California

Buyer: Rakesh Patel

Sale Price: \$3,100,000.00

Sale Type: Private sale subject to overbid opportunity

SECITON 363(b) (1)

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); see also *In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. See 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

SALE FREE AND CLEAR UNDER § 363(f)

Navitas Credit Corporation

The movant has submitted appropriate evidence of Navitas Credit Corporation's consent. As such, the sale will be free and clear of Navitas Credit Corporation's security interest in the personal property described above, and such security interest shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. 11 U.S.C. § 363(f)(2). Evidence of such consent was entered by stipulation, ECF No. 109.

Sunwest Bank

The movant has submitted appropriate evidence of Sunwest Bank's consent. As such, the sale will be free and clear of Sunwest Bank's security interest in the personal property described above, and such security interest shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. 11 U.S.C. § 363(f)(2). Evidence of such consent was entered by

Sunwest's previously filed stipulation, ECF No. 79, which was granted by the court, Order, ECF No. 88.

Absolute Urethane

Creditor Absolute Urethane has filed opposition to the instant motion to sell free and clear, ECF No. 117. The property will not be sold free and clear of this creditor's interest as they were not listed in the motion.

As such, § 363(f)(2) relief is granted as to Navitas Credit Corporation and Sunwest Bank only. The order shall state that the sale is free and clear of only the liens identified in this ruling and that such liens shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. The order shall also include the following statement verbatim: "If the filing fee for the motion was deferred and if such fee remains unpaid at the time the order is submitted, then the trustee shall pay the fee for filing this motion to the Clerk of the Bankruptcy Court from the sale proceeds immediately after closing."

7. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-14](#)

CONTINUED STATUS CONFERENCE RE: MOTION FOR BAD FAITH DETERMINATION
10-20-2025 [\[193\]](#)

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

8. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-15](#)

CONTINUED MOTION FOR EXAMINATION
10-27-2025 [\[203\]](#)

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

9. 24-24267-A-7 **IN RE: RIKI TROWE**
DNL-16

CONTINUED MOTION FOR WAIVER OF DISCHARGE
11-20-2025 [228]

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

Final Ruling

Motion: Waiver of Discharge
Notice: Continued from January 5, 2026
Disposition: Denied
Order: Civil minute order

This matter was continued from January 5, 2026, to allow the debtor to file supplemental documentation showing that debtor has a "conscious and informed judgement" of the consequences of waiving discharge. Order, ECF No. 257.

When seeking to waive discharge, courts generally require that the debtor exhibit a "'conscious and informed judgement by the debtor as to the consequences thereof'..." See, In re Rul-Lan, 186 BR 938, 943 (citing In re Mapother, 53 BR 433, 435). See also, In re Martin, 211 BR 23, 24. Among the consequences that the debtor must understand are: (1) that a waiver of discharge will preclude the debtor from discharging all of the debts listed in the petition and schedules or that could have been listed cannot be discharged in a future bankruptcy; (2) that the stipulation will not end hostilities with the Chapter 7 trustee and that the Chapter 7 trustee will continue to liquidate the debtor's assets; and (3) that the stipulation will not release the trustee from his duties.

The debtor has filed a declaration stating, "I have been informed by my counsel of the consequences of the Waiver of Discharge from this Chapter 7 and understand the consequences." Declaration, ECF No. 269. The declaration does not sufficiently show that the debtor has a "conscious and informed judgement" of the consequences of waiving discharge.

As such, the waiver of discharge will be denied.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to waive discharge has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied.

10. 24-24267-A-7 **IN RE: RIKI TROWE**
NBF-2

MOTION FOR ADMINISTRATIVE EXPENSES
1-5-2026 [248]

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

Tentative Ruling

Motion: Allow Administrative Expense [Taxes]
Notice: LBR 9014-1(f)(2); no written opposition required
Disposition: Granted
Order: Civil minute order

ALLOWANCE OF ADMINISTRATIVE EXPENSE

"Subject to limited exceptions, a trustee must pay the taxes of the estate on or before the date they come due, 28 U.S.C. § 960(b), even if no request for administrative expenses is filed by the tax authorities, 11 U.S.C. § 503(b)(1)(D), and the trustee must insure that 'notice and a hearing' have been provided before doing so, *see id.* § 503(b)(1)(B). The hearing requirement insures that interested parties . . . have an opportunity to contest the amount of tax paid before the estate's funds are diminished, perhaps irretrievably." *In re Cloobeck*, 788 F.3d 1243, 1246 (9th Cir. 2015). It is error to approve a trustee's final report without first holding a hearing, *see* 11 U.S.C. § 102(1), to allow creditors and parties in interest an opportunity to object to the allowance or amount of tax before it is paid. *Id.* 1245 n.1, 1246.

Creditors and parties in interest have had an opportunity to contest the allowance and amount of the estate taxes in this case. No objection has been made. Accordingly, the taxes specified in the motion shall be allowed as an administrative expense under 11 U.S.C. § 503(b)(1)(B).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 7 trustee's motion for allowance of administrative expense has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court allows taxes to the Internal Revenue Service in the amount of \$16,000.00 and taxes

to the Franchise Tax Board in the amount of \$9,000.00 as an administrative expense under 11 U.S.C. § 503(b)(1)(B).

11. 22-22772-A-7 **IN RE: YURIY SVITYASHCHUK**
DNL-3

MOTION TO SELL
1-12-2026 [102]

MARK SHMORGON/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.
DEBTOR DISCHARGED: 09/23/24

Tentative Ruling

Motion: Sell Property

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted

Order: Prepared by moving party

Property: 455 Oak Road, Dinsmore, California

Buyer: Roman Kozlenko; Victor Kulikovskyi

Sale Price: \$15,000.00

Sale Type: Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); see also *In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. See 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

12. 25-22984-A-7 **IN RE: SANDRA BERNARD**
TLA-1

MOTION TO COMPEL ABANDONMENT
12-29-2025 [16]

THOMAS AMBERG/ATTY. FOR DBT.
DEBTORS DISCHARGED: 09/15/25

Final Ruling

Motion: Compel Abandonment of Property of the Estate

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party pursuant to the instructions below

Subject: 1) 7203 Beaver Falls Way, Elk Grove, California; 2) 2004 Ford Focus; 3) Assorted Household Goods and Furnishings; 4) Assorted Consumer Electronics; 5) Used Wearing Apparel; 6) Assorted Fine and Costume Jewelry; 7) US Bank Checking Account; 8) Undetermined 2025 Tax Refund, both state and federal; and 9) Term Life Insurance (All listed on Schedule C)

Value: \$695,000.00

1st Trust Deed: \$361,935.00

Exemption: \$400,000.00

Non-Exempt Equity: None

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Property of the estate may be abandoned under § 554 of the Bankruptcy Code if property of the estate is "burdensome to the estate or of inconsequential value and benefit to the estate." See 11 U.S.C. § 554(a)-(b). Upon request of a party in interest, the court may issue an order that the trustee abandon property of the estate if the statutory standards for abandonment are fulfilled.

The movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F.3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644

(9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

The real property described above is either burdensome to the estate or of inconsequential value to the estate. There is no equity in the property after the first deed of trust and the debtor's claimed exemption. Additionally, there is no equity in the listed property as it has all been claimed exempt in Schedule C, ECF No. 13. An order compelling abandonment is warranted.

13. 25-27385-A-7 **IN RE: MARIA CAMACHO DE SANDOVAL**
ADR-1

MOTION FOR RELIEF FROM AUTOMATIC STAY, AND/OR MOTION FOR ADEQUATE PROTECTION

1-14-2026 [12]

T. O'TOOLE/ATTY. FOR DBT.
ANTHONY ROWE/ATTY. FOR MV.
PETER DIRYAWUSH VS.

Tentative Ruling

Motion: Stay Relief to Pursue Unlawful Detainer Action and Writ of Possession

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted only to the extent specified in this ruling

Order: Civil minute order

Subject: Exercise of state law rights and remedies to obtain possession of real property located at 1807 West Orangeburg Avenue, Modesto, California, including all actions necessary to pursue an unlawful detainer action and execute a writ of possession

FACTS

According to movant's declaration, the debtor moved into the subject property on March 25, 2024. Declaration, ECF No. 14. Debtor failed to make payments from October 2025 to December 2025. *Id.* Debtor was served a three-day notice to pay rent or quit on December 10, 2025. *Id.* Debtor did not pay rent, nor did they leave the property. *Id.* Movant's unlawful detainer proceeding has been stalled due to debtors filing of the instant bankruptcy proceeding.

STAY RELIEF

Section 362(d)(1) authorizes stay relief for cause. Cause is determined on a case-by-case basis and may include the existence of litigation pending in a non-bankruptcy forum that should properly

be pursued. *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1169 (9th Cir. 1990).

Having considered the motion's well-pleaded facts, the court finds cause to grant stay relief subject to the limitations described in this ruling.

The moving party shall have relief from stay to enforce its rights and remedies to obtain possession of the real property described above and to pursue an unlawful detainer action through judgment and execution of a writ of possession if necessary.

The moving party may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against debtor, except by (1) filing a proof of claim in this court or (2) filing an adversary proceeding to determine the debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding.

The motion will be granted to the extent specified herein, and the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Movant Peter Diryawush's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted to the extent specified in this order. The automatic stay is vacated to allow the movant to enforce its rights and remedies against the debtor to obtain possession of real property located at 1807 West Orangeburg Avenue, Modesto, California and to pursue an unlawful detainer action through judgment and execution of a writ of possession, if necessary.

IT IS FURTHER ORDERED that the movant may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against debtor, except by (1) filing a proof of claim in this court or (2) filing an adversary proceeding to determine the debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding. And the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived.