



UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Department B - Courtroom #13  
Fresno, California

**Hearing Date: Wednesday, February 4, 2026**

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, 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 or stated below.

All parties or their attorneys 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/attorney 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 and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys 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 who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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.

**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.

9:30 AM

1. 25-13206-B-13    **IN RE: JIM/NOEMI VILLANUEVA**  
PBB-2

MOTION TO CONFIRM PLAN  
12-17-2025    [48]

NOEMI VILLANUEVA/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.

Jim and Noemi Villanueva ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated December 17, 2025s. Docs. #48, #53. No plan has been confirmed so far.

No party has timely objected.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, 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 above-mentioned parties in interest are entered. Upon default, 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).

The 60-month plan proposes the following terms:

1. Plan payments of \$5,935.00 per month.
2. Outstanding attorney's fees of \$12,000.00 to be paid through the plan.
3. Secured creditors to be classed and treated as follows:
  - a. Nationstar/Mr. Cooper (Class 1. Mortgage on 1966 Cypress Court, Madera CA). Arrears of \$3,609.50 at 0.00% to be paid at \$950.00 per month. Ongoing post-petition mortgage payment is \$2,684.08 to be paid through the plan.
  - b. Capital One Auto Finance (Class 2A. 2019 Toyota Highlander, PMSI). \$12,283.42 at 8.00% to be paid at \$500.00 per month.
  - c. Connexus Credit Union (Water Softener), Service Finance Company (HVAC), Technology Credit Union (solar panels), and Wells Fargo home mortgage (28279 Ave. 13 1/2, Madera CA)

are all in Class 3, and their respective collaterals will be surrendered.

4. A 44% dividend for unsecured claims estimated at \$113,664.13.

Doc. #53.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

2. 26-10106-B-13    **IN RE: JELINA NICHOLAS**  
ADR-1

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR  
ADEQUATE PROTECTION  
1-16-2026    [10]

ALVIN PRASAD/MV  
JOHN WETENKAMP/ATTY. FOR MV.

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

DISPOSITION:    Denied as moot.

ORDER:    The court will issue an order.

An order dismissing this case was already entered on January 28. Doc. #17. The motion will be DENIED AS MOOT. The automatic stay terminated by operation of law. Sec. 362(c).

As an informative matter, counsel is using an outdated Relief from Stay Summary Sheet form (April 6, 2005). The current version of this form is dated February 2018.

Also, this instant motion would have been denied without prejudice for the following reasons:

First, the notice did not contain the language required under LBR 9014-1(d) (3) (B) (iii), which requires movants to notify respondents that they can determine whether the matter has been resolved without oral argument or if the court has issued a tentative ruling by checking the Court's website at [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov) after 4:00 p.m. the day before the hearing. Doc. 11.

Second, Rules 4001(a)(1) and 9014(b) require a motion for relief from the automatic stay to be served pursuant to Rule 7004. The declarant correctly marked that service was effectuated by Rule 7004 but also incorrectly marked service by Fed. R. Civ. P. ("Civ. Rule") 5 and Fed. R. Bankr. P. ("Rule") 7005, 9036 Service. Service was proper as all

parties were served by First-Class Mail, the Certificate was filled out incorrectly. The attachment is marked Attachment 6B-2 which is Civ. Rule 5 and Rules 7005, 9036 service and should be marked as Attachment 6A-1 for service under Rule 7004.

Counsel is advised to review the local rules and ensure procedure compliance in subsequent matters.

3. 25-14116-B-13    **IN RE: MICHAEL/SUZETTE MARTIN**  
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
1-15-2026    [\[12\]](#)

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

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

DISPOSITION:    Continued to March 4, 2026, at 9:30 a.m.

ORDER:    The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Michael and Suzette Martin "Debtors") on December 10, 2026, on the following basis:

1. The plan proposes paying 0% to unsecured creditors. According to the Trustee's liquidation analysis, Debtors must pay at least 3.79% to satisfy the liquidation test.
2. Schedule A/B must be amended to reflect money that Debtors are owed for prepetition work performed by them which was not disclosed until the 341 Meeting of Creditors.

Doc. #12.

This objection will be CONTINUED to March 4, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a

written response, this objection will be sustained on the grounds stated in the objection without further hearing.

4. 25-13620-B-13    **IN RE: JOSE/MARINA AVALOS**  
LGT-1

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

LILIAN TSANG/MV  
STEVEN ALPERT/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:    Continued to March 4, 2026, at 9:30 a.m.

ORDER:    The court will issue an order.

On January 29, 2026, Jose and Marina Avalos ("Debtors") filed a *Supplemental Reply* to this objection to confirmation wherein Debtors conceded that a motion to value the collateral of OneMain is necessary. Doc. #26. Debtors requested a continuance of this matter to afford them time to file a motion for valuation. *Id.* The court considers this request well-taken. Accordingly, this matter will be CONTINUED to March 4, 2026, at 9:30 a.m., subject to further continuance to the date of the hearing on the motion for valuation once it is filed and set for hearing.

5. 26-10031-B-13    **IN RE: GERARDO SERRANO**  
RSW-1

MOTION TO EXTEND AUTOMATIC STAY  
1-16-2026    [13]

GERARDO SERRANO/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING:    This matter will proceed as scheduled.

DISPOSITION:    Granted.

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

Gerardo Serrano ("Debtor") requests an order extending the automatic stay under 11 U.S.C. § 362(c)(3). Doc. #13 *et seq.*

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Under 11 U.S.C. § 362(c)(3)(A), if the debtor has had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay under subsection (a) shall terminate with respect to the debtor on the 30th day after the latter case is filed.

This Debtor's cases within the last year are as follows:

Docket	Filed	Dismissed	Reason for dismissal
24-12596	9/4/24	10/22/25	Failure to make plan payments
xx-XXXXXX	5/25/23	Pending	n/a

The automatic stay in the current case will expire on February 5, 2026.

11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor demonstrates that the filing of the latter case is in good faith as to the creditors to be stayed. Such request must be made within 30 days of the petition date.

A case is presumptively filed not in good faith as to all creditors if any of the conditions listed 11 U.S.C. § 362(c)(3)(C) exist:

- I. more than 1 previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was pending within the preceding 1-year period [§ 362(c)(3)(C)(i)(I)];
- II. a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to:
  - aa. file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney) [§ 362(c)(3)(C)(i)(II)(aa)];
  - bb. provide adequate protection as ordered by the court [§ 362(c)(3)(C)(i)(II)(bb)]; or
  - cc. perform the terms of a plan confirmed by the court [§ 362(c)(3)(C)(i)(II)(cc)]; or
- III. there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next

most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded  
aa. if a case under chapter 7, with a discharge; or  
bb. a case under chapter 11 or 13, with a confirmed plan that will be fully performed[.]

§ 362(c) (3) (C) (i) (I)-(III). To restate these Code provisions more plainly, the rebuttable presumption arises that the latter case was filed not in good faith:

- I. If a debtor has had two or more previous chapter 7, 11, or 13 cases pending within the year preceding the new case which were dismissed for any reason. [§ 362(c) (3) (C) (i) (I)];
- II. If a debtor has had one such case had been pending within the previous year which was dismissed for (aa) failure to file or amend the petition or other required documents without substantial excuse, (bb) failure to provide adequate protection, or (cc) failure to perform the terms of a confirmed plan.  
[§ 362(c) (3) (C) (i) (II) (aa-cc)]; or
- III. If a debtor has had one such case pending within the previous year which was dismissed for any reason, and debtor has failed to demonstrate a "substantial change" in the debtor's financial affairs since the prior dismissal such that the court may conclude that the new case will lead to either a chapter 7 discharge or a confirmable chapter 11 or chapter 13 plan.

In addition, the presumption arises as to any specific creditor which had commenced a stay relief action in the previous case that was still pending as of the date of dismissal or which had been resolved by terminating, conditioning, or limiting the stay as to the actions of that creditor. § 362(c) (3) (C) (ii).

The presumption of bad faith may be rebutted by clear and convincing evidence. § 362(c) (3) (C). Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.' Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition.'" *Emmert v. Taggart (In re Taggart)*, 548 B.R. 275, 288, n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by *Taggart v. Lorenzen*, 139 S. Ct. 1785 (2019)). If the presumption does not arise, the debtor needs to establish good faith by a preponderance of the evidence.

In this case, the presumption of bad faith arises. The subsequently-filed case is presumed to be filed in bad faith as to all creditors because of Debtor's failure to perform the terms of a confirmed plan in the previous case, specifically a failure to make required plan payments.

Debtor declares that the previous case was dismissed because Debtor fell behind on plan payments due to inconsistent income and unexpected repair costs for his car and his septic tank. Doc. #15. Debtor declares that he has experienced a significant change in financial circumstances consisting of a new job with consistent payment. *Id.*

In the current case, the *Chapter 13 Plan* dated January 15, 2026, provides for 60 monthly payments, consisting of \$1,400.00 per month for months 1-5 and \$200.00 per month for months 6-60. Doc. #11. The plan proposes a 100% dividend to unsecured claims. Doc. #3. Debtor's *Schedules I* and *J* indicate that Debtor receives \$1,436.43 in monthly net income, which is sufficient for Debtor to afford the proposed plan payment. Doc. #12 (Schedules I & J).

By comparison, in the previous case, Debtor was receiving \$1,201.39 in monthly net income, so Debtor's financial condition has materially changed since the last case was filed. See Bankr. Case No. 24-12596, Doc. #19 (Schedules I & J).

Based on the moving papers and the record, the presumption appears to have been rebutted by clear and convincing evidence because Debtor's financial condition and circumstances have materially changed. Debtor's petition appears to have been filed in good faith and the proposed plan does appear to be feasible.

This matter will be called and proceed as scheduled. In the absence of opposition at the hearing, this motion may be GRANTED. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f) (2).

6. 25-13533-B-13     **IN RE: SARAH ACEVEDO**  
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE  
LILIAN G. TSANG  
12-3-2025    [16]

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

DISPOSITION:    Continued to March 4, 2026, at 9:30 a.m.

ORDER:            The court will issue an order.

This matter was originally heard on January 7, 2026. Doc. #16.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the Chapter 13 Plan filed by Sarah Acevedo ("Debtor") on October 21, 2025, on the following basis:

1. Debtor was to begin making plan payments in November 2025 but has made no payments as of December 3, 2025. Debtor is delinquent in

the amount of \$319.09 as of December 3, 2025, with additional payments accruing. Also, the proposed plan payment of \$319.09 per month is inadequate to fund the plan given the inclusion of monthly conduit payments \$674.00 and \$283.99 (totaling \$1,030.10) to Selene Finance.

2. The 341 meeting of creditors has not been concluded because the pro se debtor did not attend. The meeting was originally set for December 2, 2025, but Debtor did not appear. The continued 341 meeting was set for December 30, 2025. Debtor has also failed to provide a number of required documents, including but not limited to:
  - a. Proof of Identification;
  - b. Proof of Social Security Number;
  - c. Proof of Social Security Benefits;
  - d. 2024 tax returns or declaration of non-requirement to file;
  - e. Class 1 Checklist;
  - f. Recent Mortgage Statement; and
  - g. Proof or declaration of Third-Party Contribution.

Doc. #16. The Debtor appeared at the continued 341 Meeting conducted on December 30, 2025, but the meeting was further continued to January 12, 2026. *Docket generally.*

The court continued this objection to February 4, at 9:30 a.m. Doc. #29. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

On January 13, 2026, Trustee filed a *Supplemental Objection* stating that:

1. The 341 meeting has been concluded, but Debtor has not yet provided:
  - a. Proof of Social Security Benefits; and
  - b. Proof or declaration of Third-Party Contribution.
2. Debtor's plan payments are now current through December 2025. However, the conduit and arrearage payments to Selene Finance total \$1,548.80 per month, but the monthly plan payment is only \$319.09.
3. The arrearage claim for U.S. Bank Truste N.A. is higher than projected in the plan, and the monthly plan payment must be increased to cover it.

Doc. #33. It appears that most (but not all) of the issues raised in the original objection have been resolved, the exceptions being the two outstanding documents requested. However, in the Supplement, Trustee raises new arguments against confirmation to which Debtor should be afforded opportunity to respond.

This motion to confirm plan will be CONTINUED to March 4, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or all objections to confirmation are withdrawn, the Debtors shall file and serve a written response to the objections no later than fourteen (14) days before the continued hearing date. The response shall specifically address each issue raised in the objection(s) to confirmation, state whether each issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

If the Debtors elect to withdraw the 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 seven (7) days before the continued hearing date. If the Debtors do not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

7. 25-13533-B-13    **IN RE: SARAH ACEVEDO**  
LGT-2

CONTINUED MOTION TO DISMISS CASE  
12-4-2025    [19]

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

DISPOSITION:    Continued to March 4, 2026, at 9:30 a.m.

ORDER:    The court will issue an order.

This matter will be continued to March 4, 2026, at 9:30 a.m. to be heard in conjunction with the continued hearing date for the Trustee's *Objection to Confirmation*. See Item #6, above.

8. 25-13736-B-13    **IN RE: BARBARA BAKER**  
LGT-1

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

LILIAN TSANG/MV  
ERIC ESCAMILLA/ATTY. FOR DBT.  
WITHDRAWN

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

**DISPOSITION:**    Withdrawn.

No order is required.

On January 16, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #26. Accordingly, this Objection is WITHDRAWN.

9. 25-14142-B-13    **IN RE: GENEVIEVE GARCIA**  
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
1-13-2026    [13]

ERIC ESCAMILLA/ATTY. FOR DBT.

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

**DISPOSITION:**    Withdrawn.

No order is required.

On January 28, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #17. Accordingly, this Objection is WITHDRAWN.

10. 25-14148-B-13    IN RE: JESSE DILLON  
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
1-13-2026    [12]

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

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

DISPOSITION:    Continued to March 4, 2026, at 9:30 a.m.

ORDER:    The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Jesse Dillon "Debtor") on December 14, 2026, on the following basis

1. Debtor has not yet filed a motion nor obtained an order valuing the collateral of Class 2 claimant Carmax Auto Finance.
2. There is a significant discrepancy between Debtor's income as reflected on Form 122C-1 and in his paystubs.
3. Trustee requests documentation on Debtor's real property at 216 River Oaks Drive, Bakersfield, CA. Trustee also requests Debtor's most recent retirement account to verify the maturity of an outstanding retirement fund loan

Doc. #12.

This objection will be CONTINUED to March 4, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

11. 25-14049-B-13     IN RE: JAMES/FRANCES GARCIA  
BDB-1

MOTION TO VALUE COLLATERAL OF WESTLAKE PORTFOLIO MANAGEMENT LLC  
1-3-2026    [12]

FRANCES GARCIA/MV  
BENNY BARCO/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.

James and Frances Garcia (collectively "Debtors") move for an order valuing a 2016 Honda HR-VLX ("Vehicle") at \$10,997.00 under 11 U.S.C. § 506(a). Doc. #12 *et seq.* Vehicle is encumbered by a purchase money security interest in favor Westlake Portfolio Management LLC ("Creditor"). *Id.*

Debtor complied with Fed. R. Bankr. Pro. Rules 3012(b) and 7004(b)(3) by serving Creditor a copy of the motion by first-class mail to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process, in this case to "Attn: Officer or Manager" at Creditor's corporate office and also via Creditor's Agent for Service. Doc. #16.

Creditor is not a depository institution within the meaning of Rule 7004(h), so service by certified mail is not required.

No 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 chapter 13 trustee, 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 amounts of damages). *Televideo Sys., 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. § 1325(a) (\*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a) (1), which applies to all debtors under this title, states:

An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to set off is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

11 U.S.C. § 506(a) (2) states:

If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean 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.

Here, Debtors declare that they purchased the Vehicle in April of 2022. Doc. #14. No specific date is provided, but April 30, 2022 (the last day on which the Vehicle could have been purchased in that month) is more than 910 days preceding the December 4, 2025, petition date. *Id.* Creditor has not responded to the motion, and no proof of claim governing this loan has been filed. *Id.*; *Claims Register generally.* Thus, the elements of § 1325(a) (\*) are not met and § 506 is applicable.

Debtors declare that the Vehicle has a replacement value of \$10,997.00. *Id.* Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion

of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at \$10,997.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

12. 25-14049-B-13     **IN RE: JAMES/FRANCES GARCIA**  
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
1-13-2026    [17]

LILIAN TSANG/MV  
BENNY BARCO/ATTY. FOR DBT.

TENTATIVE RULING:     This matter will proceed as scheduled.

DISPOSITION:     Overruled.

ORDER:     The minutes of the hearing will be the court's findings and conclusions. Order preparation will be determined at the hearing.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by James and Frances Garcia ("Debtors") on December 5, 2026, on the following basis:

1. Debtors have not yet filed a motion nor obtained an order valuing the collateral of Class 2 claimant Westlake.
2. The Disclosure of Compensation of Attorney for Debtors filed on December 4, 2025, is incorrect. Question 5 does not match the requirements of the standard form in this district. Also, the filed Disclosure excludes services that are required to be performed when charging the no look-fee pursuant to LBR 2016(c).

Doc. #17. The first Objection is incorrect. Debtors filed a valuation motion regarding Westlake's collateral on January 3, 2026, which the court has granted on this day. Doc. #12; Item #11, above.

On January 27, 2026, Debtors filed an Amended Disclosure Statement which uses the correct Form B2030 and which appears to resolve the Trustee's second Objection. Doc. #20.

If the Trustee does not withdraw the objection, this matter will proceed so that the Trustee may advise on the record of whether Trustee's Objection has been fully resolved.

13. 24-11674-B-13    IN RE: IRMA MARTINEZ  
LGT-1

MOTION TO DISMISS CASE  
1-7-2026 [38]

LILIAN TSANG/MV  
ERIC ESCAMILLA/ATTY. FOR DBT.

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

DISPOSITION:    Granted.

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

The chapter 13 trustee asks the court to dismiss this case for unreasonable delay by the Irma Carbajal Martinez ("Debtor") that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)) and for failure to complete the terms of the confirmed plan (11 U.S.C. § 1307(c)(6)). Doc. #38. No opposition has been filed.

A Notice of Death of Debtor was filed on November 19, 2025, reflecting that Debtor passed away on October 6, 2025. Doc. 37. However, no requests for any of the relief listed in LBR 1016-1(b) that are available in the event of the death of a debtor in an active Chapter 13 case (which include substitution as representative or successor to the deceased debtor, continued administration of the Chapter 13 case, and/or waive of post-petition education requirements) have been made, and the 60-day window for doing so has passed. LBR 1016-1(a)-(b).

Unless the trustee's motion is withdrawn before the hearing, the motion will be GRANTED without oral argument for cause shown.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As of January 7, 2026, all payments due under the plan have not been made and the plan is delinquent in the amount of \$3,921.42. Doc. #40. Before the hearing on this motion, an additional payment of \$1,307.14 will become due on January 25, 2026, for a total of \$5,228.56 due before the hearing. *Id.*

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay.

Dismissal rather than conversion is in the best interest of the creditors and the estate, as dismissal will allow creditors to pursue their claims outside of bankruptcy. Doc. #38. Though the Trustee's proof neglected to include any analysis of whether there was non-exempt equity that may benefit unsecured creditors if there was a conversion, the court in this case agrees with the Trustee that dismissal is in the best interests of creditors. It appears that there are unencumbered assets but the Debtor has exempted the value of the assets and the Trustee has not objected.

Accordingly, the motion will be GRANTED, and the case dismissed.

14. 25-13783-B-13    **IN RE: MARILU LOPEZ LOPEZ**

LGT-1

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

ROBERT WILLIAMS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:    This matter will proceed as scheduled.

DISPOSITION:    Sustained.

ORDER:    The minutes of the hearing will be the court's findings and conclusions. Order preparation will be determined at the hearing.

This matter was first heard on January 7, 2026. Doc. #16.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Marilu Lulu Lopez Lopez ("Debtor") on November 9, 2025, on the following basis:

1. The monthly plan payment must increase from \$600.00 to \$610.70 to fully fund the plan. This increase is due to the existence of a non-exempt asset in the form of a Disney membership valued at \$1,500.00. The Trustee is not opposed to resolving this in the confirmation order.
2. The plan provides for Navy Federal Credit Union ("NFCU") to be treated as a Class 2(B) claim, but no motion for valuation has been filed.
3. Trustee requests that a full 6 months of bank statements be provided to determine if Debtor has received any additional undisclosed funds from her now-closed IT business.

Doc. #12. The court continued this objection to February 4, 2026. Doc. #17. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

On January 21, 2026, Debtor responded, stating:

1. The Disney membership is non-transferable.
2. A motion to value the NFCU collateral will be filed.
3. Debtor will provide the requested bank statements and Form 122C-1 will be amended to reflect the income from her closed IT business.

Doc. #20.

On January 28, 2026, the Trustee filed a Reply, stating:

1. Objection #1 is resolved.
2. As of the date on which the Reply was filed, no Motion to Value the NFCU collateral had been filed.
3. Debtor still has not submitted bank statements for September and October of 2025.

Doc. #22. On January 29, 2026, Debtor filed an Amended Form 122C-1.

Doc. #23

If the Trustee does not withdraw the objection, this matter will proceed so that the Trustee may advise on the record of whether Trustee's Objection has been fully resolved and, if not, what additional steps are required to resolve the remaining objections.

15. 25-14084-B-13    **IN RE: MARTHA MACIEL**  
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
1-15-2026    [16]

LILIAN TSANG/MV  
T. O'TOOLE/ATTY. FOR DBT.

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

DISPOSITION:    Sustained.

ORDER:    The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Martha Maciel ("Debtor") on December 8, 2026, on the following basis:

1. Schedule A/B reflects an interest in a legal claim with an "unknown" value. Trustee requests an Amended Schedule A/B that provides a dollar amount for the value of that claim. Also, the filed Schedule A/B reflects an interest in a legal claim which is listed as a "personal injury" claim, but at the 341 Meeting of Creditors, Debtor advised that the claim was actually for discrimination. This must be amended.
2. The plan calls for payment of attorney's fees in excess of the fixed compensation allowed under LBR 2016-1(c).
3. The Statement of Financial Affairs contains errors and must be amended.
4. Debtor must provide a statement showing disability income payouts and verification of how much disability income remains owing to Debtor.
5. The Disclosure of Compensation of Attorney for Debtor filed on December 8, 2025, is incorrect. Question 5 does not match the requirements of the standard form in this district

Doc. #16. On January 30, 2026, Debtor filed a *Non-Opposition* to the Objection, advising that Debtor conceded the points raised in the Objection and that a new plan is forth coming. Doc. #21. Accordingly, this Objection will be SUSTAINED.

16. [25-13493](#)-B-13    **IN RE: JOSE HUIZAR**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE  
LILIAN G. TSANG  
12-4-2025    [\[12\]](#)

NICHOLAS WAJDA/ATTY. FOR DBT.

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

**DISPOSITION:**    Denied as moot.

**ORDER:**    The court will issue an order.

On January 28, 2026, Jose Huizar ("Debtor") filed his *First Modified Chapter 13 Plan*. Doc. #44. Accordingly, this *Objection to Confirmation of Debtor's Chapter 13 Plan* dated October 16, 2026, will be DENIED AS MOOT.

17. [20-12194](#)-B-13    **IN RE: IRA/EVANGELINE WHITE**  
[LGT-1](#)

OBJECTION TO DISCHARGE BY LILIAN G. TSANG  
1-12-2026    [\[68\]](#)

THOMAS MOORE/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

**DISPOSITION:**    Withdrawn.

No order is required.

On January 23, 2026, the Trustee withdrew this Objection to Discharge. Doc. #76. Accordingly, this Objection is WITHDRAWN.

18. 25-13794-B-13     IN RE: GABRIEL/BRANDY RAMIREZ  
NLG-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY  
LOANDEPOT.COM, LLC  
11-25-2025 [12]

LOANDEPOT.COM, LLC/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.  
NICOLE GLOWIN/ATTY. FOR MV.  
RESPONSIVE PLEADING

TENTATIVE RULING:     This matter will proceed as scheduled.

DISPOSITION:     Overruled subject to agreed modifications  
including the Trustee's agreement.

ORDER:     The minutes of the hearing will be the court's  
findings and conclusions. Order preparation  
determined at the hearing.

This matter was originally heard on January 7, 2026. Doc. #18.

Secured Creditor LoanDepot.com ("Secured Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Gabriel and Brandy Ramirez ("Debtors") on November 10, 2025, on the following basis:

1. The proposed plan fails to provide for the prepetition arrearage of approximately \$29,441.05 owed to Secured Creditor. To fully fund the plan, the monthly plan payment must be increased by \$41.80 per month.

Doc. #12.

The court continued this objection to February 4, 2026. Doc. #19. Debtors were directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

On January 20, 2026, Debtors filed a Response confessing the Secured Creditor's Objections, agreeing to extend the plan's duration to 60 months and to increase the monthly payment by \$41.80. Doc. #21. Debtors request that the Objection be overruled and that the terms be added to the confirmation order. *Id.*

This matter will be called and proceed as scheduled. The court will confirm the parties' agreement as to the changes to the plan necessary to resolve this Objection. The Trustee's position on the proposed

modifications will also be considered. If all necessary parties are in agreement, this motion may be GRANTED.

If granted, the confirmation order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

19. [25-13597](#)-B-13    **IN RE: JOSHUA/VELDA KIRK**  
[LGT-1](#)

CONTINUED RE: OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
12-8-2025    [\[20\]](#)

LILIAN TSANG/MV  
GREGORY SHANFELD/ATTY. FOR DBT.

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

**DISPOSITION:**    Withdrawn.

No order is required.

On January 26, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #34. Accordingly, this Objection is WITHDRAWN.

**11:00 AM**

1. 24-13719-B-7    **IN RE: B & B AGRI SERVICES INC.**  
GG-1

CONTINUED STATUS CONFERENCE RE: MOTION TO DISMISS CASE  
7-28-2025    [33]

DINAH PARLAN/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
ANERIO ALTMAN/ATTY. FOR MV.

NO RULING.

2. 24-13719-B-7    **IN RE: B & B AGRI SERVICES INC.**  
25-1032    CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
7-22-2025    [1]

VETTER V. PARLAN  
D. GARDNER/ATTY. FOR PL.

NO RULING.

3. 24-13719-B-7    **IN RE: B & B AGRI SERVICES INC.**  
25-1033    CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
7-22-2025    [1]

VETTER V. PARLAN  
D. GARDNER/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

4. 25-10088-B-11 **IN RE: AMY CORPUS**  
25-1041 CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
7-31-2025 [1]

CORPUS V. BANK OF AMERICA, N.A.  
PETER SAUER/ATTY. FOR PL.

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

DISPOSITION: Concluded and dropped from the calendar.

ORDER: No order is required.

On January 28, 2026, a *Stipulation of Dismissal* was entered in the above-styled adversary proceeding. Doc. #46. Accordingly, this Status Conference is CONCLUDED and DROPPED from the calendar.