



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, February 5, 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, (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.

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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. [26-10203](#)-A-13 **IN RE: GURJIT DHALIWAL**
[DCJ-1](#)

MOTION TO EXTEND AUTOMATIC STAY
1-21-2026 [\[8\]](#)

GURJIT DHALIWAL/MV
DAVID JOHNSTON/ATTY. FOR DBT.

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 filed and served on at least 14 days' notice prior to the hearing date 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 deny 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.

Debtor Gurjit Singh Dhaliwal ("Debtor") filed this chapter 13 case on January 21, 2026 and moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B). Doc. #1, 8. However, Debtor had two chapter 13 cases that were pending within the one-year period preceding the filing of this bankruptcy case that were dismissed, Case No. 25-90021 (Bankr. E.D. Cal.) (the "First Prior Case") and Case No. 25-90453 (Bankr. E.D. Cal.) (the "Second Prior Case"). The First Prior Case was filed on January 16, 2025 and dismissed on May 1, 2025. Case No. 25-90021, Doc. #1, 33. The Second Prior Case was filed on June 3, 2025 and dismissed on August 28, 2025. Case No. 25-90453, Doc. #1, 39. Because Debtor had two bankruptcy cases pending within the one-year period preceding the filing of this case that were dismissed, 11 U.S.C. § 362(c)(4), not 11 U.S.C. § 362(c)(3), applies to this case.

Under 11 U.S.C. § 362(c)(4)(A)(i), if a debtor has filed two or more cases that were dismissed the previous year, the automatic stay under § 362(a) does not go into effect when the debtor's bankruptcy case is filed. Nelson v. George Wong Pension Trust (In re Nelson), 391 B.R. 437, 452 (B.A.P. 9th Cir. 2008). Under 11 U.S.C. § 362(c)(4)(B), the debtor may, within 30 days of filing the bankruptcy petition, file a motion to impose the automatic stay. Debtor did not make such a motion in this case.

Because Debtor's First Prior Case and Second Prior Case were pending and dismissed within the one-year period preceding the filing of this case, the automatic stay did not go into effect when Debtor filed this case on January 21, 2026, and there is no automatic stay in place to extend. Thus, the motion to extend the automatic stay is improper.

Accordingly, this motion is denied.

2. [24-11712](#)-A-13 **IN RE: MARK FLORENTINO**
[LGT-2](#)

MOTION TO DISMISS CASE
1-7-2026 [[140](#)]

LILIAN TSANG/MV
STEPHEN LABIAK/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion to dismiss on February 2, 2026. Doc. #147.

3. [25-14016](#)-A-13 **IN RE: JUAN GONZALEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
1-15-2026 [[28](#)]

LILIAN TSANG/MV
JOSHUA STERNBERG/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtor filed a first amended plan on January 29, 2026 (SLG-1, Doc. #36), with a motion to confirm the modified plan set for hearing on March 12, 2026 at 9:30 a.m. Doc. ##32-37.

4. [24-12237](#)-A-13 **IN RE: MEREDITH GARCIA**
[TCS-1](#)

MOTION TO MODIFY PLAN
12-24-2025 [[25](#)]

MEREDITH GARCIA/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

5. [25-12842](#)-A-13 **IN RE: ROBERT PAIR**
[FW-1](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C. FOR
GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)
1-5-2026 [\[94\]](#)

GABRIEL WADDELL/ATTY. FOR DBT.
DISMISSED 11/26/2025

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part, the court will award fees and costs in the combined amount of \$33,128.48 and abstain from reviewing post-dismissal fees and costs.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered. Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done in part.

Fear Waddell, P.C. ("Movant"), counsel for Robert Dwight Pair ("Debtor"), the debtor in this chapter 13 case, requests allowance of final compensation in the amount of \$36,229.00 and reimbursement for expenses in the amount of \$100.65 for services rendered from April 9, 2025 through January 2, 2026. Doc. #94. Debtor's proposed plan provides for, in addition to \$14,687.00 paid to Movant prior to the filing of this case, \$36,000.00 in attorney's fees to be paid through the plan. Plan, Doc. #7. Debtor's chapter 13 plan was not confirmed. Instead, Debtor's chapter 13 bankruptcy case was dismissed on November 26, 2025, pursuant to Joan Pair's ("Creditor") motion to dismiss Debtor's case

under 11 U.S.C. § 109(e) because Debtor's debts exceeded the amount permitted for a chapter 13 debtor at the time Debtor filed his bankruptcy case. Doc. #19. Debtor does not oppose this application. Ex. E, Doc. #96.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). After case dismissal, the bankruptcy court retains jurisdiction over awards of fees. St. Angelo v. Vict. Farms, 38 F.3d 1525, 1533 (9th Cir. 1994) (superseded by statute on other grounds). But the court also has discretion not to exercise jurisdiction over ancillary matters. Elias v. United States Tr., 188 F.3d 1160, 1162 (9th Cir. 1999). After an order of dismissal, the debtor's debts and property are subject to the general laws, unaffected by bankruptcy concepts. In re Income Property Builders, Inc., 699 F.2d 963, 965 (9th Cir. 1982).

Here, Movant demonstrates services rendered prior to and during the bankruptcy case relating to: (1) consulting and fact gathering to file bankruptcy case; (2) preparing petition, schedules and related pleadings; (3) preparing and filing original plan; (4) preparing and attending 341 meeting of creditors; (5) preparing and filing responses to objections to confirmation of plan filed by the chapter 13 trustee and Creditor; (6) reviewing and responding to Creditor's motion to dismiss and subsequent reply briefs; (7) reviewing and analyzing objection to Debtor's claim of exemptions; (8) attending various court hearings; and (9) general case administration. Exs. A & B, Doc. #96. The court has reviewed and analyzed Movant's time entries applying the standard set forth in section 330(1) and determines that fees should be awarded compensation in the amount of \$33,069.50 and reimbursement for expenses in the amount of \$82.88 for services performed prior to and during the pendency of the case.

As part of the application, Movant includes billing entries in the aggregate amount of \$2,846.50 for 9 hours of work for services performed after the case was dismissed and expense entries in the aggregate amount of \$41.67 for costs incurred after the case was dismissed. Ex. B, Doc. #96. The court abstains from approving fees and costs incurred following the dismissal of this case in the combined amount of \$2,888.17 without prejudice to Movant seeking payment of those fees and costs pursuant to applicable non-bankruptcy law.

Accordingly, this motion is GRANTED in part. The court determines that compensation in the amount of \$33,069.50 and reimbursement for expenses in the amount of \$58.98, for a total combined payment of \$33,128.48 in attorneys' fees and expenses, incurred by Movant prior to dismissal of this bankruptcy case are reasonable, actual, and necessary, and allows fees and costs in that amount. The court abstains from reviewing fees and costs in the aggregate amount of \$2,888.17 related to services performed after the case was dismissed.

MOTION TO SUBSTITUTE PARTY, AS TO DEBTOR
1-5-2026 [\[43\]](#)

LILLIAN CORLEY/MV
JEFFREY ROWE/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

Lillian Corley ("Movant") is the surviving daughter of Craig Joseph Meacham ("Debtor"), the debtor in this chapter 13 case. Doc. #43. Movant requests the court name Movant as the successor to the deceased Debtor and permit the continued administration of this chapter 13 case. Id.

Upon the death of a debtor in chapter 13, Federal Rule of Bankruptcy Procedure 1016 provides that the case may be dismissed or may proceed and be concluded in the same manner, so far as possible, as though the death had not occurred upon a showing that further administration is possible and in the best interest of the parties.

Debtor filed this chapter 13 case on August 1, 2024. Doc. #1. Pursuant to Debtor's confirmed chapter 13 plan, Debtor was to make monthly plan payments of \$3,009.44 for 60 months. Doc. #3, 15. Debtor died on October 2, 2025. Doc. #44; Decl. of Lillian Corley, Doc. #46; Ex. A, Doc. #46. Debtor had paid a total of \$31,873.89 in plan payments prior to his death. Id.

Movant is the daughter of the Debtor and is willing and able to act on behalf of Debtor for the limited purposes of concluding this case. Doc. #43; Corley Decl., Doc. #46; Ex. A, Doc. #46. Appointing Movant to be representative to proceed with case administration is in the best interest of the parties and creditors. No objections have been filed in response to this motion.

Accordingly, Movant's application to be substituted as the successor of Debtor for the further administration of this bankruptcy case is GRANTED. Movant may continue the administration of this case under chapter 13.

MOTION FOR HARDSHIP DISCHARGE
1-5-2026 [\[44\]](#)

LILLIAN CORLEY/MV
JEFFREY ROWE/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 Moving Party shall submit a proposed order after the hearing.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). One creditor timely filed written opposition on January 16, 2026. Doc. #48. The failure of other creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered.

As a procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6). Here, movant used the same DCN for this motion that was used for the motion to substitute party. Compare Doc. #43 with Doc. #44. A new DCN should have been used for this motion.

Lillian Corley ("Movant"), the surviving daughter and substituted successor of deceased chapter 13 debtor Craig Joseph Meacham ("Debtor"), moves the court for a hardship discharge pursuant to 11 U.S.C. § 1328(b). Doc. #44.

Debtor filed this chapter 13 case on August 1, 2024. Doc. #1. Pursuant to Debtor's confirmed chapter 13 plan ("Plan"), Debtor was to make monthly plan payments of \$3,009.44 for 60 months. Doc. #3, 15. The Plan provided that general unsecured creditors would receive payment of 0% of their filed and allowed claims. Id.

Debtor died on October 2, 2025. Doc. #44; Decl. of Lillian Corley, Doc. #46; Ex. A, Doc. #46. Debtor had paid a total of \$31,873.89 in plan payments prior to his death. Id.

Bankruptcy Code § 1328(b) permits the court to grant a hardship discharge to a debtor who has not completed plan payments if certain requirements are met. The hardship discharge may be granted only if:

- (1) the debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;

- (2) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and
- (3) modification of the plan under § 1329 of this title is not practicable.

11 U.S.C. § 1328(b)(1)-(3). The debtor bears the burden of proof on all elements of section 1328(b). Roberts v. Boyajian (In re Roberts), 279 F.3d 91, 93 (1st Cir. 2002). The grant or denial of a request for a hardship discharge is within the discretion of the bankruptcy court. Id.

The court finds Movant has satisfied the first condition under § 1328(b). See Doc. #44. Debtor's failure to complete his plan payments is due to circumstances for which Debtor should not justly be held accountable.

The court finds the second condition under § 1328(b) also is met. Debtor made a total of \$31,873.89 in plan payments. The value distributed under Debtor's plan is greater than the 0% unsecured creditors would have received from liquidation under chapter 7 because Debtor had no nonexempt property that could have been liquidated. See Schedules A/B & C, Doc. #1.

Finally, the court finds the third condition under § 1328(b) also is satisfied because modification of Plan is not practicable given Debtor's death.

On January 16, 2026, Mark Harris, in his capacity as owner-president of Yosemite Falls, Inc./Yosemite Falls Well Drilling ("Creditor"), objected to being included in this bankruptcy as Creditor placed a lien on Debtor's property for failure to pay for work completed by Creditor. Doc. #48. As an initial matter, it appears that Mr. Harris's business is an incorporated company. Under applicable legal authority, an incorporated company cannot appear in this bankruptcy case without assistance of legal counsel. The Ninth Circuit has held that "[c]orporations and other unincorporated associations must appear in court through an attorney." Licht v. America W. Airlines (In re America W. Airlines), 40 F.3d 1058, 1059 (9th Cir. 1994). Mr. Harris filed his objection as Creditor's owner-president. Doc. #48. There is no indication that Mr. Harris is authorized to practice law before this court. To the extent Mr. Harris is attempting to represent Creditor in this bankruptcy case, "[a] person not an active member of the State Bar who practices law commits a misdemeanor." Gerhard v. Stephens, 68 Cal. 2d 864, 917-18 (1968); Cal. Bus. & Prof. Code § 6126(a).

Assuming Mr. Harris can represent Creditor in this bankruptcy proceeding, the pleading filed by Mr. Harris does not indicate whether Creditor is objecting to the instant motion or if Creditor is presenting a separate objection to Debtor's dischargeability of debt pursuant to 11 U.S.C § 523(a)(6). To the extent Creditor is objecting to the instant motion, Creditor has not provided sufficient evidence to support its objection as to why a hardship discharge should not be awarded under the circumstances. To the extent that Creditor seeks to object to Debtor's dischargeability of debt pursuant to 11 U.S.C § 523(a)(6), that request for relief must be made by filing a complaint.

Because the court finds that Movant has met her burden of proof on all elements of § 1328(b), this motion is GRANTED.

Pursuant to Federal Rule of Bankruptcy Procedure 4007(d), the last day to file a complaint under § 523(a)(6) of the Bankruptcy Code is April 20, 2026. Not

later than February 19, 2026, Movant shall give notice to all creditors and file a certificate of service so indicating.

8. [25-14060](#)-A-13 **IN RE: KATHRYN MILLER**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
1-15-2026 [\[27\]](#)

LILIAN TSANG/MV

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

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

ORDER: The court will issue an order.

Kathryn Faye Miller ("Debtor") filed a voluntary petition under chapter 13 on December 5, 2025 along with a chapter 13 plan ("Plan") on December 16, 2025. Doc. ##1, 11. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor has failed to provide any of the required documents including, but not limited to (a) proof of identification, (b) proof of social security number, (c) pay advices for the 60 days prior to filing, and (d) 2024 tax returns; and (2) the meeting of creditors has not yet concluded. Doc. #27. Debtor's 341 meeting of creditors was continued to February 24, 2026 at 9:00 a.m. See court docket entry entered on January 12, 2026.

This objection is continued to March 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than February 26, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by March 5, 2026.

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

9. [25-14060](#)-A-13 **IN RE: KATHRYN MILLER**
[RAS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST NATIONAL ASSOCIATION
1-19-2026 [\[30\]](#)

U.S. BANK TRUST NATIONAL ASSOCIATION/MV
SHANA STARK/ATTY. FOR MV.

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

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

ORDER: The court will issue an order.

Kathryn Faye Miller ("Debtor") filed a voluntary petition under chapter 13 on December 5, 2025 along with a chapter 13 plan ("Plan") on December 16, 2025. Doc. #1, 11. U.S. Bank Trust National Association, not in its individual capacity but solely as Owner Trustee For RCF 2 Acquisition Trust ("Creditor") objects to confirmation of the Plan on the ground that the Plan is not feasible and will fail to provide for the cure of pre-petition arrears owed to Creditor pursuant to 11 U.S.C. § 1325(a)(6). Obj., Doc. #30.

This objection is continued to March 12, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than February 26, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Creditor shall file and serve a reply, if any, by March 5, 2026.

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

10. [24-10266](#)-A-13 **IN RE: CHRISTIAN/MELISSA CONRIQUE**
[RSW-1](#)

MOTION TO INCUR DEBT
1-10-2026 [\[26\]](#)

MELISSA CONRIQUE/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 Moving Party shall submit a proposed order after the hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date 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.

Christian Adrian Conrique and Melissa Delores-Monsibias Conrique (together, "Debtors"), the chapter 13 debtors in this case, move the court for an order authorizing Debtors to incur new debt. Doc. #26. Debtors state that they need to purchase a vehicle because their current vehicle, a 2016 Toyota Sienna ("Current Vehicle"), is no longer dependable. Decl. of Christian Conrique, Doc. #28. Debtors have been approved to purchase a 2025 Hyundai Palisade for \$45,000.00, with \$10,000.00 applied for the trade-in of their Current Vehicle. Id. Debtors expect the monthly payments on the new vehicle to be around \$750.00 per month for 72 months. Id.

LBR 3015-1(h)(1)(E) provides that "if the debtor wishes to incur new debt . . . on terms and conditions not authorized by [LBR 3015-1(h)(1)(A) through (D)], the debtor shall file the appropriate motion, serve it on the trustee, those creditors who are entitled to notice, and all persons requesting notice, and set the hearing on the Court's calendar with the notice required by Fed. R. Bankr. P. 2002 and LBR 9014-1."

The court is inclined to GRANT this motion. This motion was properly served and noticed, and opposition may be presented at the hearing. There is no indication that Debtors are not current on their chapter 13 plan payments or that the chapter 13 plan is in default. Debtors filed amended Schedules I and J that demonstrate an ability to pay future plan payments, projected living and business expenses, and the new debt. Doc. #30. The new debt is a single loan incurred to purchase a motor vehicle that is reasonably necessary for the maintenance or support of Debtors. The only security for the new debt will be the motor vehicle to be purchased by Debtors.

Accordingly, subject to opposition raised at the hearing, this motion will be GRANTED. Debtors are authorized, but not required, to purchase a vehicle in a manner consistent with the motion.

11. [25-13370](#)-A-13 **IN RE: FORTINO TORRES**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
11-21-2025 [\[13\]](#)

LILIAN TSANG/MV
SUSAN SILVEIRA/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on February 2, 2026.
Doc. #30.

12. [25-14075](#)-A-13 **IN RE: JAQUELINE PARRA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
1-15-2026 [\[13\]](#)

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to February 26, 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.

Jaqueline Delgado Parra ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on December 7, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) a motion to value the collateral of Veros Credit needs to be filed for Trustee to determine Plan feasibility, and (2) the meeting of creditors has not yet concluded. Doc. #13. Debtor's 341 meeting of creditors was continued to January 27, 2026 at 2:00 p.m. and has been concluded. See court docket entry entered on January 27, 2026.

On January 29, 2026, Debtor responded to Trustee's objection to confirmation stating that the meeting of creditors has concluded and a motion to value the collateral of Veros Credit has been filed and set for hearing on February 26, 2026. Doc. #21. Debtor requests that this objection to confirmation be continued pending the court's ruling on the motion to value collateral. Id.

Based on Debtor's response to Trustee's objection, the court is inclined to continue the hearing on this objection to February 26, 2026 at 9:30 a.m. to be heard with Debtor's motion to value collateral.

13. [24-10076](#)-A-13 **IN RE: STACIA SAMUELS**
[RSW-3](#)

MOTION TO MODIFY PLAN
12-11-2025 [\[45\]](#)

STACIA SAMUELS/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN 1/27/26

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew the opposition, stating the debtor has resolved the issues raised in Trustee's opposition. See Opp'n, Doc. #54; Opp'n

Withdrawal, Doc. #57. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered. Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

1. [24-12115](#)-A-7 **IN RE: MICHAEL/TATUM SCOTT**
[24-1042](#)

MOTION TO ALLOW PLAINTIFF'S RESPONSES TO DEFENDANTS REQUEST FOR ADMISSIONS
BE ACCEPTED BY THE COURT
1-13-2026 [[66](#)]

NOLEN V. SCOTT

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice. While the motion was filed on January 13, 2026, notice of this motion and certificate of service were mailed on January 20, 2026, with a hearing date set for February 5, 2026, which is less than 28 days from the date of mailing. Doc. ##66, 71, 73. The motion does not comply with Local Rule of Practice ("LBR") 9014-1(f)(2)(A), which states motions in an adversary proceeding may not be set for hearing on less than 28 days' notice prior to the hearing date, and does not comply with LBR 9014-1(e)(2), which requires that proof of service of all pleadings be filed with the court not more than three (3) days after the pleading is filed with the court.

As a further procedural matter, the notice of hearing (Doc. #71) filed in connection with this motion does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice to advise potential respondents whether and when written opposition must be filed, the deadline for filing and serving any written opposition, and the names and addresses of persons who must be served with any written opposition. The notice of hearing also does not comply with LBR 9014-1(d)(3)(B)(ii) because the notice of hearing fails to advise potential respondents that the failure to file timely written opposition may result in the motion being resolved without oral argument and the striking of untimely written opposition. Finally, the notice of hearing does not comply with LBR 9014-1(d)(3)(B)(iii), which requires the notice to advise respondents that they can determine whether the matter has been resolved without oral argument or whether the court has issued a tentative ruling by viewing the court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing, and that parties appearing telephonically must view the pre-hearing dispositions prior to the hearing.

As a further procedural matter, LBR 9014-1(d)(3)(D) requires in relevant part that "[e]very motion or other request for relief shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested." Here, there is no declaration filed with the motion (Doc. #66) to support the relief sought by the movant. Because no evidence was filed or served with the motion, the movant has not met his required burden of proof or complied with this court's Local Rules of Practice.

As a further procedural matter, the motion and exhibit filed by the movant do not comply with LBR 9004-2(d)(1), which require motions and exhibits to be filed as separate documents. Here, the motion and supporting exhibit were filed as a single document. E.g., Doc. #66. In the future, the motion and 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).

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

The court recognizes that the movant is representing himself in this adversary proceeding. However, "a pro se litigant is not excused from knowing the most basic pleading requirements." Am. Ass'n of Naturopathic Physicians v. Hayhurst, 227 F.3d 1104, 1107-08 (9th Cir. 2000). In addition, pro se litigants are not excused from complying with the rules of procedure. Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995). The court encourages the movant to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the applicable rules. The local rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

2. [25-11324](#)-A-7 **IN RE: VANESSA BRICENO**
[25-1043](#)

MOTION FOR ENTRY OF DEFAULT JUDGMENT
12-11-2025 [\[27\]](#)

CHAVEZ V. BRICENO ET AL

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The defendant filed timely written opposition on December 24, 2025. Doc. #39. The plaintiff filed a response to the opposition. Doc. #61. This matter will proceed as scheduled.

As a procedural matter, the exhibits filed in connection with this motion do not comply with LBR 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. The declarations filed by the plaintiff and the defendant were filed as single documents that included the respective party's exhibits. E.g., Doc. #30, 44, 62.

As a further procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c) because no Docket Control Number was used. "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be

included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6).

The court encourages both parties to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The local rules can be accessed on the court's website at

<https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

Susana Mariscal Chavez ("Plaintiff") filed her amended complaint on October 9, 2025 (the "Complaint"). Doc. #11. Vanessa R. Briceno ("Defendant") answered the Complaint on November 17, 2025 (the "Answer"). Doc. #22. Plaintiff moves to strike the Answer pursuant to Federal Rules of Civil Procedure ("Civil Rule") 7012(a), made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 7012, and for entry of default pursuant to Civil Rule 55, made applicable to this adversary proceeding by Bankruptcy Rule 7055, because Defendant did not timely file the Answer or a motion within the time required by Bankruptcy Rule 7012(a). Doc. ##27, 28.

However, Plaintiff did not properly serve Defendant with the Complaint, so any deadline for Defendant to file an answer or otherwise respond to the Complaint did not commence. Bankruptcy Rule 7004 governs how a summons and complaint are to be served on a party. Defendant is the debtor in the related bankruptcy case, and Bankruptcy Rule 7004(b)(9) requires service on "the debtor, after a petition has been filed by or served upon a debtor, and until the case is dismissed or closed-by mailing the copy to the address shown on the debtor's petition or the address the debtor specifies in a filed writing[.]" Here, Defendant was not served with the Complaint by first class mail; only Defendant's bankruptcy counsel was served by first class mail, which complies with Bankruptcy Rule 7004(g) but not Bankruptcy Rule 7004(b)(9). Doc. #11. Also, there is no proof of service showing that Plaintiff served the re-issued summons on Defendant. Because Plaintiff did not properly serve the Complaint and summons on Defendant, Defendant's Answer is not untimely because the deadline for Defendant to file a written motion or answer to the Complaint within 30 days of service never started.

Accordingly, this motion is DENIED.

3. [25-11324](#)-A-7 **IN RE: VANESSA BRICENO**
[25-1043](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
10-8-2025 [\[11\]](#)

CHAVEZ V. BRICENO ET AL
RESPONSIVE PLEADING

NO RULING.

4. [24-12115](#)-A-7 **IN RE: MICHAEL/TATUM SCOTT**
[24-1042](#)

MOTION TO ALTER TRIAL DEADLINES PENDING HEARING ON MOTION TO ALLOW
PLAINTIFF'S RESPONSES TO DEFENDANT'S REQUEST FOR ADMISSIONS BE ACCEPTED
BY THE COURT HEARING
1-20-2026 [[69](#)]

NOLEN V. SCOTT
PAUL NOLEN/ATTY. FOR MV.
SET PER ECF ORDER #82

NO RULING.

5. [24-12115](#)-A-7 **IN RE: MICHAEL/TATUM SCOTT**
[24-1042](#)

MOTION TO REQUEST CHANGE OF TRIAL DATE PENDING HEARING ON MOTION TO ALLOW
PLAINTIFF'S RESPONSES TO DEFENDANT'S REQUEST FOR ADMISSIONS BE ACCEPTED
BY THE COURT HEARING
1-20-2026 [[70](#)]

NOLEN V. SCOTT
PAUL NOLEN/ATTY. FOR MV.
SET PER ECF ORDER #82

NO RULING.