



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, February 12, 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](#).

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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. [22-11711](#)-A-13 **IN RE: CHRISTINA MARTINEZ**
[RSW-1](#)

CONTINUED MOTION TO MODIFY PLAN
11-3-2025 [[80](#)]

CHRISTINA MARTINEZ/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

2. [25-13322](#)-A-13 **IN RE: CARLOS ALVARENGA**
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-2-2026 [[35](#)]

TD BANK, N.A./MV
DAVID BOONE/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

The motion was resolved by stipulation and order entered on February 11, 2026.
Doc. #50.

3. [26-10127](#)-A-13 **IN RE: ESTEVAN/DIANA PEREZ**
[BDB-1](#)

MOTION TO EXTEND AUTOMATIC STAY
1-26-2026 [[13](#)]

DIANA PEREZ/MV
BENNY BARCO/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 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 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.

Debtors Estevan M. Perez and Diana Perez (together, "Debtors") move the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B).

Debtors had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 25-13269 (Bankr. E.D. Cal.) ("Prior Case"). The Prior Case was filed on September 29, 2025 and dismissed on January 14, 2026. Decl. of Debtors, Doc. #15. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtors filed this case on January 15, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on February 14, 2026.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c)(3)(B).

Section 362(c)(3)(C)(i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c)(3)(C)(i).

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 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. 1795 (2019)).

In this case, the presumption of bad faith arises because Debtors failed to make their plan payments in the Prior Case and voluntarily dismissed their case in response to the trustee's motion to dismiss the Prior Case. See Case 25-13269, Doc. ##24, 36. Debtors acknowledge that the trustee moved to dismiss the Prior Case due to delinquent plan payments, and Debtors voluntarily dismissed the Prior Case to avoid conversion to chapter 7. Debtors Decl., Doc. #15.

In support of this motion to extend the automatic stay, Debtors declare that their failure to make plan payments in the Prior Case was due to Debtors not having sufficient funds available at the time the plan payments were due. Debtors Decl., Doc. #15. Debtors state that their household income has remained consistent and they have adjusted their budget to ensure that they can make their plan payments on time in their current case. Id. Further, Debtors declare that the instant case was filed to avoid foreclosure on their primary residence as a trustee sale is scheduled for February 11, 2026. Id. Debtors filed a

proposed plan on January 26, 2026. Doc. #10. Debtors' Schedules I and J filed in this case list Debtors' monthly income of \$12,450.61 and expenses of \$3,528.00, resulting in monthly net income of \$8,922.61. Schedules I & J, Doc. #9. Debtors propose to pay \$8,920.97 in monthly plan payments. Schedules I and J, Doc. #9; Chapter 13 plan, Doc. #10.

The court finds that Debtors' explanation as to why Debtors failed to make their plan payments in the Prior Case and the steps they have made to ensure Debtors will be able to make their plan payments in the current case rebuts the presumption of bad faith that arose from the failure of Debtors to make their plan payments in the Prior Case. Further, there is reason to conclude that this case will result in a confirmed plan that will be fully performed.

Accordingly, pending opposition being raised to the hearing, the court will GRANT the motion and extend the automatic stay for all purposes only as to those parties named in Debtors' motion (Doc. #13), unless terminated by further order of the court.

4. [25-13729](#)-A-13 **IN RE: GENEVA FARR**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-22-2025 [31]

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

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Geneva Farr ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on November 3, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objected to confirmation of the Plan because (1) Debtor needs to provide verification of her monthly medical expenses in the amount of \$2,100.00 for Trustee to confirm Debtor is paying all of her monthly discretionary income into the Plan, and (2) an amended petition needs to be filed to include Debtor's full name as referenced on her social security card. Doc. #31. The court continued this matter to February 12, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by January 29, 2026; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by February 5, 2026. Doc. #35.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Trustee's objection. Debtor has not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

5. [25-13646](#)-A-13 **IN RE: TINA PEACOCK**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-8-2025 [[15](#)]

LILIAN TSANG/MV
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Tina Delozier Peacock ("Debtor") filed a voluntary petition under chapter 13 and a chapter 13 plan ("Plan") on October 30, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objected to confirmation of the Plan because: (1) a motion to value the collateral of Regional Acceptance Corporation needs to be filed for Trustee to determine feasibility of the Plan; (2) Debtor has not filed tax returns for 2021 and 2022; and (3) the meeting of creditors has not yet concluded. Doc. #15. The court continued this matter to February 12, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by January 29, 2026; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by February 5, 2026. Doc. #19.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Trustee's objection. Debtor has not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

6. [24-10247](#)-A-13 **IN RE: JOSE MENA GONZALEZ**
[TCS-1](#)

MOTION FOR COMPENSATION FOR TIMOTHY C. SPRINGER, DEBTORS ATTORNEY(S)
1-14-2026 [[27](#)]

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 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.

The Law Offices of Timothy C. Springer ("Movant"), counsel for Jose Mena Gonzalez ("Debtor"), the debtor in this chapter 13 case, requests allowance of final compensation in the amount of \$14,205.00 and no reimbursement for expenses for services rendered from January 31, 2024 through January 13, 2026. Doc. #27. Debtor's confirmed plan provides, in addition to \$207.00 paid prior to filing the case, for \$17,793.00 in attorney's fees. Am. Plan, Doc. #14; Order, Doc. #19. No prior fee application has been filed. Debtor consents to the amount requested in Movant's application. Doc. #27.

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).

Here, Movant demonstrates services rendered relating to: (1) consulting and fact gathering to file bankruptcy case; (2) preparing petition, schedules and related pleadings; (3) preparing and filing original and modified plans; (4) spending a substantial amount of time working on Form 122C to ensure it was an accurate representation of Debtor's disposable income; (5) preparing and attending 341 meeting of creditors; (6) general case administration; and (7) preparing fee application. Exs. B & C, Doc. #29. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on a final basis.

This motion is GRANTED. The court allows on a final basis compensation requested by this motion in the amount of \$14,205.00 and no reimbursement for expenses to be paid in a manner consistent with the terms of the confirmed plan.

7. [25-13550](#)-A-13 **IN RE: THEONNA HILL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-26-2026 [\[29\]](#)

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the order to show cause. Based on a prior order to show cause, the order permitting the payment of filing fees in installments has been

modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing. Doc. #37.

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

MOTION FOR RELIEF FROM AUTOMATIC STAY, MOTION/APPLICATION FOR RELIEF
FROM CO-DEBTOR STAY
1-9-2026 [[20](#)]

SELENE FINANCE LP/MV
SEAN FERRY/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part and denied in part.

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.

As a procedural matter, the motion is DENIED WITHOUT PREJUDICE as to relief from the codebtor stay under 11 U.S.C. § 1301(c) because the movant, Selene Finance LP, as servicer in fact for U.S. Bank Trust National Association, not in its individual capacity but solely as owner Trustee for RCF 2 Acquisition Trust ("Movant"), did not serve Keith A. Miller ("Codebtor") with the motion. Doc. #25. The court requires a motion for relief from the codebtor stay to be served on the affected codebtor pursuant to Federal Rules of Bankruptcy Procedure 9014 and 7004, which was not done here.

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

In addition to relief from the codebtor stay pursuant to 11 U.S.C. § 1301(c), Movant seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1), (d)(2) and (d)(4) to permit Movant to enforce remedies in accordance with applicable non-bankruptcy law against debtor Kathryn Faye Miller ("Debtor") with respect to real property located at 5208 Tarragon Court, Bakersfield, California 93309 ("Property"). Doc. #20. Movant has possession of a promissory note and deed of trust with respect to the Property executed by Debtor and Codebtor. Ex. A, Doc. #24; Decl. of Christine Le, Doc. #22.

11 U.S.C. § 362(c)(4)(A)(ii) Analysis

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) shall not go into effect unless and until the debtor files a motion seeking to impose the stay and makes the requisite showing within 30 days of filing the latest bankruptcy petition.

Here, Debtor had two chapter 13 cases pending within the one-year period preceding the filing of this bankruptcy, Case No. 25-11149 (Bankr. E.D. Cal.)

(the "First Prior Case") and Case No. 25-12801 (Bankr. E.D. Cal.) (the "Second Prior Case"). The First Prior Case was filed on April 8, 2025 and dismissed on August 7, 2025. Case No. 25-11149, Doc. #1, 37. The Second Prior Case was filed on August 19, 2025 and dismissed on December 4, 2025. Case No. 25-12801, Doc. #1, 60. 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 December 5, 2025, and Debtor did not file a motion seeking to impose the automatic stay within 30 days of filing this bankruptcy case, as permitted under 11 U.S.C. § 362(c)(4)(B).

For these reasons, the court finds that the automatic stay did not go into effect when Debtor filed this case on December 5, 2025 or during the 30 days thereafter. Accordingly, there is no automatic stay in effect with respect to Debtor.

Analysis under 11 U.S.C. § 362(d)(1)

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

After review of the included evidence, the court finds that "cause" exists to lift the stay. Debtor has failed to make payments on the note and mortgage held by Movant and has been in default since May 1, 2019. Le Decl., Doc. #22. Movant has produced evidence that Debtor is delinquent by at least \$68,462.27 as of December 5, 2025. Ex. B, Doc. #24.

Analysis under section 11 U.S.C. § 362(d)(2)

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

It is unclear from Movant's papers whether Movant seeks relief from stay pursuant to 11 U.S.C. § 362(d)(2). The introductory paragraph of the motion references 11 U.S.C. § 362(d)(2); however, neither the argument section of the motion nor the evidence filed in support of the motion address whether Debtor has any equity in the Property. Doc. #20; Le Decl. Doc. #22. Movant has the burden with respect to that issue. 11 U.S.C. § 362(g)(1).

Because Movant has not met its burden with respect to establishing Debtor's lack of equity in the Property, relief from stay based on 11 U.S.C. § 362(d)(2) is denied.

Analysis under 11 U.S.C. § 362(d)(4)

Section 362(d)(4) of the Bankruptcy Code allows the court to grant relief from the stay with respect to real property

if the court finds that the filing of the [bankruptcy] petition was part of a scheme to delay, hinder, or defraud creditors that involved either [] a transfer of all or part ownership of, or other interest in such real property without the consent of the secured creditor or court approval; or [] multiple bankruptcy filings affecting such real property.

11 U.S.C. § 362(d)(4). To obtain relief under § 362(d)(4), the court must affirmatively find: (1) the debtor's bankruptcy filing is part of a scheme; (2) the object of the scheme is to delay, hinder, or defraud creditors; and (3) the scheme involves either (i) the transfer of some interest in real property without the secured creditor's consent or court approval or (ii) multiple bankruptcy filings affecting the property. First Yorkshire Holdings, Inc. v. Pacifica L 22 (In re First Yorkshire Holdings, Inc.), 470 B.R. 864, 870-71 (B.A.P. 9th Cir. 2011).

"A scheme is an intentional construct. It does not happen by misadventure or negligence." In re Duncan & Forbes Dev., Inc., 368 B.R. 27, 32 (Bankr. C.D. Cal. 2007). Because direct evidence of a scheme is uncommon, "the court must infer the existence and contents of a scheme from circumstantial evidence. The party claiming such a scheme must present evidence sufficient for the trier of fact to infer the existence and content of the scheme." Id.; see Jimenez v. ARCPE 1, LLP (In re Jimenez), 613 B.R. 537, 545 (B.A.P. 9th Cir. 2020).

Here, the court finds that a showing under § 362(d)(4) has not been made. Movant has provided insufficient evidence to support a finding that (1) this bankruptcy case is part of a scheme, or (2) the object of the scheme was to hinder, delay, or defraud creditor. See First Yorkshire Holdings, 470 B.R. at 870. While Debtor has filed multiple bankruptcy cases, that fact, by itself, does not show a scheme for purposes of 11 U.S.C. § 362(d)(4). Because Movant has not provided evidence to support a showing that the filing of this and Debtor's prior bankruptcy cases were part of a scheme to delay, hinder, or defraud Movant, relief from the automatic stay under 11 U.S.C. § 362(d)(4) is denied.

Analysis regarding request for attorney's fees

Movant also requests attorneys' fees as may be reasonable pursuant to applicable provisions of the loan documents. Specifically, Movant seeks \$1,350.00 in attorney's fees as a result of the fees incurred in the filing of this motion. The court will not award attorneys' fees because the motion is being denied in large part, and it does not appear that there was an automatic stay in place in this case pursuant to 11 U.S.C. § 362(c)(4)(A)(i). Further, Movant has not provided evidence to support the attorneys' fees requested. This determination is without prejudice to Movant seeking such fees at a later time.

Conclusion

Accordingly, the motion is DENIED AS MOOT because no automatic stay was imposed in this bankruptcy case as to Movant and the Property. Alternatively, the motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to foreclose on its collateral pursuant to applicable law including all necessary steps to obtain possession of the Property from Debtor. Further, this motion is DENIED WITHOUT PREJUDICE for improper notice as to Codebtor pursuant to 11 U.S.C. § 1301(c) and the request for attorneys' fees. The motion is DENIED as to 11 U.S.C. § 362(d)(2) and (d)(4) for Movant's failure to provide evidentiary support for the relief requested. No other relief is awarded.

The order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5.

To the extent applicable, the 14-day stay of Fed. R. Bankr. P. 4001(a)(3) is ordered waived because Debtor has been in default to Movant since May 1, 2019.

9. [25-10076](#)-A-13 **IN RE: JUSTIN/THAYER MENG**
[RSW-2](#)

CONTINUED MOTION TO MODIFY PLAN
11-17-2025 [[53](#)]

THAYER MENG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Debtors Justin Roger Meng and Thayer Alexis Meng (collectively, "Debtors") filed and served this motion to confirm the first modified chapter 13 plan pursuant to Local Rule of Practice 3015-1(d)(2) and set that motion for hearing on January 8, 2026. Doc. ##53, 54. The chapter 13 trustee ("Trustee") filed an opposition to Debtors' motion to modify plan. Doc. #59. The court continued this matter to February 12, 2026 and ordered Debtors to file and serve a written response to Trustee's objection by January 29, 2026; or if Debtors elected to withdraw this plan, then Debtors had to file, serve, and set for hearing a confirmable modified plan by February 5, 2026. Doc. #62.

Having reviewed the docket in this case, the court finds Debtors have not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtors have not filed and served any written response to Trustee's objection. Debtors have not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Debtors' motion to confirm their first modified chapter 13 plan is DENIED on the grounds set forth in Trustee's opposition.

10. [25-13478](#)-A-13 **IN RE: MARC ZENDEJAS**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-2-2025 [[25](#)]

LILIAN TSANG/MV
DAVID FOYIL/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Marc Anthony Zendejas ("Debtor") filed a voluntary petition under chapter 13 on October 15, 2025 as well as a chapter 13 plan ("Plan") on October 29, 2025. Doc. ##1, 12. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because a motion to value the collateral of TD Auto Finance needs to be filed before Trustee can determine feasibility of the Plan. Doc. #25. The court

continued this matter to February 12, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by January 29, 2026; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by February 5, 2026. Doc. #28.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Trustee's objection. Debtor has not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

11. [25-13478](#)-A-13 **IN RE: MARC ZENDEJAS**
[SKI-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TD BANK, N.A.
11-12-2025 [20]

TD BANK, N.A./MV
DAVID FOYIL/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The court is sustaining the trustee's objection to confirmation [LGT-1] above. Therefore, this objection to confirmation of the plan [SKI-1] will be OVERRULED AS MOOT.

12. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY
12-24-2025 [491]

SYLVIA NICOLE/MV

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). Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires a motion for violation of the automatic stay be served "in the manner provided for service of a summons and complaint by Rule 7004." Service of the motion on APS ("Creditor"),

an entity that provides electricity and gas service for the movant's residence, does not satisfy Rule 7004.

Rule 7004(b) (3) provides that service upon a corporation, partnership or other unincorporated association be mailed "to the attention of an officer, managing or general agent, or to any other agent authorized by appointment or law to receive service of process[.]" Fed. R. Bankr. P. 7004(b) (3). The certificate of service filed in connection with this motion does not show that Creditor, which is an entity and not an individual, was served to the attention of anyone. See Doc. #491.

However, constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has not done here. Thus, rather than denying this motion without prejudice for improper service, the court denies the motion on the merits.

Sylvia Nicole ("Debtor"), the chapter 13 debtor in this case, moves for an order of sanctions against Creditor for violation of the automatic stay. Doc. #491. Specifically, Debtor states that Creditor shut off Debtor's gas and electricity while Debtor's current bankruptcy case is pending despite Debtor notifying Creditor both orally and in writing of Debtor's pending bankruptcy case. Id.

Debtor filed this chapter 13 bankruptcy case on January 5, 2021. Doc. #1. On September 22, 2021, Debtor filed her third amended chapter 13 plan (the "Plan") that provided, among other things, for property of the estate to vest in Debtor upon confirmation of the Plan. Doc. #218. The Plan was confirmed on January 24, 2022. Doc. #317. Based on pleadings filed in this bankruptcy case, Debtor completed making her chapter 13 plan payments as of May 20, 2025. Doc. #463.

The actions of Creditor relate to electricity and gas service for Debtor's residence at 398 N. 20th Dr., Unit 1, Phoenix, Arizona 85009 ("Residence"). Doc. #491. Based on a related motion for violation of the automatic stay and opposition thereto, Debtor's tenancy at the Residence commenced on February 1, 2025, so any actions of Creditor would have to be after that date. Ex. 1, Doc. #500. While Debtor does not provide the specific dates of Creditor's alleged actions with respect to Debtor or when Debtor provided oral notice to Creditor, the motion attaches a notice sent by Debtor to Creditor dated December 5, 2025. Doc. #493.

11 U.S.C. § 362(a) provides for an automatic stay upon the filing of the bankruptcy case. Relevant to this motion, 11 U.S.C. § 362(a) (1), (2), (5), (6), and (7) only apply with respect to claims that arose prior to the commencement of the bankruptcy case. Here, Creditor was not involved with Debtor prior to January 5, 2021, so none of the subsections that are limited to claims that arose pre-petition provide grounds for a violation of the stay by Creditor. 11 U.S.C. § 362(a) (8) and (9) also do not apply to the facts before the court because (a) (8) only applies to a proceeding before the United States Tax Court and (a) (9) only applies to the redemption of payment stablecoins. That leaves only 11 U.S.C. § 362(a) (3) and (4) as possible subsections under which Debtor can assert a claim for violation of the automatic stay against Creditor. 11 U.S.C. § 362(a) (4) only applies to the creation, perfection or enforcement of a lien, which is not asserted by Debtor against Creditor. Thus, the only basis upon which Debtor could assert a claim for violation of the automatic stay against Creditor is under 11 U.S.C. § 362(a) (3).

11 U.S.C. § 362(a) (3) provides that there is an automatic stay of "any act to obtain possession property of the estate or of property from the estate or to exercise control over property of the estate." Under Ninth Circuit authority, when a chapter 13 plan provides that property of the estate reverts in the

debtor when the chapter 13 plan is confirmed, the property of the estate is limited to those sums specifically dedicated to fulfillment of the plan. Cal. Franchise Tax Bd. v. Kendall (In re Jones), 657 F.3d 921, 928-29 (9th Cir. 2011). Here, Debtor's plan payments were completed in May 2025. Doc. #463. Thus, as of May 2025, there ceased to be any property of the estate.

It also appears that Debtor ceased paying rent for the Residence on July 1, 2025. Ex. 2, Doc. #500. Based on the date of the motion, the court presumes that any actions of Creditor on which Debtor asserts her claim for violation of the automatic stay occurred after July 1, 2025. Assuming that is the case, there was no property of the estate as of July 1, 2025, because Debtor ceased making plan payment in May 2025. Thus, there is no subsection of 11 U.S.C. § 362(a) in place imposing the automatic stay with respect to any actions of Creditor against Debtor. Because there is no automatic stay precluding any actions of Creditor against Debtor, Creditor's actions could not have violated the automatic stay, and Debtor has not made a *prima facie* case that Creditor violated the automatic stay.

Accordingly, the motion is DENIED.

13. [24-12383](#)-A-13 **IN RE: RICHARD BRANDT**
[SDS-2](#)

MOTION TO MODIFY PLAN
1-8-2026 [\[45\]](#)

RICHARD BRANDT/MV
SUSAN SILVEIRA/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.

14. [25-13784](#)-A-13 **IN RE: ARMANDO/MONICA OLIVARES**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-22-2025 [[21](#)]

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

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.

Armando Olivares and Monica Virginia Olivares (together, "Debtors") filed a voluntary petition under chapter 13 and a chapter 13 plan ("Plan") on November 10, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because a motion to value the collateral of GM Financial needs to be filed for the Trustee to determine plan feasibility. Doc. #21.

On January 29, 2026, Debtors responded to Trustee's objection to confirmation stating that a motion to value the collateral of GM Financial has been filed Doc. #40. A motion to value collateral was filed on January 29, 2026 and set for hearing on February 26, 2026, although a certificate of service accompanying the motion has not yet been filed. Doc. ##37, 40.

Based on Debtors' 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 Debtors' motion to value collateral.

15. [25-13784](#)-A-13 **IN RE: ARMANDO/MONICA OLIVARES**
[SKI-1](#)

CONTINUED AMENDED OBJECTION TO CONFIRMATION OF PLAN BY AMERICREDIT
FINANCIAL SERVICES, INC.
12-23-2025 [[24](#)]

AMERICREDIT FINANCIAL SERVICES, INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.
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 4, 2026. Doc. #43.

16. [25-13191](#)-A-13 **IN RE: SHANNON SIMPSON**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
12-18-2025 [[33](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.
CASE DISMISSED 1/16/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on January 16, 2026. Doc. #52.
Therefore, this motion will be OVERRULED AS MOOT.

17. [25-13193](#)-A-13 **IN RE: ERIN STEVENSON**
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE
12-1-2025 [[26](#)]

MATTHEW DECAMINADA/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

18. [25-13193](#)-A-13 **IN RE: ERIN STEVENSON**
[MJD-2](#)

MOTION TO CONFIRM PLAN
1-5-2026 [[43](#)]

ERIN STEVENSON/MV
MATTHEW DECAMINADA/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an opposition to the debtor's motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #59. Trustee's opposition to confirmation states that, among other issues, the plan improperly classifies secured creditor Karpe Real Estate Center ("Karpe"). Doc. #59. Specifically, the plan places Karpe in Class 2, which is for claims that that are modified by this plan, or that have matured or will mature before the plan is completed, and

Karpe has a secured claim that matures after the plan is completed. Plan, Doc. #47; Doc. #59.

Since Karpe cannot be placed in Class 2 if its claim matures after the duration of the plan, Karpe must be placed in a different class, which requires the filing of a new chapter 13 plan and new motion to confirm that plan. Because a new plan must be filed to resolve this opposition, the court is inclined to deny confirmation rather than continue the hearing on Debtor's motion to confirm to allow a response from Debtor addressing all issues raised in Trustee's opposition.

Accordingly, the motion to confirm will be DENIED.

19. [25-13194](#)-A-13 **IN RE: DAMIAN LOPEZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-8-2025 [\[41\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Damian Bailon Lopez ("Debtor") filed a voluntary petition under chapter 13 on September 23, 2025 along with a chapter 13 plan ("Plan") on October 24, 2025. Doc. ##1, 22. The chapter 13 trustee ("Trustee") objected to confirmation of the Plan because: (1) the Plan is missing pertinent information regarding the duration of the Plan, amount of priority claims, amount to general unsecured claim holders, and whether the property of the estate shall or shall not revert upon confirmation; (2) Debtor's plan payments are delinquent in the amount of \$800.00, with an additional plan payment in the amount of \$400.00 coming due on December 25, 2025; (3) Debtor has failed to provide 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 (4) the meeting of creditors has not yet concluded. Doc. #41. The court continued this matter to February 12, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by January 29, 2026; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by February 5, 2026. Doc. #55.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Trustee's objection. Debtor has not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

20. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[JCW-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY AMERICAN HONDA FINANCE
CORPORATION
12-23-2025 [[16](#)]

AMERICAN HONDA FINANCE CORPORATION/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Christopher John Morris ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on November 10, 2025. Doc. ##1, 3. American Honda Finance Corporation, its assignees and/or successors, by and through its servicing agent Honda Financial Services ("Creditor"), objects to confirmation of the Plan because the Plan fails to pay (1) the full replacement value of Creditor's collateral, and (2) the applicable prime plus interest rate, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #16. The court continued this matter to February 12, 2026 and ordered Debtor to file and serve a written response to Creditor's objection by January 29, 2026; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by February 5, 2026. Doc. #23.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Creditor's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Creditor's objection. Debtor has not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Creditor's objection to the Plan is SUSTAINED on the grounds set forth in Creditor's objection.

21. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[LGT-1](#)

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

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The court is sustaining a creditor's objection to confirmation [JCW-1] above. Therefore, this objection to confirmation of the plan [LGT-1] will be OVERRULED AS MOOT.

22. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[TCS-2](#)

OBJECTION TO CLAIM OF AMERICAN HONDA FINANCE CORPORATION, CLAIM NUMBER 4
1-12-2026 [30]

CHRISTOPHER MORRIS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

NO RULING.

23. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[TCS-3](#)

MOTION TO VALUE COLLATERAL OF AMERICAN HONDA FINANCE CORPORATION
1-12-2026 [35]

CHRISTOPHER MORRIS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue and set for an evidentiary hearing over disputed valuation.

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 affected secured creditor timely filed written opposition on January 29, 2026. Doc. #42. 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.

Christopher James Morris ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2023 Acura MDX Type S ("Vehicle"), which is the collateral of American Honda Finance Corporation ("Creditor"), at \$46,850.00. Doc. #35.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less

than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "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." 11 U.S.C. § 506(a)(2).

Debtor asserts the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Christopher James Morris, Doc. #37. Debtor asserts a replacement value of the Vehicle of \$46,850.00 and asks the court for an order valuing the Vehicle at \$46,850.00. Doc. #35. As the owner, Debtor's opinion of value is evidence of the value of the Vehicle. See Fed. R. Evid. 701; see also Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Creditor filed a proof of claim on November 13, 2025, asserting a secured claim of \$55,527.92. Claim 4. Creditor opposes the motion and believes the Vehicle should be valued at no less than \$57,375.00. Doc. #42.

It appears there is a dispute regarding the value of Creditor's secured claim for purposes of this valuation motion, and that disputed material factual issue must be resolved before the relief requested in the motion can be granted or denied. The court is inclined to set an evidentiary hearing on this motion.

24. [25-13596](#)-A-13 **IN RE: BRIAN COSTA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-22-2025 [18]

LILIAN TSANG/MV
DAVID JOHNSTON/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Brian Costa ("Debtor") filed a voluntary petition under chapter 13 on October 27, 2025 along with a chapter 13 plan ("Plan") on November 12, 2025. Doc. #1, 11. The chapter 13 trustee ("Trustee") objected to confirmation of the Plan. Doc. #18. The court continued this matter to February 12, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by January 29, 2026; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by February 5, 2026. Doc. #22.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Trustee's objection. Debtor has not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY
12-19-2025 [[488](#)]

SYLVIA NICOLE/MV
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires a motion for violation of the automatic stay be served "in the manner provided for service of a summons and complaint by Rule 7004." Service of the motion on Arkad Investments, LLC ("Creditor") does not satisfy Rule 7004. Rule 7004(b)(3) provides that service upon a corporation, partnership or other unincorporated association be mailed "to the attention of an officer, managing or general agent, or to any other agent authorized by appointment or law to receive service of process[.]" Fed. R. Bankr. P. 7004(b)(3). The certificate of service filed in connection with this motion does not show that Creditor, which is a limited liability company, was served to the attention of anyone. See Doc. #491. However, Creditor filed written opposition to the motion (Doc. ##499-501), so the court will deem any improper notice on Creditor waived.

Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has not done here. After consideration of the motion and opposition, the court denies the motion on the merits.

Sylvia Nicole ("Debtor"), the chapter 13 debtor in this case, moves for an order of sanctions against Creditor and Creditor's attorney, Scott Clark, for violation of the automatic stay. Doc. ##488, 489. Specifically, Debtor states that Creditor evicted Debtor from Debtor's residence at 398 N. 20th Dr., Unit 1, Phoenix, Arizona 85009 ("Residence") through an eviction proceeding filed by Mr. Clark in Arizona state court. Id. The eviction process included a judgment of \$9,529.80 against Debtor. Id.

Debtor filed this chapter 13 bankruptcy case on January 5, 2021. Doc. #1. On September 22, 2021, Debtor filed her third amended chapter 13 plan (the "Plan") that provided, among other things, for property of the estate to vest in Debtor upon confirmation of the Plan. Doc. #218. The Plan was confirmed on January 24, 2022. Doc. #317. Based on pleadings filed in this bankruptcy case, Debtor completed making her chapter 13 plan payments as of May 20, 2025. Doc. #463.

Debtor's tenancy at the Residence commenced on February 1, 2025. Ex. 1, Doc. #500. As an initial matter, Creditor asserts that it was not Debtor who signed the lease for the Residence because the lease is signed in the name of Van K. Lai. Decl. of Frank Garcia, Doc. #501; Ex. 1, Doc. #500. However, based on Debtor's petition, Van Kim Lai is another name by which Debtor is known. Petition, Doc. #1. Thus, the court finds that Debtor is a party to the lease with Creditor.

11 U.S.C. § 362(a) provides for an automatic stay upon the filing of the bankruptcy case. Relevant to this motion, 11 U.S.C. § 362(a)(1), (2), (5), (6), and (7) only apply with respect to claims that arose prior to the commencement of the bankruptcy case. Here, neither Creditor nor Mr. Clark were involved with Debtor prior to January 5, 2021, so none of the subsections that are limited to claims that arose pre-petition provide grounds for a violation of the stay by Creditor or Mr. Clark. 11 U.S.C. § 362(a)(8) and (9) also do not apply to the facts before the court because (a)(8) only applies to a proceeding before the United States Tax Court and (a)(9) only applies to the redemption of payment stablecoins. That leaves only 11 U.S.C. § 362(a)(3) and (4) as possible subsections under which Debtor can assert a claim for violation of the automatic stay against Creditor and Mr. Clark. 11 U.S.C. § 362(a)(4) only applies to the creation, perfection or enforcement of a lien, which is not asserted by Debtor against Creditor or Mr. Clark. Thus, the only basis upon which Debtor could assert a claim for violation of the automatic stay against Creditor and/or Mr. Clark is under 11 U.S.C. § 362(a)(3).

11 U.S.C. § 362(a)(3) provides that there is an automatic stay of "any act to obtain possession property of the estate or of property from the estate or to exercise control over property of the estate." Under Ninth Circuit authority, when a chapter 13 plan provides that property of the estate reverts in the debtor when the chapter 13 plan is confirmed, the property of the estate is limited to those sums specifically dedicated to fulfillment of the plan. Cal. Franchise Tax Bd. v. Kendall (In re Jones), 657 F.3d 921, 928-29 (9th Cir. 2011). Here, Debtor's plan payments were completed in May 2025. Doc. #463. Thus, as of May 2025, there ceased to be any property of the estate.

Based on the complaint to initiate the eviction process, Debtor ceased paying rent for the Residence on July 1, 2025. Ex. 2, Doc. #500. There was no property of the estate as of July 1, 2025, because Debtor ceased making plan payment in May 2025. Thus, there is no subsection of 11 U.S.C. § 362(a) in place imposing the automatic stay with respect to any actions of Creditor and/or Mr. Clark against Debtor. Because there is no automatic stay precluding any actions of Creditor and/or Mr. Clark against Debtor, Creditor's and/or Mr. Clark's actions could not have violated the automatic stay, and Debtor has not made a *prima facie* case that Creditor and/or Mr. Clark violated the automatic stay.

Accordingly, the motion is DENIED.

11:00 AM

1. [25-12112](#)-A-13 **IN RE: KA VANG**
[25-1046](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-9-2025 [[1](#)]

VANG V. VANG
DAVID GILMORE/ATTY. FOR PL.
REISSUED SUMMONS TO 4/2/26

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

DISPOSITION: Dropped from calendar

NO ORDER REQUIRED.

A reissued summons was issued on February 5, 2026 setting a new status conference for April 2, 2026 at 11:00 a.m. Doc. #17. Accordingly, this status conference is dropped from calendar.