



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, February 16, 2023
Department A – Courtroom #11
Fresno, California**

Unless otherwise ordered, all hearings before Judge Niemann are simultaneously: (1) **IN PERSON** in Courtroom #11 (Fresno hearings only), (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**. You may choose any of these options unless otherwise ordered.

To appear via zoom gov video or zoom gov telephone for law and motion or status conference proceedings, you must comply with the following new guidelines and procedures:

1. Review the pre-hearing dispositions at:
<https://www.caeb.uscourts.gov/Calendar/PreHearingDispositions>
2. You are required to give the court 24 hours advance notice at
niemann_virtual@caeb.uscourts.gov.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided:

Video web address:

<https://www.zoomgov.com/j/1611515976?pwd=QVpPMFJ0SFJl3ZWhhREgrSXgyVzY5UT09>

Meeting ID: 161 151 5976

Password: 511138

Zoom.Gov Telephone: (669) 254-5252 (Toll Free)

Please join at least 10 minutes before the start of your hearing and wait with your microphone muted until your matter is called.

Prior to the hearing, parties appearing via Zoom or CourtCall are encouraged to review the court's [Zoom Procedures and Guidelines](#) or [CourtCall Appearance Information](#).

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screenshots" or other audio or visual copying of a hearing, is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

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. [22-11706](#)-A-13 **IN RE: EDDIE CALDWELL AND CHRISTINE MORA**
[MHM-2](#)

MOTION TO DISMISS CASE
1-18-2023 [\[50\]](#)

MICHAEL MEYER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Granted in part; the case will be converted.

ORDER: The court will issue the order.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtors 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 default of the debtors is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As an informative matter, the certificate of service filed in connection with the motion to dismiss (Doc. #53) was filed as a fillable version of the court's Official Certificate of Service form (EDC Form 7-005, Rev. 10/2022) instead of being printed prior to filing with the court. The version that was filed with the court can be altered because it is still the fillable version. In the future, the declarant should print the completed certificate of service form prior to filing it with the court and not file the fillable version.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtors that is prejudicial to creditors. Doc. #50. Specifically, Trustee asks the court to dismiss this case for the debtors' failure to: (a) file tax returns for the 2018, 2019, 2020 and 2021 tax years; and (b) provide Trustee with documents requested at the scheduled § 341 meeting of creditors. Id. The debtors did not oppose.

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

that is prejudicial to creditors because the debtors failed to file tax returns for the 2018, 2019, 2020 and 2021 tax years and failed to provide Trustee with all requested documentation.

A review of the debtors' Schedules A/B and D shows that the debtors' personal property is encumbered. The debtors claim a homestead exemption in the real property. There currently is a liquidation amount of \$4,846.88 after trustee's compensation. Decl. of Michael H. Meyer, Doc. #51. This liquidation amount is comprised of equity in a slingshot motorcycle, a boat and trailer and non-exempt money in a checking account. Id.; Schedules A/B, C and D. Because there appears to be non-exempt equity in the debtors' assets to be realized for the benefit of the estate, conversion, rather than dismissal, is in the best interests of creditors and the estate.

Accordingly, the motion will be GRANTED IN PART, and the case will be converted.

2. [22-11706](#)-A-13 **IN RE: EDDIE CALDWELL AND CHRISTINE MORA**
[TCS-1](#)

MOTION TO CONFIRM PLAN
1-6-2023 [\[43\]](#)

CHRISTINE MORA/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

The court is granting the trustee's Motion to Dismiss [MHM-2] above, therefore this Motion to Confirm Plan [TCS-1] will be DENIED AS MOOT.

3. [18-13311](#)-A-13 **IN RE: MELINDA MARTINDALE**
[DMG-5](#)

CONTINUED MOTION TO MODIFY PLAN
12-8-2022 [\[168\]](#)

MELINDA MARTINDALE/MV
D. GARDNER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

4. [22-12013](#)-A-13 **IN RE: JOHN/ELVA CORDOVA**
[PLG-1](#)

MOTION TO CONFIRM PLAN
12-30-2022 [\[19\]](#)

ELVA CORDOVA/MV
STEVEN ALPERT/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 as required by Local Rule of Practice ("LBR") 3015-1(d)(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 movants have 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. [22-11517](#)-A-13 **IN RE: ELISEO/ESTER MEJIA**
[SL-1](#)

MOTION FOR COMPENSATION FOR SCOTT LYONS, DEBTORS ATTORNEY(S)
1-12-2023 [\[18\]](#)

SCOTT LYONS/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 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.

As a procedural matter, the movant checked the box indicating that service was made pursuant to Federal Rule of Bankruptcy Procedure ("Rule") 7004. The certificate of service and amended certificate of service filed with the motion (Doc. ##22, 24) included an Attachment 6A1, which is required if service is effectuated under Rule 7004. However, the attachment with both certificates of service was a Clerk's Matrix of Creditors instead of "a list of the persons served, including their names/capacity to receive service, and address is appended [to motion] and numbered Attachment 6A1." If the movant intended to effectuate service pursuant to Rule 7004, the movant should have attached the correct item.

Scott Lyons, Attorney at Law ("Movant"), counsel for Eliseo Mejia and Ester Mejia (collectively, "Debtors"), the debtors in this chapter 13 case, requests interim allowance of compensation in the amount of \$4,599.50 and reimbursement for expenses in the amount of \$387.00 for services rendered from August 17, 2022 through January 11, 2023. Doc. #18. Debtors' confirmed plan provides, in addition to \$1,500.00 paid prior to filing the case, for \$12,000.00 in attorney's fees to be paid through the plan. Plan, Doc. #3. No prior fee application has been filed. Debtors consent to the amount requested in Movant's application. Doc. #18.

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). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). 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) preparing and prosecuting Debtors' first plan; (2) preparing for and attending 341 meeting of creditors; (3) communicating with Debtors' creditors and the chapter 13 trustee; (4) preparing the fee application; and (5) general case administration. Exs. A & B, Doc. #20. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$4,599.50 and reimbursement for expenses in the amount of \$387.00 to be paid in a manner consistent with the terms of the confirmed plan.

6. [17-14518](#)-A-13 **IN RE: EFREN/AMALIA ROJAS**
[MHM-4](#)

MOTION TO DISMISS CASE
1-13-2023 [\[61\]](#)

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The motion will be DENIED WITHOUT PREJUDICE. The moving papers were not served on the debtors' attorney of record as required by Federal Rules of Bankruptcy Procedure 7004(g) and 9014(b).

As an informative matter, the certificate of service filed in connection with this motion to dismiss (Doc. #64) was filed as a fillable version of the court's Official Certificate of Service form (EDC Form 7-005, Rev. 10/2022) instead of being printed prior to filing with the court. The version that was filed with the court can be altered because it is still the fillable version. In the future, the declarant should print the completed certificate of service form prior to filing and not file the fillable version.

7. [20-10018](#)-A-13 **IN RE: RAUL VAZQUEZ AND MARISOL DELGADO**
[PBB-1](#)

MOTION TO MODIFY PLAN
1-9-2023 [\[26\]](#)

MARISOL DELGADO/MV
PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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 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 movants have 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.

8. [21-12721](#)-A-13 **IN RE: MARTIN GRANADOS GARCIA AND MARISOL RAMIREZ MEDINA**
[MHM-1](#)

MOTION TO DISMISS CASE
1-17-2023 [[24](#)]

MICHAEL MEYER/MV
STEPHEN LABIAK/ATTY. FOR DBT.

NO RULING.

9. [22-10826](#)-A-13 **IN RE: CHRISTOPHER RENNA**
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE
12-2-2022 [[50](#)]

MICHAEL MEYER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

10. [22-10826](#)-A-13 **IN RE: CHRISTOPHER RENNA**
[TCS-2](#)

CONTINUED MOTION TO CONFIRM PLAN
12-8-2022 [[54](#)]

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

NO RULING.

11. [22-10826](#)-A-13 **IN RE: CHRISTOPHER RENNA**
[TCS-3](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH
RICHARD LIMA AND/OR MOTION TO INCUR DEBT
2-1-2023 [\[71\]](#)

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

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.

Notice of this motion was sent by mail on February 1, 2023, with a hearing date set for February 16, 2023, which is 15 days before the hearing. Pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(2) and (a)(3), motions to approve a compromise and incur debt may not be set on less than 21 days' notice.

12. [22-11940](#)-A-13 **IN RE: JEREMY/LETITIA PECK**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
1-30-2023 [\[17\]](#)

CARL GUSTAFSON/ATTY. FOR DBT.

NO RULING.

13. [23-10040](#)-A-13 **IN RE: JEFFREY SHAFFER**
[MHM-1](#)

MOTION TO DISMISS CASE
1-19-2023 [\[10\]](#)

MICHAEL MEYER/MV

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on February 14, 2023. Doc. #27. Therefore, this motion will be DENIED AS MOOT.

14. [22-12041](#)-A-13 **IN RE: CHRISTOPHER GOMEZ**
[MHM-1](#)

MOTION TO DISMISS CASE
1-17-2023 [\[15\]](#)

MICHAEL MEYER/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to March 2, 2023 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.

The chapter 13 trustee moves to dismiss this bankruptcy case for the failure of the debtor to appear at the meeting of creditors held on January 10, 2023. Doc. #15. Per his response, the debtor states that he will appear at the continued meeting of creditors to be held on February 21, 2023. Doc. #19. The court will continue the hearing on this motion to March 2, 2023 at 9:30 a.m. to see if the debtor appears at the continued meeting of creditors.

15. [22-11952](#)-A-13 **IN RE: HERNAN CORTEZ**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
1-30-2023 [\[45\]](#)

SCOTT LYONS/ATTY. FOR DBT.

NO RULING.

16. [22-12152](#)-A-13 **IN RE: KENNETH MYERS**
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
1-19-2023 [\[16\]](#)

MICHAEL MEYER/MV
DAVID JOHNSTON/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 objection was set for hearing on 28 days' notice as required by 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). 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.

As an informative matter, the certificate of service filed in connection with this objection to confirmation (Doc. #18) was filed as a fillable version of the court's Official Certificate of Service form (EDC Form 7-005, Rev. 10/2022) instead of being printed prior to filing with the court. The version that was filed with the court can be altered because it is still the fillable version. In the future, the declarant should print the completed certificate of service form prior to filing and not file the fillable version.

As a further informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #18. However, the court interprets Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) to require service of an objection to exemption to be made pursuant to Rule 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B, and should have checked the box for Rule 7004 Service § 6A(1): First Class Mail in Section 7 of the certificate of service form.

Chapter 13 trustee Michael H. Meyer ("Trustee") objects to the claims of exemption asserted by Kenneth J. Myers ("Debtor"), the chapter 13 debtor in this case, in: (1) a counterclaim asserted against Farmers & Merchants Bank of Central California in an unknown amount exempted under California Code of Civil Procedure ("CCP") § 704.140; and (2) household goods and furnishings exempted in the amount of \$30,000 under CCP § 704.020. Doc. #16. Debtor did not oppose.

Rule 4003(b) allows a party in interest to file an objection to a claim of exemption within 30 days after the § 341 meeting of creditors is held or within 30 days after any amendment to Schedule C is filed, whichever is later. Here, Debtor filed chapter 13 bankruptcy on December 20, 2022. Doc. #1. Debtor filed bankruptcy schedules, including Schedule C, on January 8, 2023. Doc. #9. Trustee timely filed this objection on January 19, 2023.

"[T]he debtor, as the exemption claimant, bears the burden of proof which requires her to establish by a preponderance of the evidence that [the property] claimed as exempt in Schedule C is exempt under California Code of Civil Procedure § 703.140(b)[] and the extent to which the exemption applies." In re Pashenee, 531 B.R. 834, 837 (Bankr. E.D. Cal. 2015); see Diaz v. Kosmala (In re Diaz), 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016) (concluding "that where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation.").

First, Debtor listed a "Counterclaim against Farmers & Merchants Bank of Central California for breach of contract, promissory fraud, and intentional infliction of emotional distress, unknown value." Doc. #9, Sched. A/B. The counterclaim is exempted under CCP § 704.140 in the amount of "100% of the fair market value, up to any statutory limit." Id.

CCP § 704.140 allows for an exemption of "an award of damages or a settlement arising out of personal injury is exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor." CCP § 704.140(b). Debtor must satisfy two prongs for this objection: "First, the funds sought to be exempted must arise as a result of 'personal injury.' Second, the funds are only exempt 'to the extent necessary for the support' of the [d]ebtor." Sylvester v. Hafif (In re Sylvester), 220 B.R. 89, 91 (B.A.P. 9th Cir. 1998). The Sylvester court found that a claim for emotional distress is a claim arising from personal injury for the purposes of CCP § 704.140(b), but the entire settlement proceeds were not fully exempt because the settlement included multiple claims, including emotional distress. Sylvester, 220 B.R. at 92.

Here, Trustee objects to Debtor exempting other causes of action other than for intentional infliction of emotional distress under CCP § 704.140. Because Debtor did not oppose the objection and has the burden of proof, Debtor's exemption in the counterclaim with multiple causes of action cannot be exempted under CCP § 704.140. Trustee's objection to this exemption is sustained.

Second, Debtor valued his household goods and furnishings at \$30,000 and claimed an exemption in the entire amount under CCP § 704.020. Schedule A/B and C, Doc. #9. CCP § 704.020 provides:

- (a) Household furnishings, appliances, provisions, wearing apparel, and other personal effects are exempted in the following cases:
 - (1) If ordinary and reasonably necessary to, and personally used or procured for use by, the judgment debtor and members of the judgment debtor's family at the judgment debtor's principal place of residence . . .
- (b) In determining whether an item of property is "ordinarily and reasonably necessary" under subdivision (a), the court shall take into account both of the following:
 - (1) The extent to which the particular type of item is ordinarily found in a household.
 - (2) Whether the particular item has extraordinary value as compared to the value of items of the same type found in other households.
- (c) If an item of property for which an exemption is claimed pursuant to this section is an item of the type ordinarily found in a household but is determined not to be exempt because the item has extraordinary value compared to the value of items of the same type found in other households, the proceeds obtained at an execution sale of the item are exempt in the amount determined by the court to be a reasonable amount sufficient to purchase a replacement of ordinary value if the court determines that a replacement is reasonably necessary . . .

CCP § 704.020. In deciding whether household goods and furnishings of the debtor are reasonably necessary, the court may consider the lifestyle to which the debtor has become accustomed. In re Lucas, 77 B.R. 242, 245 (B.A.P. 9th Cir. 1987), citing Independence Bank v. Heller, 275 Cal. App. 2d 84, 87, 89 (1969) (finding that the statute does not exempt purely "ornamental things"

that serve no useful purpose, but the aesthetic value of an item can serve as its useful purpose). However, the exemption statute is intended to prevent the debtor from exempting luxury items. In re Frazier, 104 B.R. 255, 260 (Bankr. N.D. Cal. 1989).

Here, Trustee disputes whether the entire \$30,000 exemption for household goods and furnishings and other assets are ordinarily and reasonably necessary to Debtor. Doc. #16. Since Debtor failed to provide a breakdown of each item and its value that makes up the \$30,000 in household goods and furnishings, it is impossible to determine whether each item is of extraordinary value when compared to the value of the same type of items found in other households.

Because Debtor did not file opposition to this objection to exemption, Debtor's default was entered. Debtor has the burden of proof as the exemption claimant, and the court finds that Debtor has not established entitlement to a \$30,000.00 household goods and furnishings exemption under CCP 704.020. Trustee's objection to this exemption is sustained. Debtor may file an itemized Amended Schedule C if Debtor seeks to exempt any household goods and furnishings.

For the foregoing reasons, Trustee's objection is SUSTAINED in its entirety. Debtor's exemption in the counterclaim under CCP § 704.140 is disallowed in its entirety because Debtor has not established what portion, if any, that counterclaim arises out of personal injury. Debtor's exemption in household goods and furnishings under CCP § 704.020 is disallowed in its entirety because Debtor has not itemized any of the household goods and furnishings and has not established entitlement to exempt the property as being reasonably necessary or lacking extraordinary value.

17. [22-10973](#)-A-13 **IN RE: DANIEL NAKAHIRA**
[PLG-2](#)

CONTINUED MOTION TO MODIFY PLAN
12-21-2022 [\[36\]](#)

DANIEL NAKAHIRA/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on February 9, 2023. Doc. #56.

18. [22-12073](#)-A-13 **IN RE: ARMANDO/LAURA RODRIGUEZ**
[AP-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION
2-2-2023 [\[17\]](#)

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The debtors filed a modified plan on February 10, 2023 (PLG-1, Doc. #25), with a motion to confirm the modified plan set for hearing on March 30, 2023 at 9:30 a.m. Doc. ##22-27.

19. [22-12073](#)-A-13 **IN RE: ARMANDO/LAURA RODRIGUEZ**
[APN-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SPECIALIZED LOAN SERVICING LLC
1-31-2023 [\[13\]](#)

SPECIALIZED LOAN SERVICING LLC/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
AUSTIN NAGEL/ATTY. FOR MV.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The debtors filed a modified plan on February 10, 2023 (PLG-1, Doc. #25), with a motion to confirm the modified plan set for hearing on March 30, 2023 at 9:30 a.m. Doc. ##22-27.

1. [20-10945](#)-A-12 **IN RE: AJITPAL SINGH AND JATINDERJEET SIHOTA**
[20-1041](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT
6-26-2020 [[1](#)]

SIHOTA ET AL V. SINGH ET AL
PETER SAUER/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

2. [20-10945](#)-A-12 **IN RE: AJITPAL SINGH AND JATINDERJEET SIHOTA**
[22-1023](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-5-2022 [[1](#)]

BANK OF AMERICA, N.A. V. MEYER ET AL
ELEANOR ROMAN/ATTY. FOR PL.

NO RULING.

3. [20-10569](#)-A-12 **IN RE: BHAJAN SINGH AND BALVINDER KAUR**
[20-1042](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT
6-26-2020 [[1](#)]

SIHOTA ET AL V. SINGH ET AL
LENDEN WEBB/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

4. [20-10569](#)-A-12 **IN RE: BHAJAN SINGH AND BALVINDER KAUR**
[22-1022](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-5-2022 [[1](#)]

BANK OF AMERICA, N.A. V. MEYER ET AL
ELEANOR ROMAN/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

5. [19-13871](#)-A-7 **IN RE: JENNA LONG**
[22-1009](#) [CAE-1](#)

STATUS CONFERENCE RE: AMENDED COMPLAINT
12-1-2022 [[45](#)]

LONG V. U.S. DEPARTMENT OF EDUCATION ET AL
NANCY KLEPAC/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar

NO ORDER REQUIRED.

A stipulated judgment resolving this adversary proceeding was entered on February 13, 2023. Doc. #71. Accordingly, this status conference is dropped from calendar. This adversary may be administratively closed when appropriate.

6. [19-13871](#)-A-7 **IN RE: JENNA LONG**
[22-1009](#) [USA-1](#)

MOTION TO DISMISS CAUSE(S) OF ACTION FROM SECOND AMENDED COMPLAINT
1-3-2023 [[54](#)]

LONG V. U.S. DEPARTMENT OF
EDUCATION ET AL
JEFFREY LODGE/ATTY. FOR MV.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

A stipulated judgment resolving this adversary proceeding was entered on February 13, 2023. Doc. #71. Therefore, this motion will be DENIED AS MOOT.

7. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[21-1015](#)

PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
7-8-2021 [[203](#)]

NICOLE V. T2M INVESTMENTS, LLC
SYLVIA NICOLE/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.