



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, February 26, 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.

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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. [25-11717](#)-A-13 **IN RE: ADRIENNE HUMKEY**
[DEI-2](#)

MOTION TO CONFIRM PLAN
1-18-2026 [[71](#)]

ADRIENNE HUMKEY/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

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.

The Clerk's Matrix of Creditors used by the moving party to serve the notice, motion and supporting pleadings does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve pleadings be downloaded not more than 7 days prior to the date the pleadings are served. Here, the moving party served the notice, motion and supporting pleadings on January 18, 2026 using a Clerk's Matrix of Creditors that was generated on September 22, 2025. Doc. #74. Accordingly, service of the motion does not comply with LBR 7005-1(d).

The court encourages counsel 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 rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

2. [25-11717](#)-A-13 **IN RE: ADRIENNE HUMKEY**
[LGT-3](#)

CONTINUED MOTION TO DISMISS CASE
11-20-2025 [[47](#)]

LILIAN TSANG/MV
DONALD IWUCHUKWU/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 on February 13, 2026. Doc. #80.

3. [25-10127](#)-A-13 **IN RE: DANIEL GONZALEZ AND DANIELLE BLACK**
[LGT-3](#)

MOTION TO DISMISS CASE
1-14-2026 [[68](#)]

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

NO RULING.

4. [24-12243](#)-A-13 **IN RE: CRAIG MEACHAM**
[JDR-1](#)

MOTION FOR COMPENSATION FOR JEFFREY D. ROWE, DEBTORS ATTORNEY(S)
1-27-2026 [[50](#)]

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.

Jeffrey D. Rowe ("Movant"), counsel for Craig Joseph Meacham ("Debtor"), the deceased debtor in this chapter 13 case, requests allowance of final compensation in the amount of \$4,142.00 and reimbursement for expenses in the amount of \$358.00 for services rendered from July 19, 2024 through January 26, 2026. Doc. #50. Debtor's confirmed plan provides for \$18,000.00 in attorney's fees, in addition to \$4,500.00 paid prior to filing the case. Plan, Doc. #3. No prior fee application has been filed. Movant is limiting his requested fees to the \$4,500.00 paid to Movant prior to filing and is waiving \$9,118.00 in additional fees. Decl. of Jeffrey D. Rowe, Doc. #53.

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) prepetition consultation with Debtor and fact gathering, including independently verifying information; (2) preparing voluntary petition, schedules and related forms and amendments thereto; (3) preparing for and attending § 341 meeting of creditors; (4) preparing and prosecuting Debtor's plan; (5) claim administration and claim objections; (6) preparing the fee application; and (7) general case administration. Rowe Decl., Doc. #53; Exs. A-D, Doc. #54. 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 the compensation requested by this motion in the amount of \$4,142.00 and reimbursement for expenses in the amount of \$358.00 to be paid in a manner consistent with the terms of the confirmed plan.

5. [25-14243](#)-A-13 **IN RE: PABLO CHAVEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
1-30-2026 [[34](#)]

JOSHUA STERNBERG/ATTY. FOR DBT.

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

DISPOSITION: Continued to April 2, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Pablo Gonzales Chavez ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on December 23, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan on numerous grounds, including: (1) Debtor has failed to file the required attachment for Schedule I for each property and/or business; (2) the Plan provides for the payment of attorney fees in excess of the fixed compensation allowed in Local Rule of Practice 2016-1(c); (3) the Disclosure of Compensation of Attorney for Debtor form is incorrect and excludes services that are included when the attorney requests a "no look fee"; (4) Debtor has failed to provide Trustee with numerous documents; (5) Debtor's Plan misclassifies Holiday Inn Club Vacations Inc. and Solar Mosaic in Class 1; (6) Debtor has not filed a credit counseling certificate showing completion of credit counseling prior to filing the bankruptcy petition; and (7) the § 341 meeting of creditors has not yet concluded. Doc. #34. Debtor's § 341 meeting of creditors has been continued to March 10, 2026 at 9:00 a.m. See court docket entry entered on January 27, 2026.

This objection will be continued to April 2, 2026. 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 March 19, 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 26, 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 26, 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.

6. [25-14243](#)-A-13 **IN RE: PABLO CHAVEZ**
[TRF-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SUPERIOR LOAN SERVICING
2-3-2026 [[37](#)]

SUPERIOR LOAN SERVICING/MV
JOSHUA STERNBERG/ATTY. FOR DBT.
MATTHEW AGUIRRE/ATTY. FOR MV.

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

DISPOSITION: Continued to April 2, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Pablo Gonzales Chavez ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on December 23, 2025. Doc. ##1, 3. Superior Loan Servicing as servicing agent for secured creditor WE Alliance Secured Income Fund, LLC ("Creditor") objects to confirmation of the Plan because: (1) Debtor has failed to show that he can perform under the Plan's terms because the Plan payments in this case are double those in Debtor's previous bankruptcy case, which was dismissed after Debtor could not make his plan payments; (2) Debtor's Plan modifies Creditor's rights in its loan secured by the real property located at 10300 Sharktooth Peak Dr., Bakersfield, California 93311 by providing for repayment at 0.00% interest; and (3) the Plan understates the debt owed to Creditor as \$454,286.15, but the loan balance as of the petition date was \$543,522.48. Doc. #37.

This objection will be continued to April 2, 2026. 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 March 19, 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 26, 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 26, 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.

7. [25-12646](#)-A-13 **IN RE: MANUEL RAMIREZ MENDIOLA**
[RSW-3](#)

CONTINUED MOTION TO CONFIRM PLAN
12-15-2025 [46]

MANUEL RAMIREZ MENDIOLA/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). Toyota Motor Credit Corporation ("Creditor") filed an objection to the debtor's motion to confirm the modified chapter 13 plan ("Plan"). Doc. #52. 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.

Creditor opposes confirmation of the Plan because the Plan does not list or provide for payment of Creditor's secured claim as required by 11 U.S.C. § 1325(a)(5). Doc. #52. In response, the debtor states that section 3.11(b) of the Plan provides that Creditor's remedy is to seek relief from the stay. Doc. #55.

Bankruptcy Code § 1325(a)(5) permits confirmation of a chapter 13 plan so long as provisions are made "with respect to each allowed secured claim provided for by the plan." 11 U.S.C. § 1325(a)(5). However, a chapter 13 plan need not "provide for" a secured claim. See Shook v. CBIC (In re Shook), 278 B.R. 815, 826-27 (B.A.P. 9th Cir. 2002). Here, secured claims not listed in Class 1, 2, 3 or 4 are not provided for by the Plan. While this may be cause to terminate the automatic stay, such relief must be separately requested by the claim holder. Plan at ¶3.11(b), Doc. #49. Because the debtor is not required to provide for Creditor in his plan, Creditor's opposition is overruled.

This motion will be 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. [23-10549](#)-A-13 **IN RE: YESENIA MADRIGAL**
[SL-6](#)

MOTION TO MODIFY PLAN
1-9-2026 [[94](#)]

YESENIA MADRIGAL/MV
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 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.

9. [25-13150](#)-A-13 **IN RE: BESSIE COLBERT**
[PBB-1](#)

MOTION TO MODIFY PLAN
1-22-2026 [[19](#)]

BESSIE COLBERT/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 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.

10. [25-13550](#)-A-13 **IN RE: THEONNA HILL**
[LGT-2](#)

MOTION TO DISMISS CASE
1-26-2026 [[30](#)]

LILIAN TSANG/MV
DISMISSED 2/12/26

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 12, 2026. Doc. #46. Therefore, this motion will be DENIED AS MOOT.

11. [25-10459](#)-A-13 **IN RE: DANIEL/MADALENA HENSLEY**
[CJK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-21-2026 [[77](#)]

MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS, LLC/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
CHRISTINA KHIL/ATTY. FOR MV.

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 as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re

Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Morgan Stanley Mortgage Capital Holdings, LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to real property located at 1929 Alta Sierra Road, Wofford Heights, California 93285 ("Property"). Doc. #77.

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 because the debtors have failed to make at least 35 complete pre- and post-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$18,741.70 in post-petition payments. Decl. of Otto Castillo, Doc. #81. Moreover, the debtors' confirmed chapter 13 plan does not provide for Movant's claim. Plan, Doc. #14; Order, Doc. #55.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. 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.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because the debtors have failed to make at least 35 payments, both pre- and post-petition, to Movant.

12. [26-10359](#)-A-13 **IN RE: LUCIA MATA**
[DCJ-1](#)

MOTION TO EXTEND AUTOMATIC STAY
2-11-2026 [\[10\]](#)

LUCIA MATA/MV
DAVID JOHNSTON/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.

Lucia Rodrigues Mata ("Debtor") moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c) (3) (B).

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 25-24554 (Bankr. E.D. Cal.) ("Prior Case"). The Prior Case was filed on August 27, 2025 and dismissed on January 28, 2026. Decl. of Lucia Rodrigues Mata, Doc. #12. 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. Debtor filed this case on January 29, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on February 28, 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 Debtor failed to make her plan payments in the Prior Case, failed to provide the chapter 13 trustee with copies of bank statements, and failed to provide a signed declaration regarding financial assistance from Debtor's daughter. See Case No. 25-24554, Doc. ##18, 20. Debtor acknowledges that the chapter 13 trustee moved to dismiss the Prior Case due to delinquent plan payments, failure to provide bank statements, and failure of Debtor's daughter to sign a declaration confirming assistance with plan payments. Mata Decl., Doc. #12.

In support of this motion to extend the automatic stay, Debtor declares that her failure to make plan payments, failure to provide bank statements, and failure to provide a signed declaration by her daughter in the Prior Case were due to Debtor speaking Portuguese and her attorney speaking English, which made communication difficult. Mata Decl., Doc. #12. Debtor believed that once

communication issues were resolved, she would be able to cure any deficiencies. Id. Debtor states that the communication issues with her attorney have now been resolved by her attorney finding an interpreter, so Debtor does not misunderstand instructions given to her in emails and in person. Id. Moreover, Debtor declares that the bank statements that were not provided to the chapter 13 trustee in the Prior Case have now been provided to Debtor's attorney, and the information needed for a declaration from Debtor's daughter regarding support has now been given to Debtor's attorney and will be forthcoming. Id. Further, Debtor declares that she sent \$29,100.00 to the chapter 13 trustee in the Prior Case as her first plan payment to pay towards the homeowners' association lien, but nothing was paid towards that lien as intended. Id. Debtor has received a refund from the chapter 13 trustee in the Prior Case in the amount of \$29,100.00 and will be remitting those funds to the chapter 13 trustee in the instant case. Id. Debtor filed a proposed plan on February 12, 2026 by which Debtor will make monthly plan payments of \$390.00 for three months, a \$25,000.00 plan payment in month four of the plan, and \$390.00 per month for the remaining 56 months of the plan. Doc. #16. Debtor's Schedules I and J filed in this case list Debtor's monthly income of \$1,425.00 and expenses of \$1,035.00, resulting in monthly net income of \$390.00. Schedules I & J, Doc. #15.

The court finds that Debtor's explanation as to why Debtor failed to make her plan payments and provide the necessary documents in the Prior Case, as well as the steps Debtor has taken to ensure Debtor will be able to make her plan payments and provide the necessary documents in the current case, rebuts the presumption of bad faith that arose from the failure of Debtor to make her plan payments and provide documentation 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 Debtor's motion (Doc. #10), unless terminated by further order of the court.

13. [25-11061](#)-A-13 **IN RE: ARNULFO MUNOZ-GONZALES**
[NSV-4](#)

MOTION TO CONFIRM PLAN
12-31-2025 [[94](#)]

ARNULFO MUNOZ-GONZALES/MV
NIMA VOKSHORI/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to April 2, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

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") and SV Quick Capital Corporation ("Creditor") filed objections to the debtor's motion to confirm the modified chapter 13 plan. Tr.'s Opp'n, Doc. #102; Opp'n, Doc. #104. Trustee withdrew her opposition on February 24, 2026. Opp'n Withdrawal, Doc. #109.

Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's opposition to confirmation is withdrawn, the debtor shall file and serve a written response to Creditor's opposition no later than March 19, 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 the debtor's position. Creditor shall file and serve a reply, if any, by March 26, 2026.

If the 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 26, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Creditor's opposition without a further hearing.

14. [25-14263](#)-A-13 **IN RE: MONICA TREVINO**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
1-30-2026 [[13](#)]

STEVEN ALPERT/ATTY. FOR DBT.
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 24, 2026. Doc. #17.

15. [25-12164](#)-A-13 **IN RE: KEITH LEON**
[PLG-2](#)

MOTION TO CONFIRM PLAN
1-9-2026 [[43](#)]

KEITH LEON/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 prior to the hearing date pursuant to 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 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.

16. [25-14167](#)-A-13 **IN RE: GILBERT COTA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
1-29-2026 [[17](#)]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. 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.

Gilbert Manuel Cota ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on December 16, 2025. Doc. ##1, 10. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because the Plan provides for two Class 2 creditors and indicates that Trustee pays all excess funds to one Class 2 creditor, but Trustee is not able to allocate excess funds to only one Class 2 creditor, while not doing the same pro rata distribution for the second Class 2 creditor. Doc. #17. Trustee requests that Debtor file an amended plan with the specific monthly dividends that Debtor is proposing to pay each claim. Id.

Since Debtor cannot treat the two Class 2 creditors in the manner provided in the Plan, a new plan needs to be filed and a motion to confirm that plan set for hearing on proper notice. Because a new plan must be filed to resolve this objection, the court will sustain the objection and deny confirmation rather than continue the hearing on Trustee's objection to confirmation to allow a response from Debtor.

Accordingly, pending any opposition at the hearing, the objection will be SUSTAINED.

17. [25-11071](#)-A-13 **IN RE: GREG HERNANDEZ**
[LGT-2](#)

MOTION TO DISMISS CASE
1-21-2026 [[93](#)]

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

NO RULING.

18. [25-14075](#)-A-13 **IN RE: JAQUELINE PARRA**
[JRL-1](#)

MOTION TO VALUE COLLATERAL OF VEROS CREDIT LLC
1-15-2026 [[16](#)]

JAQUELINE PARRA/MV
JERRY LOWE/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

Jaqueline Delgado Parra ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2018 Honda Civic LX, VIN: 19XFC2E52JE026044 ("Vehicle"), which is the collateral of Veros Credit LLC ("Creditor"), at \$10,000.00. Doc. #16; Ex. A, Doc. #19.

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 Jaqueline Delgado Parra, Doc. #18. Debtor asserts a replacement value of the Vehicle of \$10,000.00 and asks the court for an order valuing the Vehicle at \$10,000.00. Doc. #16. As the owner, Debtor's opinion of value is evidence of the value of the Vehicle. Given the absence of contrary evidence, Debtor's opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

Accordingly, the motion is GRANTED. Creditor's secured claim will be fixed at \$10,000.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

19. [25-14075](#)-A-13 **IN RE: JAQUELINE PARRA**
[LGT-1](#)

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

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

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 ("Creditor") 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.

Debtor responded to Trustee's objection stating that Debtor's motion to value collateral of Creditor was filed and set for hearing on February 26, 2026. Doc. #21. The court has granted that motion by final ruling. See calendar matter #18 above. It appears that all outstanding issues raised in Trustee's objection to confirmation have been resolved.

Accordingly, unless withdrawn prior to the hearing, this objection to confirmation will be OVERRULED.

20. [25-14175](#)-A-13 **IN RE: SANDRA VIZCARRA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
2-2-2026 [13]

LILIAN TSANG/MV
PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION: Continued to April 2, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Sandra Yesenia Vizcarra ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on December 17, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtor has a construction defect legal claim, which is not disclosed in Debtor's Schedule A/B, and Trustee requests Debtor amend her Schedule A/B to disclose the legal claim. Doc. #13.

This objection will be continued to April 2, 2026. 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 March 19, 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 26, 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 26, 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.

21. [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

NO RULING.

22. [25-13784](#)-A-13 **IN RE: ARMANDO/MONICA OLIVARES**
[RSW-1](#)

MOTION TO VALUE COLLATERAL OF GM FINANCIAL
1-29-2026 [[37](#)]

MONICA OLIVARES/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

On February 25, 2026, the court issued an order approving a stipulation and vacating the hearing on the motion. Doc. #59.

23. [25-11985](#)-A-13 **IN RE: CHRISTOPHER WEATHERFORD**
[LGT-2](#)

MOTION TO DISMISS CASE
1-16-2026 [[25](#)]

LILIAN TSANG/MV
RAJ WADHWANI/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to March 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.

The trustee's motion to dismiss will be continued to March 26, 2026 at 9:30 a.m. to be heard with the hearing on the debtor's motion to confirm plan (WSL-1). Doc. ##29-34.

24. [24-13287](#)-A-13 **IN RE: JOHN/NANCY ALVA**
[SDN-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-30-2026 [[129](#)]

FAMILIES AND SCHOOLS TOGETHER CREDIT UNION/MV
STEPHEN LABIAK/ATTY. FOR DBT.
SHERYL NOEL/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to April 23, 2026 at 9:30 a.m.

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.

On February 24, 2026, the moving party and debtors filed a request to continue the hearing on this motion for relief from stay to April 22, 2026. Doc. #142. However, this court does not have a chapter 13 calendar on April 22, 2026. The court does have a chapter 13 calendar on April 23, 2026 at 9:30 a.m.

The court is inclined to continue the hearing on this motion pursuant to the joint request of the parties to April 23, 2026 at 9:30 a.m. only if the parties consent to the extension of the time limitations set forth in 11 U.S.C. § 362(e) (1) and (e) (2). The moving party set the hearing on this motion in such a manner that the time limitations under 11 U.S.C. § 362(e) (1) have not yet been waived pursuant to Local Rule of Practice 4001-1(a) (1).

As a procedural matter, the declaration (Doc. #131) does not comply with Local Rule of Practice 9004-1(c), which requires that affidavits and certifications be signed by the person offering the evidentiary material contained in the document. Here, the declaration is not signed by anyone. Decl. of Kelly Bush, Doc. #131.

25. [24-10892](#)-A-13 **IN RE: MADELYN BERNARDINO**
[TCS-5](#)

MOTION TO MODIFY PLAN
1-14-2026 [[68](#)]

MADELYN BERNARDINO/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

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 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 Trustee's opposition. See Opp'n, Doc. #76; Opp'n Withdrawal, Doc. #78. 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.

26. [25-14193](#)-A-13 **IN RE: ANA DUENAS**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
1-30-2026 [[12](#)]

STEVEN ALPERT/ATTY. FOR DBT.

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

DISPOSITION: Continued to April 2, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Ana Idalia Duenas ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on December 18, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the § 341 meeting of creditors has not yet been concluded, and (2) Debtor has failed to provide Trustee with required documents. Doc. #12. Debtor's § 341 meeting of creditors has been continued to March 10, 2026 at 9:00 a.m. See court docket entry entered on January 27, 2026.

This objection will be continued to April 2, 2026. 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 March 19, 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 26, 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 26, 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.

27. [25-26793](#)-A-13 **IN RE: SIANG PETERS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
2-9-2026 [33]
FILING FEE \$313 PAID 2/17/26

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid. The case shall remain pending.

28. [25-13194](#)-A-13 **IN RE: DAMIAN LOPEZ**
[LGT-2](#)

MOTION TO DISMISS CASE
1-20-2026 [59]

LILIAN TSANG/MV
LILIAN TSANG/ATTY. FOR MV.

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

DISPOSITION: Granted.

ORDER: The court will issue an 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 at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtor 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 debtor 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.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc #59. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) set a hearing to confirm a plan; (3) provide Trustee with required documents; and (4) commence making payments due under the plan. Id. As of January 20, 2026, monthly plan payments are delinquent in the amount of \$1,200.00. Id. While this motion is pending, further plan payments

will come due. In addition to the delinquency amount, Debtor must also make the monthly plan payment of \$400.00 for January 25, 2026 and another \$400.00 due by February 25, 2026. Id. Finally, the debtor is ineligible to be a debtor in a chapter 13 pursuant to 11 U.S.C. § 109(h) because the debtor has failed to provide a Credit Counseling Certificate showing that the debtor obtained pre-petition credit counseling. Id. The debtor did not oppose.

Under 11 U.S.C. § 109(h), an individual may not be a debtor unless the debtor received credit counseling within the 180-day period ending on the petition date. 11 U.S.C. § 109(h)(1). Damian Bailon Lopez ("Debtor") filed for relief under chapter 13 of the Bankruptcy Code on September 23, 2025. Doc. #1. Debtor is representing himself in this bankruptcy case. Id. Debtor has not filed a Certificate of Counseling in this case.

The Bankruptcy Code allows a debtor to request a waiver of the § 109(h)(1) requirement to receive credit counseling pre-petition based on exigent circumstances. 11 U.S.C. § 109(h)(3)(A). However, Debtor has not requested a waiver of the § 109(h)(1) requirements post-petition within the time limits provided by 11 U.S.C. § 109(h)(3)(B). Because Debtor did not receive credit counseling within the 180-days prior to filing the bankruptcy petition and has not received a waiver of that requirement, Debtor may not be a debtor pursuant to § 109(h).

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to appear at the scheduled § 341 meeting of creditors and failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). In addition, Debtor did not obtain pre-petition credit counseling as required by 11 U.S.C. § 109(h)(1) and did not request a waiver of the § 109(h)(1) requirement post-petition within the time period provided by 11 U.S.C. § 109(h)(3)(B). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

Because Debtor is not eligible to be a debtor pursuant to 11 U.S.C. § 109(h), dismissal rather than conversion is appropriate.

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

MOTION TO DISMISS CASE
1-21-2026 [\[24\]](#)

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

TENTATIVE RULING: This matter will proceed as scheduled.

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

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 failure of the debtor 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. Because the court will convert rather than dismiss this case, this matter will proceed as scheduled.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by debtor that is prejudicial to creditors. Doc #24. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) accurately file schedules and/or statements; and (2) make payments due under the plan. Id. As of January 21, 2026, plan payments are delinquent in the amount of \$650.00. Id. While this motion is pending, further payments will come due. In addition to the delinquency amount, the debtor must also make the monthly plan payment of \$325.00 for January 25, 2026, and the plan payment of \$325.00 for February 25, 2026. Id. The debtor 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. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to file accurate statements. Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows there is a liquidation amount of \$7,935.00, after trustee compensation. Doc. #10; Decl. of Irma Aguilar, Doc. #26. This liquidation amount is comprised of the non-exempt equity in the debtor's 2012 Dodge Ram 2500 and 2017 Cadillac LX5. Id. Because there is sufficient non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that 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 converted.

30. [25-13397](#)-A-13 **IN RE: RAMONA FRANKFORT**
[EPE-1](#)

CONTINUED MOTION TO CONFIRM PLAN
12-10-2025 [[28](#)]

RAMONA FRANKFORT/MV
ERIC ESCAMILLA/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.

This motion is DENIED AS MOOT. The debtor filed a modified plan on February 19, 2026 (EPE-2, Doc. #53), with a motion to confirm the modified plan set for hearing on March 26, 2026 at 9:30 a.m. Doc. ##49-54.

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

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
2-2-2026 [[63](#)]

CHAVEZ V. BRICENO ET AL
VANESSA BRICENO/ATTY. FOR MV.
VACATED BY ECF ORDER #69

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

On February 5, 2026, the court issued an order vacating the hearing on the motion to dismiss the adversary proceeding. Doc. #69.

2. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[23-1029](#) [LBT-1](#)

MOTION FOR SUMMARY JUDGMENT
1-14-2026 [[201](#)]

NICOLE V. AMERICAN AUTOMOBILE ASSOCIATION OF NORTHERN CALIFORNIA
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The motion, supporting pleadings and certificate of service were erroneously filed in the above adversary proceeding. Those documents were also filed and served in the correct adversary proceeding #25-1020, Doc. ##8-16. Therefore, this matter is duplicative and is DENIED WITHOUT PREJUDICE.

3. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[25-1020](#) [LBT-1](#)

MOTION FOR SUMMARY JUDGMENT
1-21-2026 [[8](#)]

NICOLE V. LOS BANOS TRANSPORT & TOWING

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. The motion and supporting documents were served by mail on January 16, 2026, which is less than 42 days from the date of the hearing. Doc. #16. The motion does not comply with Local Rule of Practice 7056-1(a), which requires the party moving for summary judgment to "file and serve the motion at least forty-two (42) days prior to the hearing date."