



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, March 4, 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. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[DMG-18](#)

MOTION BY D. MAX GARDNER TO WITHDRAW AS ATTORNEY
2-2-2026 [[648](#)]

FUTURE VALUE CONSTRUCTION, INC./MV
D. GARDNER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if record sufficiently supplemented.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). 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 non-responding parties in interest are entered. Because the court requires additional information before granting the motion, the matter will proceed as scheduled.

D. Max Gardner ("Movant"), counsel for Future Value Construction, Inc. ("DIP"), the debtor and debtor-in-possession in this chapter 11 case, moves to withdraw as DIP's attorney of record in DIP's bankruptcy case pending before this court as Case No. 22-12016. Doc. #648. Movant's withdrawal will leave DIP unrepresented by counsel. Because DIP is a corporation, DIP must appear in court through an attorney in this bankruptcy case. D-Beam, Ltd. P'ship v. Roller Derby Skates, Inc., 366 F.3d 972, 973-74 (9th Cir. 2004) ("It is a longstanding rule that 'corporations and other unincorporated associations must appear in court through an attorney.'" (Citations omitted).) Thus, if the motion to withdraw is granted, DIP will not be able to appear in court until DIP retains new legal counsel.

LBR 2017-1(e) states that "an attorney who has appeared may not withdraw leaving the client *in propria persona* without leave of court upon noticed motion and notice to the client and all other parties who have appeared." The local rule goes on to require the attorney seeking withdrawal to "provide an affidavit stating the current or last known address" of the client and "the efforts made to notify the client of the motion to withdraw." LBR 2017-1(e).

Movant testifies that that he has notified DIP of Movant's intention to withdraw as DIP's attorney of record and notified DIP that Movant filed the instant motion. Decl. of D. Max Gardner, Doc. #650. The certificate of service filed with this motion shows that DIP received notice via U.S. mail. Doc. #651. Service was also made upon the United States Trustee. Id.

However, Movant's declaration does not provide the current or last known address of DIP, so Movant has not fully complied with LBR 2017-1(e). Gardner Decl., Doc. #650. At the hearing, the court will permit Movant to supplement the record as to the current or last known address of DIP.

Withdrawal is governed by the California Rules of Professional Conduct. LBR 2017-1(e). Pursuant to California Rule of Professional Conduct 1.16, a lawyer may withdraw from representing a client if the client breaches a material term of an agreement with the lawyer and the lawyer has given the client reasonable warning of withdrawal, if a continuation of the representation is likely to result in a violation of the rules, if the client renders it unreasonably difficult for the lawyer to carry out the representation effectively, or if other good cause for withdrawal exists. Cal. Rule Prof. Conduct 1.16(b), <https://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Rules/Rules-of-Professional-Conduct/Current-Rules>.

DIP is engaged in the business of developing custom and semi-custom homes and is the owner of a residential development known as Lakeview at Rio Bravo in Kern County, California. Gardner Decl., Doc. #650. Movant submits that the success of DIP's bankruptcy case depends on DIP completing the necessary permitting to open Phase 2 of the residential development in order to maximize buyer interest in the premium lots and view-lots at the project. Id. At the time the motion to withdraw was filed, DIP has not cleared that hurdle. Id. Movant asserts that Movant cannot resolve the conflict regarding the course that this case should take, which requires Movant to withdraw from this case. Id. It appears that Movant has demonstrated cause for withdrawal.

Accordingly, subject to Movant sufficiently supplementing the record at the hearing with respect to providing the current or last known address of DIP, this motion will be GRANTED.

2. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-2](#)

CONTINUED RE: MOTION TO USE CASH COLLATERAL
2-18-2026 [\[5\]](#)

FRIEDENBACH FAMILY FARMS LLC/MV
PETER SAUER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted on a final basis through June 30, 2026.

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 pursuant to an interim order authorizing use of cash collateral ("Interim Order"). Doc. #21. The motion was heard initially on February 19, 2026, and was granted on an interim basis on February 23, 2026 for use of cash collateral from February 17, 2026 through March 4, 2026. See Doc. #21. 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 use of cash collateral through June 30, 2026 on a final basis pursuant to the budget included with the motion, as amended by the Interim Order. 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.

Friedenbach Family Farms, LLC ("Debtor" or "DIP") moves the court for an order authorizing DIP to use the cash collateral of secured creditors Westlands Capital Partners 1, LLC, successor-in-interest to Agamerica Lending, LLC ("Westlands"), and The Cooperative Finance Association, Inc. ("CFA") on a monthly basis through June 30, 2026 subject to a proposed budget. Ex. A, Doc. #9. DIP asserts Westlands holds a lien on all of Debtor's land, crops grown in the orchards, and proceeds of those crops. Decl. of Kurt Friedenbach, Doc. #8; Motion, Doc. #5. Westlands is owed \$23,916,072.73 as of February 12, 2026, with interest accruing at \$7,687.41 per day. Friedenbach Decl., Doc. #8. Debtor estimates that the value of the nearly 2500 acres of land that secures Westlands' debt is worth between \$25 million and \$30 million. Debtor does not recognize the debt or security interest asserted by CFA. Friedenbach Decl., Doc. #8.

Pursuant to 11 U.S.C. § 363, a debtor in possession can use property of the estate that is cash collateral by obtaining either the consent of each entity that has an interest in such cash collateral or court authorization after notice and a hearing. 11 U.S.C. § 363(c)(2). "The primary concern of the court in determining whether cash collateral may be used is whether the secured creditors are adequately protected." In re Plaza Family P'ship, 95 B.R. 166 (E.D. Cal. 1989) (citing 11 U.S.C. § 363(e)). Pursuant to 11 U.S.C. § 363(p), DIP carries the burden of proof on the issue of adequate protection.

Debtor owns nearly 2500 acres of land that has nine fields of almond orchards of 150 to 160 acres each, which Debtor farms. Friedenbach Decl., Doc. #8. DIP seeks final court authorization to use cash collateral to pay business expenses incurred by DIP in the normal course of its almond farming business through June 30, 2026. Doc. #5. In addition to the equity cushion on the real property and orchards that secures Westlands' debt, Debtor will grant Westland a replacement lien to the extent cash collateral is used. Id.

The court finds DIP has met its burden of showing that Westlands is adequately protected for DIP's use of Westlands' cash collateral through June 30, 2026 by equity cushion on the real property and orchards that secure Westlands' debt and the replacement lien to be granted to Westlands. Moreover, DIP needs to use Westlands' cash collateral to continue DIP's post-petition operations. Friedenbach Decl., Doc. #8. The court also finds, solely for purposes of authorizing use of cash collateral, that it does not appear that CFA holds any interest in DIP's cash collateral.

Accordingly, pending any opposition at the hearing, the motion will be GRANTED on a final basis through June 30, 2026, consistent with the budget attached as Exhibit A to Doc. #9, as amended by the Interim Order (Doc. #21).

1. [26-10126](#)-A-7 **IN RE: LUIS ORTEGA AND NANCY C. ESQUEDA**
[PK-1](#)

MOTION TO REDEEM
2-11-2026 [\[10\]](#)

NANCY C. ESQUEDA/MV
PATRICK KAVANAGH/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

As an 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. #23. However, Federal Rules of Bankruptcy Procedure 4001(a)(1) and 9014 require service of a motion to redeem be made pursuant to Federal Rule of Bankruptcy Procedure 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Luis Ortega and Nancy Nunez Esqueda (together, "Debtors"), the debtors in this chapter 7 case, move the court for an order authorizing Debtors to redeem a 2022 GMC Canyon ("Vehicle"), which is the collateral of Ally Financial ("Creditor"), for \$26,775.00 pursuant to 11 U.S.C. § 722. Doc. #10.

"An individual debtor may, whether or not the debtor has waived the right to redeem under this section, redeem tangible personal property intended primarily for personal, family, or household use, from a lien securing a dischargeable consumer debt, if such property is exempted under section 522 of this title or has been abandoned under section 554 of this title, by paying the holder of such lien the amount of the allowed secured claim of such holder that is secured by such lien in full at the time of redemption." 11 U.S.C. § 722.

Here, the Vehicle is intended primarily for personal, family, or household use. Debtors declare that the Vehicle was purchased for family and household use including driving to work, shopping, and medical treatment. Decl. of Luis Ortega, Doc. #13. Moreover, the Vehicle secures "a dischargeable consumer debt[.]" Id. Further, Debtors claimed an exemption of \$1,000.00 in the Vehicle under California Code of Civil Procedure § 703.140(b)(2). Schedule C, Doc. #1.

Debtors assert the Vehicle has a replacement value of \$26,775.00 as of the petition filing date. Schedule A/B, Doc. #1. Debtors state the value of the Vehicle is due to their ownership of the Vehicle and consulting with Kelly Blue

Book online. Ortega Decl., Doc. #13. As the owner, Debtors' 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).

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED pursuant to 11 U.S.C. § 722. Debtors will be allowed to redeem the Vehicle by paying \$26,775.00 to Creditor. The total amount of \$26,775.00 is to be paid in full at the time of redemption.

2. [26-10126](#)-A-7 **IN RE: LUIS ORTEGA AND NANCY C. ESQUEDA**
[PK-2](#)

MOTION TO REDEEM
2-12-2026 [[17](#)]

NANCY C. ESQUEDA/MV
PATRICK KAVANAGH/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movants withdrew the motion to redeem on March 2, 2026. Doc. #29.

3. [26-10526](#)-A-7 **IN RE: EDGARDO/MARYLOU EGUIA**
[BDB-1](#)

MOTION TO EXTEND AUTOMATIC STAY
2-17-2026 [[13](#)]

MARYLOU EGUIA/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.

Edgardo Africa Eguia and Marylou Deleon Eguia (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. 23-12840 (Bankr. E.D. Cal.) ("Prior Case"). The Prior Case was filed on December 21, 2023 and dismissed on April 9, 2025. See Case 23-12840, Doc. #45; Decl. of Edgardo Africa Eguia and Marylou Deleon Eguia, 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 February 6, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on March 8, 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 voluntarily dismissed the Prior Case due to their plan payments no longer being feasible. See Case 23-12840, Doc. #39. Debtors acknowledge that they voluntarily dismissed the Prior Case because the plan payments were no longer feasible. Eguia Decl., Doc. #15.

In support of this motion to extend the automatic stay, Debtors declare that the reason the plan payments were no longer feasible in the Prior Case was due to Mrs. Eguia's income becoming unstable and unpredictable. Eguia Decl., Doc. #15. Debtors state that Mrs. Eguia's income remained irregular after dismissal of the Prior Case, and Debtors had to sell one of their vehicles to pay towards home repairs and bring their mortgage payments current. Id. Moreover, Debtors declare that they filed this chapter 7 case after determining that a repayment plan in a chapter 13 case was not feasible. Id.

The court finds that Debtors' explanation as to why Debtors voluntarily dismissed the Prior Case and the filing of the instant chapter 7 case rebuts the presumption of bad faith that arose from Debtors voluntarily dismissing the Prior Case.

Accordingly, pending opposition being raised at 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. [20-11452](#)-A-7 **IN RE: ELIZABETH LLAMAS**
[ICE-1](#)

MOTION FOR COMPENSATION FOR IRMA EDMONDS, CHAPTER 7 TRUSTEE(S)
1-24-2026 [\[104\]](#)

IRMA EDMONDS/MV
ANTHONY ASEBEDO/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 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.

Irma Edmonds ("Trustee"), the chapter 7 trustee, requests allowance of final compensation and reimbursement for expenses for services rendered as trustee in this case. Doc. #104. Movant provided trustee services valued at \$22,437.26, and requests compensation for that amount. Id. Movant requests reimbursement for expenses in the amount of \$91.58. Id. Since being appointed to this case on March 3, 2023, Trustee has completed all statutory duties except for this current fee application and the final distribution of funds and report. Doc. #35; Decl. of Irma Edmonds, Doc. #106.

Section 330(a)(1) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a chapter 7 trustee. 11 U.S.C. § 330(a)(1). In determining the amount of reasonable compensation to be awarded a chapter 7 trustee, the court shall treat such compensation as a commission, based on § 326 of the Bankruptcy Code. 11 U.S.C. § 330(a)(7). Here, Trustee demonstrates reasonable compensation in accordance with the statutory framework of § 326. Ex. A, Doc. #107. Further, the court finds Trustee's services and requested expenses were actual and necessary to the administration of this estate.

This motion is GRANTED. The court allows statutory compensation in the amount of \$22,437.26 and reimbursement for expenses in the amount of \$91.58.

5. [25-14261](#)-A-7 **IN RE: DAVID MORENO MORALES AND CLAUDIA VALDES BRAVO**
[MAZ-2](#)

MOTION TO DISMISS DUPLICATE CASE
1-26-2026 [[15](#)]

CLAUDIA VALDES BRAVO/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This chapter 7 case was dismissed on February 26, 2026. Doc. #24.

As an informative matter, the notice of hearing filed in connection with this motion does not comply with Local Rule of Practice ("LBR") 9014-1(d)(3)(B)(i), which requires the notice to advise potential respondents whether and when written opposition must be filed, the deadline for filing and serving it, and the names and addresses of the persons who must be served with any written opposition. Doc. #16. Here, the notice of hearing provides no information regarding the manner in which a party must oppose the requested relief.

As a further informative matter, the notice of hearing filed in connection with this motion does not comply with either LBR 9014-1(d)(3)(B)(ii), which requires the notice to advise potential respondents that the failure to file timely written opposition may result in the motion being resolved without oral argument and the striking of untimely written opposition, or LBR 9014-1(d)(3)(B)(iii), which requires the notice to advise respondents that they can determine whether the matter has been resolved without oral argument or whether the court has issued a tentative ruling by viewing the court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing, and that parties appearing telephonically must view the pre-hearing dispositions prior to the hearing. Doc. #16.

As a further informative matter, the motion does not comply with LBR 9014-1(d)(3)(D), which requires every motion or other request for relief to be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested.

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>.

MOTION TO EXTEND DEADLINE TO FILE A COMPLAINT OBJECTING TO DISCHARGE
OF THE DEBTOR
1-29-2026 [[59](#)]

PETER FEAR/MV
STEPHAN BROWN/ATTY. FOR DBT.
GABRIEL WADDELL/ATTY. FOR MV.
RESPONSIVE PLEADING

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 debtors timely filed written non-opposition on February 11, 2026. Doc. #63. 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 non-responding 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 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 debtors' non-opposition (Doc. #64) was filed as a fillable version of the court's Official Certificate of Service form (EDC Form 7-005, Rev. 10/30/2024) 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.

Peter L. Fear, chapter 7 trustee ("Trustee"), moves for an order extending the time for Trustee as well as all creditors and interested parties to file an adversary proceeding to object to the discharge of Ricardo Cazares and Lori Angelica Cazares (together, "Debtors") in this chapter 7 bankruptcy case under 11 U.S.C. § 727. Motion, Doc. #59. The court previously granted Trustee's motion to extend the time for filing a complaint objecting to Debtors' discharge on June 26, 2025, which extended the deadline to August 31, 2025, and again on September 18, 2025, which extended the deadline to October 31, 2025, and again on December 11, 2025, which extended the deadline to January 31, 2026. Orders, Doc. ##33, 45, 58. Trustee now seeks a further extension of time to April 30, 2026. Motion, Doc. #59. Debtors filed a non-opposition to Trustee's fourth motion. Doc. #63.

Federal Rule of Bankruptcy Procedure ("Rule") 4004(a) states that "[i]n a chapter 7 case, a complaint . . . objecting to a discharge must be filed within

60 days after the first date set for the § 341(a) meeting of creditors." Rule 4004(b)(1) provides that, "[o]n motion of any party in interest, after notice and a hearing, the court may, for cause, extend the time to object to discharge." Trustee's motion was filed within sixty days of the first date set for the meeting of creditors and is timely.

After review of the included evidence, the court finds that "cause" exists to extend the time for filing a complaint objecting to Debtors' discharge under 11 U.S.C. § 727. Debtors' appearance was excused at the continued meeting of creditors on November 25, 2025, and the meeting was continued to December 23, 2025. Decl. of Peter L. Fear, Doc. #61. During the time between the meetings, Debtors stated they wanted to turnover the vehicles, have them sold by the estate, and have the proceeds applied to the amount owed according to the settlement. Id. Days before the December 23, 2025 meeting of creditors, Debtors decided they would rather sell the vehicles themselves. Id. At the December 23, 2025 continued meeting of creditors, Debtors' attorney and Trustee discussed the settlement and agreed to go back to the original agreement, and the meeting of creditors was continued to January 28, 2026 to allow time to get the settlement finalized. Id. On January 28, 2026, the meeting of creditors was continued to February 5, 2026. See court docket entry entered on January 29, 2026. The meeting of creditors concluded on February 5, 2026. See court docket entry entered on February 9, 2026. Debtors have been making payments according to the proposed settlement. Fear Decl., Doc. #61. There are outstanding issues regarding the settlement, and if the settlement is not finalized and approved by the court, the issues relating to objection to Debtors' discharge will need to be pursued. Id. On February 23, 2026, Trustee filed a motion to approve the settlement with Debtors and has set that motion for hearing on March 25, 2026. Doc. ##66-70.

Accordingly, the motion is GRANTED. The time for Trustee as well as all creditors and interested parties to file a complaint objecting to the discharge of Debtors is extended to April 30, 2026.

7. [24-20882](#)-A-7 **IN RE: RJQ COMPANIES, INC.**
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-29-2026 [[227](#)]

AMERICREDIT FINANCIAL SERVICES, INC./MV
STEPHEN REYNOLDS/ATTY. FOR DBT.
SHERYL ITH/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 pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The chapter 7 trustee has stated his non-opposition to the motion by court docket entry. See court docket entry entered on February 10, 2026. 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 non-responding 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 movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Americredit Financial Services, Inc. dba GM Financial ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2022 Chevrolet Silverado, VIN: 1GB4WRE7XNF257783 ("Vehicle"). Doc. #227.

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 debtor has failed to make at least four complete post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$4,374.56. Decl. of Phillip Ford, Sr., Doc. #230.

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 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the debtor has failed to make at least four post-petition payments to Movant and the Vehicle is a depreciating asset.

8. [24-20882](#)-A-7 **IN RE: RJQ COMPANIES, INC.**
[SKI-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-29-2026 [\[234\]](#)

AMERICREDIT FINANCIAL SERVICES, INC./MV
STEPHEN REYNOLDS/ATTY. FOR DBT.
SHERYL ITH/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 pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The chapter 7 trustee has stated his non-opposition to the motion by court docket entry. See court docket entry entered on February 10, 2026. 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 non-responding 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 movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Americredit Financial Services, Inc. dba GM Financial ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2023 Chevrolet Silverado, VIN: 2GCUDGED6P1126159 ("Vehicle"). Doc. #234.

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).

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.

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least six complete post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$8,882.32 plus late fees of \$192.24. Decl. of Phillip Ford, Sr., Doc. #238.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. The Vehicle is valued at \$46,975.00 and the debtor owes \$55,439.38. Ford Decl., Doc. #238.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) 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 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the debtor has failed to make at least six post-petition payments to Movant and the Vehicle is a depreciating asset.

9. [25-13786](#)-A-7 **IN RE: JOSE CRUZ AND INES PEREIRA CRUZ**
[RSW-1](#)

MOTION TO AVOID LIEN OF CITIBANK, N.A.
2-12-2026 [[14](#)]

INES PEREIRA CRUZ/MV
ROBERT WILLIAMS/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 by mail of this motion was sent February 12, 2026, with a hearing date set for March 4, 2026. The motion was set for hearing on less than 28 days' notice and is governed by Local Rule of Practice ("LBR") 9014-1(f)(2). Pursuant to LBR 9014-1(f)(2), written opposition was not required, and any opposition may be raised at the hearing. However, the notice of hearing filed with the motion states that opposition must be filed and served no later than fourteen days before the hearing and that failure to file written response may result in the court granting the motion prior to the hearing. The notice of hearing does not comply with LBR 9014-1(f)(2).

10. [25-13999](#)-A-7 **IN RE: LEONEL CERRITOS**
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-30-2026 [[14](#)]

TD BANK, N.A./MV
JOSEPH PEARL/ATTY. FOR DBT.
SHERYL ITH/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 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). 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 movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, TD Bank, N.A., Successor in Interest to TD Auto Finance LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2017 Lexus IS, VIN: JTHBA1D21H5053570 ("Vehicle"). Doc. #14.

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 debtor has failed to make at least two post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$1,356.44 plus late fees in the amount of \$35.02. Decl. of David L. Tagliaferri, Doc. #16. In addition, Movant does not have proof that the Vehicle is insured with Movant named as the loss payee. Id.

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 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the debtor has failed to make at least two post-petition payments to Movant, the Vehicle is a depreciating asset, and Movant does not have proof that the Vehicle is insured with Movant named as the loss payee.