



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, March 14, 2024
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 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered 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/RemoteAppearances>. 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. [19-13605](#)-A-13 **IN RE: JOANN FRAIRE**
[LGT-1](#)

MOTION TO DISMISS CASE
2-7-2024 [\[70\]](#)

RICHARD STURDEVANT/ATTY. FOR DBT.

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 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 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 asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(6) for failure to make all payments due under the plan. Doc. #70. The debtor is delinquent in the amount of \$1,909.26. Id. Before this hearing, another payment in the amount of \$1,004.02 will also come due. 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) and (c)(6) for failure to make all payments due under the plan.

Based on the confirmed plan, there was a liquidation amount of \$2,513.40 as of January 14, 2020. Order, Doc. #35. This amount is based primarily on non-exempt equity in the debtor's vehicle. Because the vehicle has depreciated in value over the past four years, there does not appear to be significant non-exempt equity in the debtor's assets to be realized for the benefit of the estate, so dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

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

2. [20-12208](#)-A-13 **IN RE: MICHELLE LEWIS**
[LGT-1](#)

MOTION TO DISMISS CASE
2-5-2024 [[38](#)]

JOEL WINTER/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 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 above-mentioned parties in interest are entered. Because the court intends to convert this case to chapter 7, the matter will proceed as scheduled.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(6) for failure to make all payments due under the plan. Doc. #38. The debtor is delinquent in the amount of \$3,200.00. Id. Before this hearing, another payment in the amount of \$1,600.00 will also come due. 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". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(6) for failure to make all payments due under the plan.

Based on the confirmed plan, there was a liquidation amount of \$165,162.11 as of September 25, 2020. Order, Doc. #27. This amount is based primarily on non-exempt equity in the debtor's real property. Schedules A/B, C & D, Doc. #1. Thus, there appears to be significant 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 will be converted.

3. [23-11411](#)-A-13 **IN RE: JASON/DANIELLE PETERSON**
[PJK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-5-2024 [[45](#)]

M&T BANK/MV
SCOTT LYONS/ATTY. FOR DBT.
PATRICK KANE/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

As a procedural matter, there is no attachment to the certificate of service showing the parties on which the motion and supporting documents were served. While the court would normally deny the motion for improper service on this basis, the debtors did file timely opposition, so the court will hear this matter. Doc. #52-54. Counsel for the moving party should file an amended certificate of service before the hearing on this motion that shows who was served with the motion and supporting documents.

As an informative matter, the certificate of service filed in connection with this motion (Doc. #49) was filed as a fillable version of the court's Official Certificate of Service form (EDC Form 7-005, Rev. 10/2022) instead of being printed prior to filing with the court. The version that was filed with the court can be altered because it is still the fillable version. In the future, the declarant should print the completed certificate of service form prior to filing and not file the fillable version.

As a further informative matter, the address for the chapter 13 trustee in the notice of hearing to which any opposition should be sent is inaccurate. The notice of hearing is dated February 5, 2024, and the name and address for the chapter 13 trustee is: Michael H. Meyer, P.O. Box 28950, Fresno, CA 93729. Doc. #46. However, Mr. Meyer retired as the chapter 13 trustee as of December 31, 2023. Doc. #40. The name and address of the successor chapter 13 trustee is: Lilian G. Tsang, P.O. Box 3051, Modesto, CA 95353-3051, and that should have been the name and address used in the notice of hearing.

4. [23-11013](#)-A-13 **IN RE: JOASH KEMEI**
[LGT-1](#)

MOTION TO DISMISS CASE
2-6-2024 [[64](#)]

RABIN POURNAZARIAN/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 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 above-mentioned parties in interest are entered. Because the court intends to convert this case to chapter 7, the matter will proceed as scheduled.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(6) for failure to make all payments due under the plan. Doc. #64. The debtor is delinquent in the amount of \$7,905.00. Id. Before this hearing, another payment in the amount of \$3,135.00 will also come due. 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". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(6) for failure to make all payments due under the plan.

Based on the confirmed plan, there was a liquidation amount of \$25,456.40 as of November 17, 2023. Order, Doc. #54. This amount is based primarily on non-exempt equity in three parcels of vacant land as well as two vehicles. Am. Schedule A/B, Doc. #23; Schedules C & D, Doc. #1. Thus, there appears to be significant 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 will be converted.

5. 23-12226-A-13 **IN RE: CARI THORNTON**
LGT-1

MOTION TO DISMISS CASE
2-14-2024 [53]

LILIAN TSANG/MV
JOEL WINTER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to May 2, 2024 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.

While the debtor did not file timely written opposition to the motion, the motion to dismiss is based on the debtor's failure to confirm a chapter 13 plan. Motion, Doc. #53. On March 7, 2024, the debtor filed an amended plan and set a motion to confirm that plan (JDW-1) for hearing on May 2, 2024 at 9:30 a.m. Doc. ##58-63. The court is inclined to continue the trustee's motion to dismiss to May 2, 2024 at 9:30 a.m. to be heard in connection with the debtor's motion to confirm amended plan.

MOTION TO DISMISS CASE
2-6-2024 [9]

LILIAN TSANG/MV

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

DISPOSITION: Granted.

ORDER: The court will issue the order.

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

This motion was set for hearing on 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.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. §§ 329 and 1307 with a bar against future filings for a minimum of two years and assessing sanctions for future filings on the grounds that Richard James Edminster ("Debtor") is a serial filer and that this case was filed in bad faith. Doc. #9. This is the fourth voluntary chapter 13 petition filed by Debtor since June 20, 2023, and each of the prior cases were filed as "bare bones" petitions and dismissed prior to confirmation. Id. The current case also was filed as a "bare bones" petition with no schedules, credit counseling certificate, or plan filed thus far, and the deadline set by the court for curing those delinquencies has. See Docs. ##8, 19 and docket generally.

Since June 20, 2023, Debtor has filed the following chapter 13 bankruptcy cases that were dismissed for failure to file documents as follows:

1. Case No. 23-11318 (Chapter 13) was filed on June 20, 2023, and dismissed on July 24, 2023 for failure to file documents.
2. Case No. 23-11760 (Chapter 13) was filed on August 11, 2023, and dismissed on September 18, 2023 for failure to file documents.
3. Case No. 23-12762 (Chapter 13) was filed on December 13, 2023, and dismissed on January 11, 2024 for failure to file documents.

The current case marks Debtor's fourth petition filed in less than one year. A plan has not yet been filed or set for hearing. An order granting an extension of deadline to file missing documents and extension of time for dismissal of

case was entered on February 21, 2024. Doc. #19. The deadline for Debtor to file required missing documents was extended to March 5, 2024, and Debtor has failed to file the missing documents.

Generally, dismissals of individual bankruptcy cases are governed by § 349 and § 109(g) of the Bankruptcy Code. Section 349 states that dismissal of a bankruptcy does not "prejudice the debtor with regard to filing of a subsequent petition under this title, except as provided in section 109(g)." 11 U.S.C. § 349(a). Section 109(g) bars individuals from being debtors under the Code who have, within the preceding 180 days, had a prior case dismissed "for willful failure of the debtor to abide by orders of the court or to appear before the court in proper prosecution of the case." 11 U.S.C. § 109(g). Viewed in tandem, these Code provisions state the general proposition that a court may only impose a 180-day bar on refileing by a debtor after dismissing the debtor's case with a finding of willful failure to abide by the court's orders, which certainly seems to be the case here.

However, § 349 also implicitly empowers the court, for cause, to order the dismissal of a case and to impose a bar on the filing of any subsequent petition for periods longer than 180 days, or even permanently. Leavitt v. Soto (In re Leavitt), 171 F.3d 1219, 1223 (9th Cir. 1999) (superseded on other grounds as recognized by In re Burkes, Nos. 21-23813-rmb, 22-20431-rmb, 2023 Bankr. LEXIS 2401, at *17 (Bankr. E.D. Wis. Sep. 29, 2023)). See also Duran v. Rojas (In re Duran), 630 B.R. 797 (B.A.P. 9th Cir. 2021).

As the Leavitt court noted, the Bankruptcy Code does not specifically define "cause" in the context of bankruptcy dismissal. Leavitt, 171 F.3d at 1224. However, the Ninth Circuit went on to note that "bad faith" is a "cause" for dismissal under § 1307(c), and the court reasoned that "bad faith based on egregious behavior can justify dismissal with prejudice." Id. To reach such justification, Leavitt continues, a bankruptcy court should consider "the totality of the circumstances," taking into account the following factors:

- (1) whether the debtor "misrepresented facts in his [petition or] plan, unfairly manipulated the Bankruptcy Code, or otherwise [filed] his Chapter 13 [petition or] plan in an inequitable manner,";
- (2) "the debtor's history of filings and dismissals,";
- (3) whether "the debtor only intended to defeat state court litigation,"; and
- (4) whether egregious behavior is present.

Id. (citations omitted). "[T]he court is not obligated to count the four Leavitt factors as though they present some sort of a box-score but rather is to consider them all and weigh them in judging the 'totality of the circumstances.'" In re Lehr, 479 B.R. 90, 98 (Bankr. N.D. Cal. 2012). The court considers the Leavitt factors under the "preponderance of the evidence" standard. In re Dores, 2017 Bankr. LEXIS 1539, at *14 (Bankr. E.D. Cal. June 7, 2017).

Here, Debtor's history of filings and dismissals clearly demonstrate an unfair manipulation of the Bankruptcy Code. Prior to the current case, Debtor has filed three bankruptcy petitions in less than one year. All of the other previous cases were dismissed within a month of filing, and the current case is ripe for the same disposition. Thus, the first and second Leavitt factors support a finding of bad faith.

It is impossible to say whether Debtor's goal in filing for bankruptcy is to defeat any pending state court litigation because Debtor has provided minimal documentation of his financial affairs beyond the petition over the course of the four filings. Thus, the third Leavitt factor is, at best, a neutral factor.

Finally, the court must consider whether Debtor's conduct is "egregious" and has little reservation about making such a finding. Judge Lastreto previously applied the Leavitt factors to a case where the debtor had filed six bankruptcies within the preceding eight years, all of which had been dismissed for failure to file documents, make payments, or perform other obligations under the Bankruptcy Code and found the debtor's conduct egregious in part because of "[t]he sheer numerosity of filings." Davis v. Brest-Taylor, 572 B.R. 750, 756 (Bankr. E.D. Cal. 2017).

Here, Debtor has filed four bankruptcies within one year that were subject to dismissal within the first month after filing for failure to file more than a "bare bones" petition. The court finds "the sheer numerosity of filings" to be indicative of egregious conduct.

Based on the foregoing analysis, the Leavitt factors clearly militate towards a finding of bad faith under § 349 on the part of this Debtor that is sufficient to justify the requested two-year bar against refiling. Accordingly, it is hereby ordered that:

1. This motion is GRANTED.
2. This chapter 13 case is DISMISSED FOR CAUSE AND WITH PREJUDICE.
3. Debtor Richard James Edminster is hereby barred from filing a bankruptcy petition without prior leave of the court for a period of two (2) years from the date this order is entered on the docket.
4. To obtain prior leave of court while this order is in effect, Debtor Richard James Edminster must attach to a future bankruptcy petition a declaration under oath stating his specific reasons for filing the petition and a copy of this order. The future bankruptcy petition, declaration, and a copy of this order shall be presented to the Chief Judge of the United States Bankruptcy Court for the Eastern District of California. The future bankruptcy petition shall be filed only if permitted by the Chief Bankruptcy Judge.
5. Any bankruptcy case filed by Debtor in violation of this order shall be deemed null and void and dismissed without notice to Debtor.
6. If Debtor violates this order by filing a future bankruptcy petition within the two (2) years following the entry of this order without prior permission from the Chief Bankruptcy Judge in the manner set forth in paragraph 4 of this order, the court will issue an order to show cause why further sanctions, including compensatory and coercive monetary sanctions, should not be awarded against Debtor.

MOTION TO INCUR DEBT
2-24-2024 [\[45\]](#)

MARLENE THOMAS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if an amended certificate of service is filed
before the hearing.

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 if an amended certificate of service is filed before the hearing. If the hearing proceeds, 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 a procedural matter, the certificate of service filed in connection with the motion (Doc. #49) does not include the date on which the documents were served or the date that the declarant signed the certificate of service. Based on the certificate of service that was filed, the court does not know when service of the motion and supporting documents was actually performed. The court requires that the debtors file an amended certificate of service with the date on which the documents were served and the date that the certificate of service was executed before the court will hear the motion on the merits.

As a further procedural matter, the language in the notice of hearing (Doc. #46) does not reflect the court's procedures for appearing by Zoom effective as of February 20, 2024. Pursuant to the court's new procedures, 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 the court's website at <https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail. The notice used by counsel for the moving party should be updated to reflect the court's new appearance procedures.

Richard Lee Thomas and Marlene Joyce Thomas (together, "Debtors"), the chapter 13 debtors in this case, move the court for an order authorizing Debtors to incur new debt. Doc. #45. Debtors state that they need to purchase a vehicle because both of their current vehicles have over two hundred thousand miles and are not dependable enough for Mr. Thomas to receive his daily radiation treatments. Decl. of Richard Thomas, Doc. #47. Debtors are looking to purchase a 2020 Mazda CX9 or similar vehicle for \$20,777 and expect to have to borrow close to \$25,000 after taxes, registration, and other fees are taken into account. Id. Debtors expect the annual interest rate on the loan will not exceed 14.99% and the monthly payments for the new vehicle will be around \$498.14. Id. Debtors have 10 months remaining on their chapter 13 plan and do not believe that their current 2011 Mazda CX9 will last that long. Id.

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

The court is inclined to GRANT this motion if an amended certificate of service shows that the motion and supporting papers were served properly and there is no opposition raised at the hearing. There is no indication that Debtors are not current on their chapter 13 plan payments or that the chapter 13 plan is in default. Debtors filed amended Schedules I and J that demonstrate an ability to pay future plan payments, projected living and business expenses, and the new debt. Doc. #43. The new debt is a single loan incurred to purchase a motor vehicle that is reasonably necessary for the maintenance or support of Debtors. The only security for the new debt will be the motor vehicle to be purchased by Debtors.

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

8. [19-13086](#)-A-13 **IN RE: GARY/JANET BOTHUN**
[LGT-1](#)

MOTION TO DISMISS CASE
1-19-2024 [\[75\]](#)

LILIAN TSANG/MV
GABRIEL WADDELL/ATTY. FOR DBT.
DISMISSED 3/7/24

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 March 7, 2024. Doc. #83. Therefore, this motion will be DENIED AS MOOT.

9. [24-10095](#)-A-13 **IN RE: AARON FARRIS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
2-22-2024 [\[18\]](#)

BENNY BARCO/ATTY. FOR DBT.
\$79.00 FILING FEE PAID 2/22/24

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 order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

10. [22-12098](#)-A-13 **IN RE: CURTIS HEMMAN**
[LGT-1](#)

MOTION TO DISMISS CASE
2-5-2024 [[49](#)]

PETER BUNTING/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to April 11, 2024 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 debtor timely filed written opposition on February 28, 2024. Doc. #55. The court is inclined to continue the hearing on the trustee's motion to dismiss to April 11, 2024 at 9:30 a.m., to be heard in connection with the debtor's motion to confirm first modified plan (PBB-1) also set for hearing on that date and time. Doc. ##59-65.

11:00 AM

1. [23-11803](#)-A-7 **IN RE: VALERIE RODRIGUEZ**
[23-1051](#)

ORDER TO SHOW CAUSE
2-1-2024 [[18](#)]

RODRIGUEZ V. DEPT OF ED EDFINANCIAL ET AL

NO RULING.

2. [23-11803](#)-A-7 **IN RE: VALERIE RODRIGUEZ**
[23-1051](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
11-20-2023 [[1](#)]

RODRIGUEZ V. DEPT OF ED EDFINANCIAL ET AL
RESPONSIVE PLEADING

NO RULING.

3. [20-13822](#)-A-7 **IN RE: FAUSTO CAMPOS AND VERONICA NAVARRO**
[21-1006](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
5-6-2021 [[18](#)]

RAMIREZ V. CAMPOS
PAMELA THAKUR/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to May 2, 2024 at 11:00 a.m.

ORDER: The court will issue an order.

On March 7, 2024, the plaintiff filed a status report in which the plaintiff stated that the parties request a continuance of the adversary proceeding status conference to allow issues with the stipulated settlement to be resolved. Doc. #72. Accordingly, the status conference in this adversary proceeding is continued to May 2, 2024 at 11:00 a.m.

4. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[23-1029](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
7-12-2023 [[1](#)]

NICOLE V. AAA INSURANCE ET AL
RESPONSIVE PLEADING

NO RULING.

5. [22-11499](#)-A-7 **IN RE: STEVEN HARO**
[22-1026](#)

PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
2-23-2023 [[32](#)]

HIGH BAND CONSTRUCTION INC. V. HARO ET AL
BRENT MEYER/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.