



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, March 19, 2025
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/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.

9:30 AM

1. [24-12501](#)-A-11 **IN RE: US JET TRANS INC**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
8-27-2024 [[1](#)]

DAVID JOHNSTON/ATTY. FOR DBT.

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

DISPOSITION: Continued to March 26, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The status conference will be continued to March 26, 2025 at 9:30 a.m. The court will issue an order.

2. [24-12501](#)-A-11 **IN RE: US JET TRANS INC**
[UST-1](#)

MOTION TO DISMISS CASE AND/OR MOTION TO CONVERT CASE FROM CHAPTER 11
TO CHAPTER 7
2-25-2025 [[48](#)]

TRACY DAVIS/MV
DAVID JOHNSTON/ATTY. FOR DBT.
MICHAEL FLETCHER/ATTY. FOR MV.

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

DISPOSITION: Continued to March 26, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion to dismiss case will be continued to March 26, 2025 at 9:30 a.m. The court will issue an order.

3. [22-10416](#)-A-11 **IN RE: KR CITRUS, INC., A CALIFORNIA CORPORATION**
[WJH-18](#)

CONTINUED MOTION BY RILEY C. WALTER TO WITHDRAW AS ATTORNEY
1-2-2025 [[472](#)]

KR CITRUS, INC., A CALIFORNIA CORPORATION/MV
RILEY WALTER/ATTY. FOR DBT.

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

DISPOSITION: Continued to March 26, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion to withdraw as attorney will be continued to March 26, 2025 at 9:30 a.m. The court will issue an order.

4. [25-10420](#)-A-11 **IN RE: JAMES GRIMES**
[PK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-27-2025 [[20](#)]

RW BAKERSFIELD PARTNERS, LTD/MV
LEONARD WELSH/ATTY. FOR DBT.
PATRICK KAVANAGH/ATTY. FOR MV.

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

DISPOSITION: Continued to March 26, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion for relief from the automatic stay will be continued to March 26, 2025 at 9:30 a.m. The court will issue an order.

5. [25-10343](#)-A-12 **IN RE: BART FLORES**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-6-2025 [[1](#)]

WILEY RAMEY/ATTY. FOR DBT.

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

DISPOSITION: Continued to March 26, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The status conference will be continued to March 26, 2025 at 9:30 a.m. The court will issue an order.

6. [23-12784](#)-A-11 **IN RE: KODIAK TRUCKING INC.**
[TPL-1](#)

MOTION FOR ADMINISTRATIVE EXPENSES
2-12-2025 [\[410\]](#)

ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, LLC/MV
PETER FEAR/ATTY. FOR DBT.
DAVID KUPETZ/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 26, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion for administrative expenses will be continued to March 26, 2025 at 9:30 a.m. The court will issue an order.

7. [24-12295](#)-A-11 **IN RE: BURT ELECTRIC & COMMUNICATIONS, INC.**
[YW-7](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF YOUNG WOOLDRIDGE
DEBTORS ATTORNEY(S)
2-7-2025 [\[142\]](#)

LEONARD WELSH/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.

Law Offices of Young Wooldridge ("Movant"), attorney for debtor and debtor in possession Burt Electric & Communications, Inc. ("DIP"), requests allowance of final compensation and reimbursement for expenses for services rendered from November 1, 2024 through December 31, 2024. Doc. #142. Movant provided legal services valued at \$9,120.00, and requests compensation for that amount.

Doc. #142. Movant requests reimbursement for expenses in the amount of \$509.64. Id. This is Movant's second and final fee application in this case. The court has previously approved a total of \$22,385.00 in interim fees and \$769.60 in expenses. Order, Doc. #124.

Section 330(a)(1) 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 11 case. 11 U.S.C. § 330(a)(1). In determining the amount of reasonable compensation to be awarded to a professional person, 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).

Movant's services included, without limitation: (1) providing general case administration; (2) aiding and advising in settlement agreement with creditors; (3) preparing and filing DIP's plan of reorganization and supporting documents; and (4) preparing and filing fee application. Ex. B, Doc. #145. The court finds the compensation of \$9,120.00 and reimbursement for expenses of \$509.64 sought for the period from November 1, 2024 through December 31, 2024 are reasonable, actual, and necessary and should be allowed on a final basis.

Movant also requests the court conduct a final review pursuant to 11 U.S.C. § 330 of all fees and expenses previously allowed pursuant to 11 U.S.C. § 331 on an interim basis. Specifically, Movant seeks final allowance of \$22,385.00 in compensation and \$769.60 in reimbursement for expenses previously awarded to Movant on December 5, 2024. Order, Doc. #124. All fees and expenses of Movant previously allowed on an interim basis are approved on a final basis.

This motion is GRANTED. The court allows on a final basis compensation in the amount of \$9,120.00 and reimbursement for expenses in the amount of \$509.64. The court also allows on a final basis all fees and expenses previously allowed to Movant on an interim basis.

11:00 AM

1. [25-10211](#)-A-7 **IN RE: ROCIO RAMIREZ**

PRO SE REAFFIRMATION AGREEMENT WITH TD BANK, N.A.
2-28-2025 [[16](#)]

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

DISPOSITION: Continued to March 26, 2025 at 11:00 a.m.

ORDER: The court will issue an order.

The reaffirmation agreement hearing will be continued to March 26, 2025 at 11:00 a.m. The court will issue an order.

2. [24-13663](#)-A-7 **IN RE: DIANA MARINEZ**

PRO SE REAFFIRMATION AGREEMENT WITH VALLEY FIRST CREDIT UNION
2-24-2025 [[25](#)]

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

On February 24, 2025, the debtor filed a reaffirmation agreement with Valley First Credit Union ("Agreement"). Doc. #25. The Agreement was not signed by a representative of Valley First Credit Union.

A debtor's unilateral reaffirmation of a pre-petition debt does not constitute a valid reaffirmation agreement for purposes of 11 U.S.C. § 524(c). In re Turner, 156 F.3d 713 (7th Cir. 1998).

Because only the debtor has agreed to the Agreement, the Agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not approved.

1. [24-12400](#)-A-7 **IN RE: WILLIAM SETTY**
[UST-3](#)

MOTION TO EXTEND TIME TO FILE A MOTION TO DISMISS CASE UNDER SEC. 707(B)
AND/OR MOTION TO EXTEND DEADLINE TO FILE A COMPLAINT OBJECTING TO
DISCHARGE OF THE DEBTOR
1-31-2025 [[47](#)]

TRACY DAVIS/MV
LAYNE HAYDEN/ATTY. FOR DBT.
MICHAEL FLETCHER/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, 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.

Tracy Hope Davis ("UST"), the United States Trustee in the chapter 7 bankruptcy case of William Setty ("Debtor"), moves the court for an order enlarging the period of time to file a motion to dismiss under 11 U.S.C. § 727 and/or a motion to dismiss under § 707(b) to April 11, 2025. Doc. #47.

Federal Rule of Bankruptcy Procedure ("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." Similarly, Rule 1017(e)(1) allows the court, "for cause" to extend the time for filing a motion to dismiss under 11 U.S.C. § 707(b). In both cases, the deadline for filing such a motion is 60 days after the initial meeting of creditors. Rules 1017(e)(1); 4004(b)(1). UST's first motion to extend time for filing a complaint objecting to the discharge was filed on November 22, 2024 and corrected on November 25, 2024, the sixtieth day after the first date set for the meeting of creditors. Doc. ##25, 29. That motion was timely and an order granting that motion and extending the time for UST to file a complaint objecting to the discharge to January 31, 2025 was entered on December 13, 2024. Order, Doc. #39. UST's second motion to further extend the time was filed on January 31, 2025 and is timely. Doc. #47.

After review of the included evidence, the court finds that "cause" exists to further extend the filing deadlines. The court previously granted UST's request for an extension to allow time for UST to obtain the needed documents, conduct a 2004 examination and complete her analysis of the bankruptcy case. Order, Doc. #39. However, Debtor has failed to produce any documents by the deadline of January 17, 2025, and UST continued the 2004 exam to wait for the documents to be produced. Decl. of Cecilia Jimenez, Doc. #49. UST requests a further extension, for an additional 70 days, to allow UST additional time for her to obtain documents from Debtor and complete her analysis of the bankruptcy case. Id.

Accordingly, this motion is GRANTED. The time for UST to file a complaint objecting to the discharge of Debtor is extended to April 11, 2025, and the time for UST to file a motion to dismiss or convert Debtor's case for abuse under § 707(b) is extended to April 11, 2025.

2. [25-10501](#)-A-7 **IN RE: RACHEL SIEVERS**

ORDER TO APPEAR AND SHOW CAUSE WHY A PATIENT CARE OMBUDSMAN SHOULD NOT
BE APPOINTED
2-24-2025 [\[8\]](#)

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

DISPOSITION: Continued to March 26, 2025 at 1:30 p.m.

ORDER: The court will issue an order.

The order to appear and show cause will be continued to March 26, 2025 at 1:30 p.m. The court will issue an order.

3. [24-13022](#)-A-7 **IN RE: MARIA VINLUAN**
[UST-1](#)

CONTINUED MOTION TO DISMISS CASE PURSUANT TO 11 U.S.C. SECTION 707(B)
1-15-2025 [\[16\]](#)

TRACY DAVIS/MV
LEONARD WELSH/ATTY. FOR DBT.
DEANNA HAZELTON/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 26, 2025 at 1:30 p.m.

ORDER: The court will issue an order.

The motion to dismiss case will be continued to March 26, 2025 at 1:30 p.m. The court will issue an order.

MOTION TO SET ASIDE
2-28-2025 [\[50\]](#)

MARISOL PEREZ/MV
DONALD IWUCHUKWU/ATTY. FOR MV.
DISMISSED 10/08/2024;
RESPONSIVE PLEADING

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 27, 2025, with a hearing date set for March 19, 2025. 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 is not required, and any opposition may be raised at the hearing. However, the notice of hearing filed with the motion stated 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).

As a further procedural matter, the moving party states in the motion that the motion is "filed on shortened notice pursuant to LBR 9014-(f)(1)" and "if this matter is not heard on shortened notice, movant shall suffer immediate and irreparable harm". Doc. #50. However, the moving party did not file a motion to shorten time for the hearing on this motion or submit a proposed order granting such relief. Therefore, the court will not hear this matter on shortened time.

As a further procedural matter, the certificate of service filed in connection with this motion does not show that the motion was served on Neighbor to Neighbor Homes LLC ("Purchaser"), a third party purchaser of the real property that is the subject of this motion who currently has an unlawful detainer filed against the moving party. See Doc. #54. Because Purchaser is the current owner of the real property that is the subject of this motion and would be directly impacted by a ruling on this motion, Purchaser must be served with this motion. Based on the pleadings filed with this court, Purchaser was not served with this motion.

As a further procedural matter, the motion, memorandum of points & authorities, and declaration filed in connection with this motion do not comply with LBR 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. Here, the motion and declaration were filed as a single document that included the moving party's memorandum of points & authorities. Doc. #50.

The court encourages counsel for the moving party 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/LocalRules.aspx>.

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-5-2025 [\[12\]](#)

FORD MOTOR CREDIT COMPANY LLC/MV
PETER BUNTING/ATTY. FOR DBT.
JENNIFER WONG/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 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, Ford Motor Credit Company, LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2021 Ford F150 Supercrew Cab XL Pickup 4D 5 1/2 ft, VIN: 1FTEW1CP2MKE42761 ("Vehicle"). Doc. #12.

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 debtors do 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 debtors have failed to make at least five complete pre- and post-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$3,407.00. Decl. of Pamela Rucker, Doc. #16. Movant repossessed the Vehicle pre-petition on November 20, 2024. Id.; Stmt. of Fin. Affairs, Doc. #1.

The court also finds that the debtors do not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtors is in chapter 7. The Vehicle is valued at \$30,472.00 and the debtors owe \$39,429.36. Rucker Decl., Doc. #16.

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)(3) will be ordered waived because the debtors have failed to make at least five pre- and post-petition payments to Movant, the Vehicle is a depreciating asset, and Movant repossessed the Vehicle pre-petition.

6. [05-61838](#)-A-7 **IN RE: TOBY/JULIE KEENEY**

MOTION FOR PAYMENT OF UNCLAIMED FUNDS IN THE AMOUNT OF \$3517.71 WITH
PYOD, LLC
2-18-2025 [\[94\]](#)

PATRICIA CARRILLO/ATTY. FOR DBT.
CLOSED: 05/11/2015;

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

DISPOSITION: Continued to March 26, 2025 at 1:30 p.m.

ORDER: The court will issue an order.

The motion for unclaimed funds will be continued to March 26, 2025 at 1:30 p.m.
The court will issue an order.

7. [24-13264](#)-A-7 **IN RE: RAFAEL GUEVARA RAMOS**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-30-2025 [\[13\]](#)

NISSAN MOTOR ACCEPTANCE COMPANY LLC/MV
JUAN ONOFRE/ATTY. FOR DBT.
KIRSTEN MARTINEZ/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 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, Nissan Motor Acceptance Company LLC fka Nissan Motor Acceptance Corporation ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2024 Nissan Pathfinder, VIN: 5N1DR3CA2RC253633 ("Vehicle"). Doc. #13.

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 five complete pre- and post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$3,349.72. Decl. of Jessica Short, Doc. #17. According to the debtor's Statement of Intention, the Vehicle will be surrendered. Doc. #1.

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 debtor does not have any equity in the Vehicle because the debtor's possession of the Vehicle stems from a lease agreement with Movant that matures on March 28, 2027, according to which the debtor does not own the Vehicle. Ex. A, Doc. #16.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to gain immediate possession of the Vehicle pursuant to applicable law. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because the debtor has failed to make at least five pre- and post-petition payments to Movant in accordance with the lease agreement.

8. [24-13368](#)-A-7 **IN RE: KATELYN FRITZ**
[FW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-5-2025 [\[31\]](#)

FREEDOM MORTGAGE CORPORATION/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
FANNY WAN/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 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, Freedom Mortgage Corporation ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to real property located at 23980 Woodford Tehachapi Rd, Tehachapi, CA 93561 ("Property"). Doc. #31.

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 12 complete pre- and post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$45,459.60 and the entire balance of \$516,951.55 is due. Decl. of Heather Marie Diaz, Doc. #33.

The court also finds that the debtor does not have any equity in the Property and the Property is not necessary to an effective reorganization because the debtor is in chapter 7. The property is valued at \$540,00.00 and the debtor

owes \$516,951.55. After adjusting for 8% costs of sale, there is no equity for the debtor remaining in the Property. Doc. #31; Diaz Decl., Doc. #33.

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 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 debtor has failed to make at least 12 payments, both pre- and post-petition, to Movant.

9. [20-10271](#)-A-7 **IN RE: JEFFREY KERBO**
[WLG-2](#)

MOTION TO AVOID LIEN OF BANK OF AMERICA, N.A.
1-30-2025 [\[77\]](#)

JEFFREY KERBO/MV
NICHOLAS WAJDA/ATTY. FOR DBT.
DISCHARGED 05/04/2020

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires a motion to avoid a lien under 11 U.S.C. § 522(f) be served "in the manner provided for service of a summons and complaint by Rule 7004." Service of the motion on Bank of America, N.A. ("Creditor") does not satisfy Rule 7004(h). Rule 7004(h) provides that service on an insured depository institution, such as Creditor, "shall be made by certified mail addressed to an officer of the institution unless" an appearance by an attorney of the institution has been entered, the court orders otherwise, or the institution waives its entitlement to service by designating an officer to receive service. Here, the motion to avoid lien was served by certified mail to the attention of an officer at a P.O. Box in Tampa, Florida. Doc. #18.

However, according to the Federal Deposit Insurance Corporation website, the main office address of Creditor is: 100 N Tryon Street, Charlotte, NC 28202. This is the address the debtor should have used to serve an officer of Creditor. Further, a review of the docket shows no attorney for Creditor has appeared for Creditor in this bankruptcy case and no officer has been designated to receive service for Creditor in this bankruptcy case. Based on the pleadings filed with this court, Creditor was not served properly with this motion pursuant to Rule 7004(h).

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH
VALLEY PACIFIC PETROLEUM SERVICES INC.
2-13-2025 [\[40\]](#)

IRMA EDMONDS/MV
PETER FEAR/ATTY. FOR DBT.
ANTHONY JOHNSTON/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 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 of the bankruptcy estate of Central California Cartage Co, Inc. ("Debtor"), moves the court for an order pursuant to Federal Rule of Bankruptcy Procedure ("Rule") 9019 approving the settlement agreement of all claims and disputes with Valley Pacific Petroleum Services, Inc. ("Valley"). Doc. #40.

Among the assets of the estate is a claim against Valley for the recovery of a preferential and/or fraudulent transfer of \$52,695.14 made by Debtor to Valley within 90 days of the petition date. Decl. of Irma C. Edmonds at ¶ 4, Doc. #43. Valley and Trustee have agreed to a settlement agreement and release of claims. Edmonds Decl., Doc. #43; Ex. A, Doc. #42. Valley shall pay the sum of \$26,347.57 to Trustee in exchange for Trustee to release all claims against Valley. Id. Upon the court's approval of this compromise and the clearing of any check or checks for the settlement payment from Valley, Trustee will dismiss the adversary proceeding. Ex. A, Doc. #42.

On a motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Fed. R. Bankr. P. 9019. Approval of a compromise must be based upon considerations of fairness and equity. Martin v. Kane (In re A & C Props.), 784 F.2d 1377, 1381 (9th Cir. 1986). The court must consider and balance four factors: (1) the probability of success in the litigation; (2) the difficulties, if any, to be encountered in the matter of collection; (3) the complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and (4) the paramount interest of the creditors with a proper deference to their reasonable views.

It appears from the moving papers that Trustee has considered the standards of A & C Properties and Woodson. Doc. #40. Although Trustee believes she will ultimately succeed in litigation, the terms of the settlement with Valley obviates the need to further litigate the estate's claims. Id.; Edmonds Decl., Doc. #43. A transfer was made within 90 days of the petition date by Debtor to Valley, and Trustee filed her complaint to initiate the adversary proceeding requesting the court to set aside the payment and recover transfer for the benefit of the bankruptcy estate. Id. The settlement provides the estate with money in full satisfaction of any claims without additional expenses of litigation or issues in the matter of collection. Id. Trustee believes that the bankruptcy estate likely would incur legal fees and costs equal to about 50% of the settlement amount to litigate this matter. Id. Further, while Trustee assumes that Valley is solvent and able to pay a judgment, Trustee would have to pursue enforcement of a judgment against a California entity, adding expense in an action that involves a relatively small claim. Id. Trustee believes in her business judgment that the settlement is fair, reasonable, and obtains an economically advantageous result for the estate. Id. The court concludes that the Woodson factors balance in favor of approving the compromise, and the compromise is in the best interests of the creditors and the estate.

Accordingly, it appears that the compromise pursuant to Rule 9019 is a reasonable exercise of Trustee's business judgment. The court may give weight to the opinions of the trustee, the parties, and their attorneys. In re Blair, 538 F.2d 849, 851 (9th Cir. 1976). No opposition has been filed. Furthermore, the law favors compromise and not litigation for its own sake. Id.

Accordingly, the motion is GRANTED, and the settlement between Trustee and Valley is approved.

11. [24-10486](#)-A-7 **IN RE: STEVEN DUNLAVY**
[SL-2](#)

MOTION TO AVOID LIEN OF DENNIS M. WRIGHT
1-27-2025 [\[27\]](#)

STEVEN DUNLAVY/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 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.

Steven Lee Dunlavy ("Debtor"), the debtor in this chapter 7 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Dennis M. Wright d.b.a Central Business Bureau ("Creditor") on the residential real property commonly referred to as 1685 W. McComb Ave, Porterville, California 93257 (the "Property"). Doc. #27; Schedule C, Doc. #1; Am. Schedule D, Doc. #25.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Debtor filed the bankruptcy petition on February 29, 2024. Doc. #1. A judgment was entered against Steven L. Dunlavy in the amount of \$18,733.00 in favor of Creditor on January 5, 2024. Ex. D, Doc. #29. The abstract of judgment was recorded pre-petition in Tulare County on February 1, 2024, as document number 2024-0005223. Ex. D, Doc. #29. The lien attached to Debtor's interest in the Property located in Tulare County. Doc. #27. The Property also is encumbered by a lien in favor of Select Portfolio Servicing in the amount \$82,688.00. Am. Schedule D, Doc. #25. Debtor claimed an exemption of \$340,000.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #1. Debtor asserts a market value for the Property as of the petition date at \$286,400.00. Schedule A/B, Doc. #1.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$18,733.00
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$82,688.00
Amount of Debtor's claim of exemption in the Property	+	\$340,000.00
		\$441,421.00
Value of Debtor's interest in the Property absent liens	-	\$286,400.00
Amount Creditor's lien impairs Debtor's exemption		\$155,021.00

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-12-2025 [\[16\]](#)

WELLS FARGO BANK, N.A./MV
R. BELL/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.
DISCHARGED 02/27/2025

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

DISPOSITION: Granted in part and denied as moot in part.

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 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 motion will be GRANTED IN PART as to the trustee's interest and DENIED AS MOOT IN PART as to the debtors' interest pursuant to 11 U.S.C. § 362(c)(2)(C). The debtors' discharge was entered on February 27, 2025. Doc. #22. The motion will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

The movant, Wells Fargo Bank, N.A., dba Wells Fargo Auto ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2021 Tesla Model Y, VIN: 5YJYGDEE0MF297434 ("Vehicle").

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 debtors do 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 debtors have failed to make at least four complete pre- and post-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$3,492.00. Decl. of Donna Sallee, Doc. #18.

The court also finds that the debtors do not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtors are in chapter 7. Movant values the Vehicle at \$29,425.00 and the amount owed to Movant is \$31,847.18. Sallee Decl., Doc. #18.

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)(3) will be ordered waived because the debtors have failed to make at least four pre- and post-petition payments to Movant and the Vehicle is a depreciating asset.

1. [24-13300](#)-A-13 **IN RE: MICHAEL/MIRIAM BIAS**
[PBB-2](#)

MOTION TO CONFIRM PLAN
1-24-2025 [\[37\]](#)

MIRIAM BIAS/MV
PETER BUNTING/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 27, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion to confirm plan will be continued to March 27, 2025 at 9:30 a.m. The court will issue an order.

2. [24-13300](#)-A-13 **IN RE: MICHAEL/MIRIAM BIAS**
[PBB-3](#)

MOTION TO VALUE COLLATERAL OF FRESNO CDFI DBA ACCESS PLUS CAPITAL
1-31-2025 [\[47\]](#)

MIRIAM BIAS/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 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.

Michael Bias and Mirian Wanda Bias ("Debtors"), the debtors in this chapter 13 case, move the court for an order valuing Debtors' 2013 Kennworth T660 and

2020 Great Dane Reefer (together, "Vehicles"), which are the collateral of Fresno CDFI dba Access Plus Capital ("Creditor"). Doc. #47; Claim 19-1.

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).

Pursuant to the attachments to Creditor's proof of claim filed on January 10, 2025, the Vehicles were purchased on January 30, 2019, which is more than 910 days before this bankruptcy case was filed on November 12, 2024. Doc. #1; Attachment 1 to Claim 19-1. Creditor's proof of claim asserts a secured claim of \$91,414.70. Claim 19-1. Debtors assert a replacement value of the Vehicles of \$80,000.00 and ask the court for an order valuing the Vehicle at \$80,000.00. Decl. of Miriam Wanda Bias, Doc. #49. Because Creditor did not oppose the motion and Debtors are competent to testify as to the value of the Vehicles, the court accepts Debtors' valuation of the Vehicles.

The motion is GRANTED. Creditor's secured claim will be fixed at \$80,000.00. 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.

3. [24-13300](#)-A-13 **IN RE: MICHAEL/MIRIAM BIAS**
[PBB-4](#)

OBJECTION TO CLAIM OF DEPARTMENT OF THE TREASURY-INTERNAL REVENUE
SERVICE, CLAIM NUMBER 7
1-31-2025 [[53](#)]

MIRIAM BIAS/MV
PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to claim is OVERRULED AS MOOT. The creditor filed an amended proof of claim on February 21, 2025. Claim 7-2.

4. [23-12314](#)-A-13 **IN RE: DELILA RUCH**
[AP-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
10-30-2024 [\[55\]](#)

WILMINGTON SAVINGS FUND SOCIETY, FSB/MV
PETER BUNTING/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 27, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion for relief from the automatic stay will be continued to
March 27, 2025 at 9:30 a.m. The court will issue an order.

5. [20-11021](#)-A-13 **IN RE: RUDOLPH/KEISHA BERRY**
[TCS-2](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF TIMOTHY C. SPRINGER FOR
NANCY D. KLEPAC, DEBTORS ATTORNEY(S)
2-18-2025 [\[59\]](#)

NANCY KLEPAC/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The Law Offices of Timothy C. Springer for Nancy D. Klepac ("Movant"), counsel for Rudolph Calvin Berry, Jr. and Keisha Donnelle Berry (together, "Debtors"), the debtors in this chapter 13 case, requests allowance of final compensation in the amount of \$4,000.00 and no reimbursement for expenses for services rendered from June 17, 2022 through April 30, 2024. Doc. #59. Debtors'

confirmed plan provides, in addition to \$185.00 paid prior to filing the case, for \$4,000.00 in attorney's fees. Plan, Doc. #30; Order, Doc. #38. No prior fee application has been filed. Debtors consent to the amount requested in Movant's application. Doc. #59.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) consulting and fact gathering to file bankruptcy case; (2) preparing petition, schedules and related pleadings; (3) preparing and filing original and modified plans; (4) preparing and attending 341 meeting of creditors; (5) general case administration; and (6) preparing fee application. Exs. A-C, Doc. #61. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on a final basis.

This motion is GRANTED. The court allows on a final basis compensation requested by this motion in the amount of \$4,000.00 and no reimbursement for expenses to be paid in a manner consistent with the terms of the confirmed plan.

6. [21-12222](#)-A-13 **IN RE: JAMES/CARLA MOORE**
[RSW-2](#)

CONTINUED MOTION TO INCUR DEBT
2-13-2025 [\[48\]](#)

CARLA MOORE/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to March 27, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion to incur debt will be continued to March 27, 2025 at 9:30 a.m. The court will issue an order.

7. [24-13426](#)-A-13 **IN RE: MICHAEL RUIZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
1-21-2025 [\[17\]](#)

LILIAN TSANG/MV
RHONDA WALKER/ATTY. FOR DBT.
DISMISSED 2/28/25

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on February 28, 2025. Doc. #25.
Therefore, this objection will be OVERRULED AS MOOT.

8. [24-13526](#)-A-13 **IN RE: JENNEL MARINE**

MOTION TO DISMISS CASE
1-31-2025 [\[31\]](#)

LILIAN TSANG/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.

As a procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving

that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6). 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.

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. #31. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) file a modified plan with notice to creditors; (2) provide Trustee with requested documents; (3) file a complete plan; (4) file Schedule I Statement of Monthly Net Income; (5) accurately file Schedules A/B, C, D and Official Form 122C-1; (6) provide credit counseling certificate; and (7) commence making payments due under the plan. Doc. #31. 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 debtor that is prejudicial to creditors because the debtor failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to commence making payments due under the plan.

Trustee asks the court to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1) because the debtor failed to comply with the pre-petition credit counseling requirement imposed by 11 U.S.C. § 109(h)(1). Doc. #31.

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, the 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 the 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, the debtor may not be a debtor pursuant to § 109(h).

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

9. [24-13526](#)-A-13 **IN RE: JENNEL MARINE**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
1-21-2025 [\[25\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Jennell Lynn Marine ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on December 6, 2024. Doc. #1, 8. The

chapter 13 trustee ("Trustee") objected to confirmation of the Plan. Doc. #25. The court continued this matter to March 19, 2025 and ordered Debtor to file and serve a written response to Trustee's objection by March 5, 2025; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by March 12, 2025. Doc. #38.

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

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

10. [23-11029](#)-A-13 **IN RE: JITMA MANGOIG**
[SAD-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY, MOTION/APPLICATION FOR ADEQUATE PROTECTION
2-12-2025 [\[66\]](#)

WILMINGTON SAVINGS FUND SOCIETY, FSB/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHANNON DOYLE/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 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.

As a procedural matter, the certificate of service filed in connection with this motion does not comply with LBR 7005-1 and General Order 22-03, which require attorneys and trustees to use the court's Official Certificate of Service Form as of November 1, 2022. 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>.

The movant, Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as trustee of MFA 2021-NQM2 Trust, its assignees and/or successors in interest ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to real property located at 2329 Gonzales Court, Delano, California 93215 ("Property"). Doc. #66. Movant is the holder and in actual physical possession of the Note in the original principal amount of \$206,500.00 and a current beneficiary under the terms of the Deed of Trust. Exs. 1 & 2, Doc. #70; Decl. of Thomas Abballe, Doc. #68.

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 complete post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$10,654.20 with another monthly payment of \$1,768.05 having come due on March 1, 2025. Abballe Decl., Doc. #68; Ex. 4, Doc. #70.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to proceed under applicable nonbankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property. 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 debtor has failed to make at least 27 payments, both pre- and post-petition to Movant.

11. [25-10030](#)-A-13 **IN RE: LUIS/SANDRA RAMIREZ**
[BDB-1](#)

MOTION TO VALUE COLLATERAL OF NOBLE CREDIT UNION
2-15-2025 [\[20\]](#)

SANDRA RAMIREZ/MV
BENNY BARCO/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.

Luis Lyo Ramirez and Sandra Ayon Ramirez (together, "Debtors"), the debtors in this chapter 13 case, moves the court for an order valuing Debtors' 2020 GMC Yukon ("Vehicle"), which is the collateral of Noble Credit Union ("Creditor"), at \$31,395.00. Doc. #20.

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 is not a purchase money security interest secured by the property. Here, the current loan is based on a refinance made in April 2023, so Creditor does not hold a purchase money security interest in the Vehicle. Thus, the hanging paragraph of 11 U.S.C. § 1325 does not preclude Debtors from bifurcating Creditor's claim.

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).

Debtors assert the Vehicle was purchased in May of 2022 which is more than 910 days prior to the filing of this bankruptcy case. Decl. of Debtors, Doc. #22. At the time Debtors filed this bankruptcy case, the Vehicle had 120,392 miles on it and is in fair condition. Id. Debtors assert the Vehicle is worth \$31,395.00 and asks the court for an order valuing the Vehicle at \$31,395.00. Id. Debtors are competent to testify as to the value of the Vehicle. Creditor filed a proof of claim on February 20, 2025, which also asserted a value for the Vehicle at \$31,395.00. Claim 13.

The motion is GRANTED. Creditor's secured claim will be fixed at \$31,395.00. 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.

12. [25-10030](#)-A-13 **IN RE: LUIS/SANDRA RAMIREZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
2-21-2025 [\[25\]](#)

LILIAN TSANG/MV
BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION: Continued to March 27, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The objection to confirmation of the plan will be continued to March 27, 2025 at 9:30 a.m. The court will issue an order.

13. [24-11232](#)-A-13 **IN RE: LORETTA ANDREWS**
[JRL-1](#)

MOTION TO MODIFY PLAN
2-12-2025 [\[21\]](#)

LORETTA ANDREWS/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 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

14. [24-13336](#)-A-13 **IN RE: WILLIAM BOBENRIETH**
[SLL-1](#)

MOTION TO CONFIRM PLAN
1-27-2025 [\[22\]](#)

WILLIAM BOBENRIETH/MV
STEPHEN LABIAK/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The mandatory certificate of service form filed with this motion (Doc. #27) is not completed properly. Section 4 of the mandatory certificate of service form does not list a date when the parties were served with the motion and supporting documents. Local Rule of Practice 3015-1(d)(1) requires the motion to be served at least 35 days prior to the hearing date. However, the court cannot determine whether the proper parties were served and whether that service was timely.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

15. [22-10438](#)-A-13 **IN RE: DEBBI CHACON**
[FW-4](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C. FOR
GABRIEL WADDELL, DEBTORS ATTORNEY(S)
2-5-2025 [\[71\]](#)

PETER FEAR/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.

Fear Waddell, P.C. ("Movant"), counsel for Debbi Correen Chacon ("Debtor"), the debtor in this chapter 13 case, requests interim allowance of compensation in the amount of \$12,613.00 and reimbursement for expenses in the amount of \$790.23 for services rendered from January 1, 2023 through December 31, 2024. Doc. #71. Debtor's confirmed plan provides, in addition to \$4,000.00 paid prior to filing the case, for \$21,000.00 in attorney's fees to be paid through the plan. Am. Plan, Doc. ##60, 68. One prior fee application for Movant has been approved authorizing interim compensation in the amount of \$13,502.00 and reimbursement of expenses in the amount of \$112.55. Doc. #36. Debtor consents to the amount requested in Movant's application. Ex. E, Doc. #73.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) preparing and prosecuting Debtor's first modified plans; (2) preparing and filing motion to approve loan modification; (3) preparing fee applications; and (4) general case administration. Exs. A, B & C, Doc. #73. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$13,502.00 and reimbursement for expenses in the amount of \$112.55 to be paid in a manner consistent with the terms of the confirmed plan.

16. [24-13040](#)-A-13 **IN RE: ANGELA OLIVEIRA**
[LGT-1](#)

MOTION TO DISMISS CASE
1-27-2025 [\[24\]](#)

LILIAN TSANG/MV
DAVID JOHNSTON/ATTY. FOR DBT.
DISMISSED 2/5/25

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 5, 2025. Doc. #38. Therefore, this motion will be DENIED AS MOOT.

17. [23-10943](#)-A-13 **IN RE: DE QIANG/AMY FENG**
[WLG-5](#)

MOTION TO MODIFY PLAN
2-7-2025 [\[132\]](#)

AMY FENG/MV
MICHAEL REID/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.

18. [24-10846](#)-A-13 **IN RE: KENNETH MYERS**
[LGT-2](#)

MOTION TO DISMISS CASE
2-7-2025 [\[77\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.
DISMISSED 3/18/25

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 18, 2025. Doc. #83. Therefore, this motion will be DENIED AS MOOT.

19. [24-13566](#)-A-13 **IN RE: ALICIA DE PULIDO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
2-14-2025 [\[25\]](#)

T. O'TOOLE/ATTY. FOR DBT.
\$234.00 INSTALLMENT FEE PAID

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.

20. [24-13081](#)-A-13 **IN RE: RACHEL CALDERON**
[CRG-2](#)

CONTINUED MOTION TO CONFIRM PLAN
12-19-2024 [\[25\]](#)

RACHEL CALDERON/MV
CARL GUSTAFSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Debtor Rachel Denise Calderon ("Debtor") filed and served this motion to confirm the first modified chapter 13 plan pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1) and set for hearing on February 13, 2025. Doc. ##25-29. The chapter 13 trustee ("Trustee") filed an opposition to Debtor's motion. Doc. #36. The court continued this matter to March 19, 2025 and ordered Debtor to file and serve a written response to Trustee's objection by March 5, 2025; or if Debtor elected to withdraw this plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by March 5, 2025. Doc. #40.

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

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

21. [24-13287](#)-A-13 **IN RE: JOHN/NANCY ALVA**
[SDN-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
12-20-2024 [[12](#)]

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

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

DISPOSITION: Continued to March 27, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion for relief from the automatic stay will be continued to
March 27, 2025 at 9:30 a.m. The court will issue an order.

22. [24-13287](#)-A-13 **IN RE: JOHN/NANCY ALVA**
[SLL-2](#)

MOTION TO CONFIRM PLAN
2-6-2025 [[43](#)]

NANCY ALVA/MV
STEPHEN LABIAK/ATTY. FOR DBT.

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

DISPOSITION: Continued to March 27, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion to confirm plan will be continued to March 27, 2025 at 9:30 a.m. The
court will issue an order.

23. [24-13289](#)-A-13 **IN RE: JORGE PERALES**
[DMG-1](#)

MOTION TO CONFIRM PLAN
2-3-2025 [[46](#)]

JORGE PERALES/MV
D. GARDNER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to April 24, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #54. Ally Bank ("Creditor") also filed an objection to the debtor's motion to confirm the chapter 13 plan. Doc. #56. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor and/or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve written responses to each objection no later than April 10, 2025. The responses shall specifically address each issue raised in the objections to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Creditor and/or Trustee shall file and serve a reply, if any, by April 17, 2025.

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 April 17, 2025. 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 and/or Trustee's opposition without a further hearing.

24. [23-12490](#)-A-13 **IN RE: LONNIE/ROSA COCANOWER**
[NES-1](#)

MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ, DEBTORS ATTORNEY(S)
2-18-2025 [\[32\]](#)

NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Neil E. Schwartz ("Movant"), counsel for Lonnie Dale Cocanower and Rosa Iracema Cocanower (together, "Debtors"), the debtors in this chapter 13 case, requests interim allowance of compensation in the amount of \$5,495.00 and reimbursement for expenses in the amount of \$124.00 for services rendered from November 3, 2023 through January 13, 2025. Doc. #32. Debtors' confirmed plan provides, in addition to \$2,687.00 paid prior to filing the case, for \$15,000.00 in attorney's fees to be paid through the plan. Plan, Doc. ##3, 15. No prior fee

application has been filed. Debtors consent to the amount requested in Movant's application. Doc. #32.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) conducting pre-petition consultation and fact gathering; (2) preparing voluntary petition and related documents; (3) preparing and prosecuting Debtors' plan; (4) preparing for and attending 341 meetings; (5) preparing the fee application; and (6) general case administration. Exs. A & B, Doc. #34. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$5,495.00 and reimbursement for expenses in the amount of \$124.00 to be paid in a manner consistent with the terms of the confirmed plan.

25. [24-10595](#)-A-13 **IN RE: DAVID RUSSO**
[WLG-1](#)

MOTION TO SELL
1-31-2025 [\[24\]](#)

DAVID RUSSO/MV
NICHOLAS WAJDA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 27, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

The motion to sell will be continued to March 27, 2025 at 9:30 a.m. The court will issue an order.

1. [24-12115](#)-A-7 **IN RE: MICHAEL/TATUM SCOTT**
[24-1042](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
10-22-2024 [[1](#)]

NOLEN V. SCOTT
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 27, 2025 at 11:00 a.m.

ORDER: The court will issue an order.

The status conference will be continued to March 27, 2025 at 11:00 a.m. The court will issue an order.

2. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[24-1065](#) [CAE-1](#)

STATUS CONFERENCE CONTINUED RE: COMPLAINT
12-31-2024 [[1](#)]

GRIFFIN RESOURCES, LLC V. CALIFORNIA DEPARTMENT OF
DONALD OLDAKER/ATTY. FOR PL.

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

DISPOSITION: Continued to March 27, 2025 at 11:00 a.m.

ORDER: The court will issue an order.

The status conference will be continued to March 27, 2025 at 11:00 a.m. The court will issue an order.

3. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[24-1065](#) [DOJ-6](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
2-19-2025 [[13](#)]

GRIFFIN RESOURCES, LLC V. CALIFORNIA DEPARTMENT OF
ALICE SEGAL/ATTY. FOR MV.

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

DISPOSITION: Continued to March 27, 2025 at 11:00 a.m.

ORDER: The court will issue an order.

The motion to dismiss the adversary proceeding will be continued to March 27, 2025 at 11:00 a.m. The court will issue an order.

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

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
11-20-2024 [[111](#)]

NICOLE V. LOS BANOS TRANSPORT & TOWING ET AL
RESPONSIVE PLEADING

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

DISPOSITION: Continued to March 27, 2025 at 11:00 a.m.

ORDER: The court will issue an order.

The status conference will be continued to March 27, 2025 at 11:00 a.m. The court will issue an order.